

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole was held by video conference on September 29, 2020 at 6:01 p.m., with Council President Hare presiding. Members of Council present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Slavin (departed at 8:00 p.m.), Mr. Cole, Mr. Rocha, Mr. Taylor, and Mr. Lindell. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Mr. Shelton and Mr. Wagner (arrived at 6:04 p.m.) (*Safety Advisory and Transportation*), and Mr. Contant (*Legislative, Finance, and Administration*). Mr. Shevock (*Legislative, Finance, and Administration*) was absent.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee met with Chairman Taylor presiding.

Adoption of Agenda

Mr. Neil moved for approval of the agenda, seconded by Mr. Sudler and unanimously carried.

COVID-19 Safety Update (Mr. Robert E. Clark II, President - Wesley College)

Mr. Robert E. Clark II, President, Wesley College, provided an update regarding COVID-19 Safety at Wesley College.

Mr. Sudler suggested that Mr. Clark contact Reverend Rita Mishoe Paige and Lieutenant Governor Bethany Hall-Long. He noted that they could assist Mr. Clark with making his requests come to light regarding becoming a testing site.

Social Professional/Law Enforcement Collaborative

Ms. Amy Kevis, Partners in Public Safety Solutions; Mr. James Deel, Mental Health Clinician; and Chief Torrie James, Smyrna Police Department provided information regarding the Social Professional/Law Enforcement Collaborative.

Ms. Kevis stated that success can be measured in a lot of different ways. Ms. Kevis stated that if somebody needs to be arrested, they need to be arrested, but if somebody needs behavioral health help, arrest is not the best place for them because then they become a pariah and the cause of repeat calls. She stated that, as an administrator, giving the opportunity to do an assessment in the field and to get that person the services that they need, whether they want to do it in conjunction with arrest or in lieu of arrest, is entirely up to the agencies. She advised that there is pre-arrest diversion and post-arrest diversion.

Responding to Mr. Taylor's questions, Mr. Deel provided the following information:

- He saw, both in Kent and Sussex counties, an increase in mental health concerns, some that involved domestic incidents due in part by COVID-19, and an increase in overdoses and a larger acute increase in substance abuse, combined with mental health issues, in Smyrna and Georgetown.
- Regarding who makes the call to transition from a criminal justice complaint to a mental health situation, normally if Mr. Deel was in the vehicle and they responded to an incident, the police officer would make sure the scene was secure and if they felt there was any potential for any kind

of mental health or substance concerns, they would bring Mr. Deel into the situation and he would take the lead on it.

- Regarding transportation to the mental health facility or hospital, if Mr. Deel does not have any health concerns, he can bypass an emergency room (ER) visit and work with a local provider to get that person directly into treatment.
- Mr. Deel has to work with certain facilities to be able to do an assessment, but to avoid the ER, he has to do a direct admission into a treatment facility.
- Once Mr. Deel completed the documentation and assessed the individual, if the person needed to go somewhere, then law enforcement would transfer them wherever Mr. Deel coordinated for them to go.
- Mr. Deel cannot assess juveniles; however, he could work directly with parents and provide support to those family members, such as connections with providers in the community or other mental health services to help them bridge that gap.
- Individuals who work with Delaware Guidance or their clinicians could complete an assessment and commit juveniles. They require using Child Priority Response to be able to take care of juveniles.

Responding to Mr. Taylor, Chief James stated if he had to do it all over again, he would. He advised that Mr. Deel was able to go from point A to point B and skip that middle portion and it has saved them a lot of time and energy. Chief James noted that they also have Mr. Deel as a resource. He stated that Mr. Deel is in the car with the officers and is the person that gives them the opportunity to immediately get the health attention that they need. Chief James advised that health and wellness was huge and that his guys and girls have become comfortable enough with Mr. Deel that he has become a resource for them to talk about their problems, whether it be work related or home related.

Chief Thomas Johnson, Dover Police Department, stated that employee wellness was sometime overlooked. He advised that they hover annually with 150 plus officers lost in the line of duty to violence, but they were now losing 225 plus a year to self-harm.

