

COUNCIL COMMITTEE OF THE WHOLE

The Council Committee of the Whole was held by video conference on September 15, 2020 at 6:00 p.m., with Council President Hare presiding. Council members present via video or telephone were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Cole (arrived at 6:50 p.m.), Mr. Rocha, Mr. Taylor, and Mr. Lindell. Mr. Slavin was absent. Civilian members present via video or telephone for their Committee meetings were Mr. Contant (Legislative, Finance, and Administration), Mr. Caldwell (arrived at 6:12 p.m.) and Col. Dix (Ret.) (Parks, Recreation, and Community Enhancement). Ms. Maucher (Utility) and Mr. Shevock (Legislative, Finance, and Enhancement) were absent.

UTILITY COMMITTEE

The Utility Committee met with Council President Hare presiding in the absence of Chairman Cole.

Adoption of Agenda

The agenda was adopted by unanimous consent.

Update #2 on Development of Provisions and Ordinances for Wireless Communications Facilities - Proposed WCF Ordinance and Proposed Small Wireless Communications Facility (SWCF) Design Manual

Mrs. Dawn Melson-Williams, Principal Planner, reviewed the presentation titled "Wireless Communications Facilities - Update on Development of Provisions and Ordinances" (Attachment #1).

Staff recommended the review of the Proposed Draft Ordinance and the Preliminary Draft Design Manual and forwarding them to City Council for a First Reading and establishment of Public Hearing dates with Planning Commission and City Council. The draft Ordinance will need formatting into proper Ordinance format and review by the City Solicitor. Preliminary Draft Small WCF Design Manual continues to be refined.

Responding to Mr. Taylor's questions regarding safety and violations, Mrs. Melson-Williams provided the following information:

- There is not really a recommended distance between the WCF for safety reasons that they have found in their research. They are based on some of the needs of technology and some spacing for proximity to have the system work. The ordinance itself deals more with height, and then if it is not in the right-of-way and it is on a property, that distance from property lines.
- Most of what they anticipate coming into the City are the Small Wireless Facilities. They tend to like to locate them on existing poles, whether that is a light pole or a certain available utility pole that exists in the right-of-way. Currently the ordinance does not have a spacing parameter as written.
- With it being a zoning ordinance, the violation of one of these ordinances could be a Code Enforcement matter. There are also some provisions that if it is something that becomes attached to a City-owned pole that the Master Licensing Agreements with that franchisee could dictate how they go about removal of unauthorized placements.

- Regarding whose responsibility it is to fix the towers in the event one was to fall, there are some provisions related to that in the ordinance itself. There is a section about maintenance and care of facilities and there also would be provisions in the Master Licensing Agreements that deal with that situation. It may depend on how the pole was actually hit to make it fall.
- Section 23.93 of the ordinance is about construction and repairs in the right-of-way. Work in the right-of-way typically has to be coordinated with the Electric Department and Public Works. Item number two talks about in the event of damage, so it does place a responsibility on the Small Wireless Communication Facility for the costs associated with repair, unless it was related to a City issue that caused the demise of the pole.

Responding to Mr. Anderson, Mrs. Melson-Williams stated that if a company does not pay the annual fees there are a couple of ways where annual fees are triggered. She stated that some of that information is found in what would be the Master Licensing Agreements, use of right-of-way, which is proposed potentially as another annual fee. Mrs. Melson-Williams noted that there are probably provisions in the ordinance that deal with the lack of payment, but one of the things they need to sort out is how that whole process works.

Responding to Mr. Sudler regarding private poles, Mrs. Melson-Williams provided the following information:

- The term "private," could be a pole that, while located within the City right-of-way, the pole itself is proposed by ownership of a third party, or they could have the placement of a facility. This process sets up how they deal with each of those, so it depends on where it is and what it is.
- A lot of the poles that they would find on what they will call "private property" may be owned by the industry group, and they enter an agreement with a property owner, either to acquire the land or to lease the space. They could be leasing space on an existing water tower, so they have a number of leases on the City facilities, whereas the private entity of the Wireless Communication Facility owner is in some type of ownership or lease agreement with another property owner or object owner.