Chief Johnson and Lieutenant Jordan Miller reviewed information regarding the Dover Police Department and the Social Professional/Law Enforcement Collaborative. Chief Johnson noted that they were trying to take a "holistic approach" to this issue with prevention, response, and follow through, and address multiple subsets of populations at risk. He stated that they were hoping that by the end of the year they would be able come up with a cadre of resources that would allow them to deploy in multiple dimensions. He noted that would have a component of somebody being in a car with a police officer, more than likely, their community policing resources, and they were going to go across most of the waking hours.

Chief Johnson thanked Ms. Kevis for helping them dissect their agency's disconnect with the mobile crisis resource. He noted that they had been trying to pull all of the puzzle pieces together so that a Dover police officer would have a playbook with all of the options available to them. Chief Johnson advised that they were also trying to tie in the funding component, noting that the Delaware State Police rolled out a model

that they were installing for the areas that surrounded Dover. He expressed his concerns regarding jurisdictional lines.

Lt. Jordan Miller, Dover Police Department, stated that Ms. Kevis helped them identify one of the biggest issues they had, which was their mental health response. He noted that they were not utilizing mobile crisis appropriately or at all. Lt. Miller stated that they did not have a relationship so they set forth and had a meeting with them and talked to the officers about how they were going to implement the use of mobile crisis. He stated that he contacted Ms. Valerie Tipple regarding funding and they learned that there were a couple of different programs throughout the state. Lt. Miller advised that there were no guidelines on how that money would be dispersed or how they would operate their program.

Mr. Taylor asked how the rank and file was receiving this news. Responding, Lt. Miller stated that he spoke with patrol quiet often and they were excited.

Responding to Mr. Rocha, Chief James stated that he did not know if officers picked up on Mr. Deel's approaches, but that they understood that they needed to ask the question, "why." He noted that his officers have embraced Mr. Deel and that he does see a change in how they deal with the public. Mr. Deel noted that he noticed a change in the individuals and a direct influence and change in the way that the officers handled behavioral health concerns. He stated that they were much more patient when it came to trying to relate to that individual and ensuring that the individual got connected from a behavioral health perspective or through a referral and treatment for substance abuse.

Responding to Mr. Rocha, Chief Johnson stated that they identified early on that it might take a cadre of individuals to try and keep the continuity of support available most of the waking hours to cover the City. Lt. Miller advised that he did not have an exact number, but that they would like to find something that they could sustain and that was going to be successful. He noted that on that interface, if they were to use an agency that was currently being utilized by the State Police that they neighbored and interacted with routinely, that would provide an added asset.

Ms. Kevis stated that with all three of the programs that she had been overseeing, the agencies did an assessment of the times of day that they had the most calls and then they deployed the officers during that time. She advised that it would be best to start with a small pilot. Ms. Kevis noted that they did not start with all three shifts being covered, but had Mr. Deel doing a small number of hours to go out and build that relationship. She noted that the three programs started with memorandums of understanding (MOU) and that Ms. Michelle Robinson was placed at Georgetown Police with the \$30,000 grant and Mr. Deel was currently working on an \$11,000 grant. Ms. Kevis stated that they do not need to have \$150,000 and three clinicians. She advised that they needed to find a clinician that was going to interface with law enforcement well and to start small and make sure that the officers are amenable to having that person in the car, because if they forced it on them, it would not be successful.

Mr. Sudler stated that they needed to look beyond just pre-arrest diversion and look to providing some onsite counseling for police officers to deal with some of the stressors that occur. Chief Johnson stated that they identified the issue of Mr. Sudler's concerns and were in discussions to try and bring in a licensed psychologist.

Responding to Mr. Anderson regarding types of metrics used to track if the program is working, Chief James stated that it is hard to define whether or not it is working. He advised that he had seen a decrease in the amount of hours that his officers were spending out of town for mental health transports. Chief James noted that he did not see repeat offenders as much because they have Mr. Deel. He stated that if they were asking for tangible numbers, they are trying to track some numbers to show a decrease, but they were not seeing the same people over and over again. Ms. Kevis stated that successes are measured differently. She stated that they would have to figure out what their metrics are going to be and how they want to measure the success of the program. Mr. Deel noted that when he comes in contact with an individual who has behavioral health concerns, he is trying to get that person engaged in treatment. He noted that he cannot resolve their issues, but if he can make that connection to get them into treatment and develop that relationship or connection with their family members who are going to make sure that every option is available to them to stay engaged, then he is successful.

Regarding metrics, Chief Johnson stated that they were in the process of developing research codes for internal databases for Lt. Miller's resources in uniform patrol to use during a response. He noted that no matter what specifics they end up with, there was going to be a big connection in their community policing unit, which would be charged with following up when they scanned the databases to see who they have had contact with and why. Chief Johnson stated that perhaps they go out with a Deel-like person and do a required check-in and subjective documentation. He noted that while that was not hard data from an analytics standpoint, it was a different perspective on how they were having an impact either on the individual or the individual's support system.

Responding to Mr. Taylor, Chief James stated that the liability piece would technically fall underneath the MOU that they have with Ms. Kevis' organization and nonprofit. He noted that it was not much different than the ride-along program. Ms. Kevis advised that her nonprofit has liability insurance and Mr. Deel has liability insurance. She noted that she has a psychologist that is on staff and provides oversight.

Update on Body Cameras

Chief Thomas Johnson and Lieutenant Jordan Miller, Dover Police Department, provided an update regarding body cameras.

Mayor Christiansen stated that in the interest of the taxpayers, they would certainly hope that the State would decide to grab the bull by the horns and, with 48 police agencies across the State of Delaware, pick up the tab on this. He stated that in order to reinforce their commitment to the citizens, he would ask Staff to begin looking at worst-case scenarios and a method or mechanism to fund this program, if they had to go by themselves.

Mr. Taylor stated that if they had to fund the program, he would like for them to consider an option of leasing the technology. He noted that leasing would give them the option to continually have the most updated equipment available.

Mr. Sudler stated he was under the impression that the last time they spoke regarding body cameras, that they made a motion for the Mayor and the Police Chief to work with administrative staff to provide some figures so that if the State was unable to help them fund the program, they would already have everything aligned and ready to go. Mr. Sudler requested clarity regarding the motion. *(City Clerk's Office Note: During the Regular Council Meeting of August 24, 2020 members of Council approved the Committee's July 28,*

2020 recommendation that Mayor Christiansen, in conjunction with Chief Johnson, negotiate the best deal immediately in 2020 with vendors to be reviewed by City Council regarding the body cameras.)

Mayor Christiansen stated that he believed they were supposed to continue to look at all of their options. He noted that he thought all of the members of Council were copied on letters that they sent and that he requested both financial support and support for any available state or federal effort. Mayor Christiansen advised that they continue to look for prices and package deals that will fit the needs of the City of Dover. He noted that they also requested support and funding from their local, state, and federal legislators.

Prioritization of City of Dover State Capital Transportation Program (CTP) Projects

Mr. Taylor provided background information regarding the prioritization of City of Dover State Capital Transportation Program (CTP) Projects.

Staff recommended confirming the continuation of the 2019 Prioritization of City of Dover State Capital Transportation Program (CTP) Projects.

Mr. Taylor stated that he believed that item 3 - College road corridor (Kenton Road to McKee Road) on the 2019 Prioritization of City of Dover State Capital Transportation Program (CTP) Projects list was dangerous with no sidewalks. He noted that it was not well lit and requested that item 3 be moved up on the list. Mr. Hare stated that the potential improvements listed were sidewalks, shoulders, lighting, and bicycle lanes.

Responding to Mr. Taylor, Mrs. Mitchell advised that the timeline on all of the items was dependent upon the state because they were state projects. She stated they would have to look at their project development. Mrs. Mitchell recommended having the state come in semi-annually and provide an update on the list of their projects.

Mr. Lindell moved to recommend confirming the continuation of the 2019 Prioritization of City of Dover State Capital Transportation Program (CTP) Projects, as recommended by Staff. The motion was seconded by Mr. Anderson.

Mr. Anderson stated that the top three projects were viable and that he would love it if they had the state and the Metropolitan Planning Organizations (MPO) update them. He noted that the first three items on the list were related and interacted together. Mr. Anderson stated that they needed to remain as the top three. Mr. Sudler concurred with Mr. Lindell and Mr. Anderson.

Mr. Lindell moved to recommend confirming the continuation of the 2019 Prioritization of City of Dover State Capital Transportation Program (CTP) Projects, as recommended by Staff. The motion was seconded by Mr. Anderson and unanimously carried.

Proposed Ordinance #2020-12 Amending Chapter 106 - Traffic and Vehicles, Article III-Stopping, Standing, and Parking, Division 2 - Metered Parking, Division 3 - Removal and Disposition of Illegally Parked or Abandoned Vehicles, Sec. 106-181 - Definitions, and Division 4 - Downtown Parking

Mr. Matthew Harline, Assistant City Manager, and Mr. Neil provided an overview regarding proposed Ordinance #2020-12 Amending Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing, and Parking, Division 2 - Metered Parking, Division 3 - Removal and Disposition of Illegally Parked or Abandoned Vehicles, Sec. 106-181 - Definitions, and Division 4 - Downtown Parking.

Staff recommended adoption of ordinance #2020-12.

Mr. Neil moved to recommend approval of staff's recommendation. The motion was seconded by Mr. Anderson.

Mr. Neil moved to recommend approval of Staff's recommendation, seconded by Mr. Anderson and unanimously carried.

Mr. Neil moved for adjournment of the Safety Advisory and Transportation Committee meeting, seconded by Mr. Rocha and unanimously carried.

Meeting adjourned at 7:52 p.m.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Adoption of Agenda

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

Proposed Resolution No. 2020-12 Application for Drinking Water Matching Planning Grant

Mr. Jason Lyon, Director of Water/Wastewater, reviewed the background and analysis regarding proposed Resolution No. 2020-12 (**Attachment #1**) and the application for Drinking Water Matching Planning Grant. Mr. Lyon advised that the state was aware that the resolution would take time.

Staff recommended adoption of the resolution as submitted so Staff may complete application for a Water Matching Planning Grant.

Mr. Neil moved to recommend approval of Staff's recommendation, seconded by Mr. Hare and unanimously carried.

Annual Review of Investment Policy

Ms. Lori Peddicord, Controller/Treasurer reviewed the background and analysis regarding the annual review of the investment policy.

Staff recommended no changes to the investment policy.

Mr. Neil moved to recommend approval of Staff's recommendation, seconded by Mr. Rocha and unanimously carried.

Proposed Ordinance #2020-05 Amending Chapter 22 - Buildings and Building Regulations, Article IX - Lodginghouses and Article X - Rental Dwellings

Mr. Dave Hugg, Director of Planning and Community Enhancement, reviewed the background information regarding proposed ordinance #2020-05 Amending Chapter 22 - Buildings and Building Regulations, Article IX - Lodginghouses and Article X - Rental Dwellings.

Mr. Sudler stated that he was ready to support proposed ordinance #2020-05. Mr. Neil noted that they wanted to eliminate the pirates who would take multiple used properties for this purpose and that the proposed ordinance did exactly that. He stated that it should not have to burden the police or anyone else, unless there is a specific problem that someone makes a complaint.

Responding to Mr. Contant, Mr. Hugg advised that there was no limit to how many times the dwelling could be rented or leased, it was just that it could not be for more than 30 days, because then it would become an actual rental. Mr. Hugg stated that they would only pay one annual fee. Mr. Hare noted that if police got called to the property then they could be given a summons by the City and if they got so many then the rental permit could be revoked for violations that the renters created.

Mr. Anderson expressed his concerns regarding the under 12 provision. Mr. Hare stated he did not understand that either. Mr. Hugg stated that the way it was written was that the number of guests, 12 and older, is limited by the number of bedrooms. He advised that a four-bedroom house would have potentially eight people, 12 and older, but they could have four other people of any age, or any combination that does not exceed a maximum of 12 occupants. Mr. Hugg stated that he would be willing to work on that notion a little bit more, the maximum could be a higher number, or take the notion of a maximum out. He advised that one of the premises of the ordinance was to try and discourage the use of those facilities for party houses.

Responding to Mr. Hare, Mr. Hugg stated that if it is a four-bedroom house, there could only be 12 people.

Responding to Mr. Anderson, Mr. Hugg stated it was the number, not age. Mr. Hare clarified that if it is a three or four-bedroom house, it cannot be more than 12 people.

Mr. Neil recommended adding "individuals," after 12. Mr. Hugg noted they could do that and that there were a couple of editorial things that do not affect the provisions of it.

Mr. Hare moved to recommend adoption of Ordinance #2020-05, seconded by Mr. Neil.

Mayor Christiansen asked Committee members to consider conditional use by the Planning Commission that would be approved by Council for these properties. Mayor Christiansen expressed the following concerns:

- The businesses were going into residential neighborhoods and they would undermine those communities.
- The issues they were already having with rental properties, a lot of those properties would be rented on the weekend and they would have trouble enforcing the rules and regulations.

- Under Section 22-353: Purpose; applicability; definitions; compliance, (c) Definitions, that the rental time periods should be no more than 10 consecutive days.
- Since the properties would be in competition with hotels, motels, and bed and breakfasts, they should be subject to the lodging tax.
- The neighbors who live adjacent to those properties should be notified and have a local contact that must be current and on site so that the property owner could be contacted as well as the City and police department.
- When the license came up for revalidation each year on the 31st of January, that the current contact numbers and contact parties be current and up-to-date.

Mr. Hare stated that a lot of those concerns were already addressed. He noted that when he spoke with Mr. Hugg, hotel owners, and Airbnb owners in the City, they were okay with the regulations. Mr. Hare noted that the person had to be a resident of the City of Dover and of that property. He noted that if the person did not want to live there, he would do a short-term rental and apply to get a bed and breakfast permit and a conditional use permit. Mr. Hare stated that for the for 30-day rental, it would require a lease and submission of the lease to the City, because the utilities were going to be changed into the lease holder's name. He advised that any time the lease changes, they have to come back in and get the utilities changed and present the new lease. Mr. Hare noted that he mentioned to Mr. Hugg that every time the lease changes, it should have another inspection.

Mr. Sudler stated that he would support Staff's recommendation of moving forward, but he also recommended that Mayor Christiansen's comment and recommendations be included in any additional addendum or initiative that they were going to move forward.

Mr. Anderson stated that he agreed that the contact recommendations are specified so that the contact numbers are updated every year as a part of the licensing procedures, but he did not agree with Mayor Christiansen completely. He noted that the point of the regulations were not that they need to make a massive change, but a mechanism to intervene. Mr. Hare stated that the ordinance did not really change a whole lot, but he did not disagree about having a point of contact. He stated that the point of contact would be there because if it is less than 30 days and someone is renting a spare room, the point of contact would be onsite. Mr. Hare noted that if he leased the property and had a signed lease, then the person who signed the lease was going to be the point of contact, plus the property owner. Mr. Hare advised that if the person wanted to turn the house into a bed and breakfast then they would have to get a conditional use permit.

Mayor Christiansen asked if anyone had a rough idea of how many of the Airbnb's actual owners lived on the premises. He stated that he found it hard to believe that the owner was going to be sleeping downstairs on the couch while everybody was occupying the beds in the Airbnb. Mayor Christiansen stated that most of the Airbnbs he was aware of handed them the key and the owner would go elsewhere, even though they may own the property. He asked if anyone knew what the average length of stay was at a bed and breakfast, noting that when he has gone away with his wife, the average time they stayed at a bed and breakfast was three days, and yet they have to conform and go through all of those hoops.

Mr. Hare stated that of all the bed and breakfasts listed as Dover are not in the City limits of Dover. He advised that he and Mr. Hugg met with seven or eight people that actually lived in the City that owned a bed and breakfast.

Mr. Hare moved to recommend adoption of Ordinance #2020-05. The motion was seconded by Mr. Neil and unanimously carried.

Mr. Neil moved for adjournment of the Legislative, Finance, and Administration Committee meeting, seconded by Mr. Hare and unanimously carried.

Meeting adjourned at 8:39 p.m.

Mr. Sudler moved for adjournment of the Council Committee of the Whole meeting. The motion was seconded by Mr. Taylor and unanimously carried.

Meeting adjourned at 8:39 p.m.

William F. Hare
Council President

WFH/TM/jt

S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\Committee-Minutes\2020\09-29-2020 CCW Minutes.wpd

Attachments

Attachment #1 - Proposed Resolution No. 2020-12

**MAYOR AND COUNCIL****PROPOSED COUNCIL RESOLUTION NO. 2020-12****A RESOLUTION PROPOSING APPLICATION FOR DRINKING WATER MATCHING PLANNING GRANT**

WHEREAS, the Mayor and Council of the City of Dover, Delaware, herein called the “Applicant”, has, after adequate consideration, of the various aspects of available data as it relates to the water infrastructure, determined that improvements to the City of Dover water infrastructure may be necessary; and

WHEREAS, the Applicant has determined that the expeditious completion of an update to the City of Dover’s 2006 Water System Master Plan is desirable and in the public interest, and to that end it is necessary that actions be taken immediately; and

WHEREAS, the State of Delaware has authorized the making of grants to aid in financing a Water System Master Plan and related services in connection therewith; and

WHEREAS, the Applicant has examined and duly considered the Guidelines for said grants and the Applicant deems it to be in the public interest and to the public benefit to file an application for a grant under these Guidelines, and to authorize other action in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Council of the City of Dover, Delaware, the governing body of said Applicant, as follows:

1. That the said Project is essential to and is in the best interest of the Applicant and to the end that the said Project may be carried out as promptly as practical, it is desirable that action hereto be undertaken immediately.
2. That Donna S. Mitchell, City Manager, or her designated representative, be hereby authorized to file on behalf of the Applicant, an application (in the format required by the State of Delaware and in conformity with the request hereto) for a matching grant to be made from the State of Delaware Drinking Water State Revolving Fund (DWSRF) Non-Federal Administrative Account to the Applicant to aid in defraying the cost of the Project described above.
3. That if such a grant is made, the Applicant agrees to pay all the remaining cost of the approved Project, over and above the amount of the State grant.
4. That the said Donna S. Mitchell, City Manager, or her designated representative, is hereby authorized to accept any State grant that may be offered, to furnish such information and to take other action as may be necessary to enable the Applicant to qualify for the grant; and

- 42
- 43 5. That the said Donna S. Mitchell, City Manager, or her representative designated as the
- 44 Authorized Representative of the Applicant for the purpose of furnishing to the State of
- 45 Delaware such information, data, and documents pertaining to the application for the grant as
- 46 may be required; and otherwise to act as the authorized representative of the Applicant in
- 47 connection to the application and in connection with any requirements of the State grant which
- 48 may be made.
- 49
- 50 6. That certified copies of this Resolution be included as part of the Application to be submitted to
- 51 the State of Delaware.
- 52

53 ADOPTED: *

54 S:\RESOLUTIONS-PROCLAMATIONS-TRIBUTES\2020\DRAFT\RESOLUTION NO 2020-12 - DRINKING WATER MATCHING PLANNING GRANT\RESOLUTION 2020-12 APPLICATION FOR

55 DRINKING WATER MATCHING PLANNING GRANT DRAFT.DOC

56

57

58

59

ROBIN R. CHRISTIANSEN
MAYOR

WILLIAM F. HARE
COUNCIL PRESIDENT

Actions History

10/12/2020 – Scheduled for Introduction - City Council

09/29/2020 – Introduction - Legislative, Finance, and Administration Committee