Mr. Sudler suggested holding a workshop during this process to inform the citizens of Dover about how it affects the private-owned poles so that they could have a better understanding as well.

Responding to Mr. Sudler regarding the process of private owners leasing the space, Mrs. Melson-Williams stated that a lot of times the Wireless Facility owner will go out looking for a place and that it really is a private matter. She noted that the City does not get involved unless it is a City-owned right-of-way, or a City-owned building, structure, or pole that they want to be attached to. Mrs. Melson-Williams noted that it is really out of the City's hands and that it is like making any other real estate deal.

Mr. Neil moved to forward the Proposed Draft Ordinance and the Preliminary Draft Design Manual to City Council for a First Reading and establishment of Public Hearing dates with Planning Commission and City Council, as recommended by Staff. The motion was seconded by Mr. Taylor and unanimously carried.

Approving the Form and Content of a Model Master License Agreement for Small Wireless Communication Facilities Attached to City of Dover Assets

Mr. Matthew Harline, Assistant City Manager, reviewed the background and analysis of the form and Content of a Model Master License Agreement for Small Wireless Communication Facilities Attached to City of Dover Assets.

Staff recommended the approval of the model Master License Agreement and authorizing the City Manager to sign agreements with individual carriers.

Mr. Neil moved to recommend approval of Staff's recommendation. The motion was seconded by Mr. Lindell and unanimously carried.

Mr. Neil moved for adjournment of the Utility Committee meeting, seconded by Mr. Taylor and unanimously carried.

Meeting adjourned at 6:38 p.m.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

Adoption of Agenda

Mr. Lindell requested that item #1 - Equalized Payment Plan Program (also known as Budget Billing) - Options of the Legislative, Finance, and Administration Committee be removed.

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

Equalized Payment Plan Program (also known as Budget Billing) - Options

This item was removed from the agenda.

Proposed Amendments to the Purchasing Policy

Mrs. Donna Mitchell, City Manager, reviewed the proposed amendments to the purchasing policy.

Staff recommended approval of the recommended changes.

Responding to Mr. Neil, Mrs. Mitchell clarified that Tyler Munis is the new system and HTE is the former system. She indicated that changing systems would require an amendment to the document. Mrs. Mitchell noted that it is a policy document and that the reason that they are making the administrative changes is to change the wording to match the new system.

Responding to Mr. Anderson regarding minority contractors, Mrs. Mitchell stated that the 3% minority vendor's preference would apply to all purchasing and that they can require at least one of the vendors under consideration be a minority vendor or have a letter of justification be a part of the process.

Mr. Hare moved to recommend approval of the recommended changes and a review of the suggestion made by Mr. Anderson regarding minority vendors. The motion was seconded by Mr. Anderson and unanimously carried.

Proposed Ordinance #2020-11 - Chapter 46 - Fire Prevention and Protection, Article II - Fire Department, Division 1 - Generally and Division 2 - Officers

Mr. Tim Mullaney, Jr., President of Dover Fire Department, reviewed the background regarding proposed ordinance #2020-11 - Chapter 46 - Fire Prevention and Protection, Article II - Fire Department, Division 1 - Generally and Division 2 - Officers.

Staff recommended the adoption of Ordinance #2020-11.

Fire Chief Ronald Rhodes, Sr. stated that this was going to help them move forward to answer calls and continue to recruit new members. He noted that it expands their boundaries a little bit to help out and that he agreed with all of the changes.

Responding to Mr. Sudler, Fire Chief Rhodes stated that they would like to have the first engine on the street within the first six minutes from the time of dispatch. Regarding any mile constraint in the new proposed policy that would make a potential firefighter employee ineligible due to traffic safety concerns, Fire Chief Rhodes stated that depends on the time of day. He noted that, by law, they are allowed to proceed as an emergency vehicle, but they still have to follow the same rules as an emergency vehicle when it comes to stop signs, red lights, and speed.

Responding to Mr. Sudler regarding retention rate for firefighter employees, Fire Chief Rhodes stated that their membership is, as far as demographics are concerned, getting older. They have an influx that once they complete high school, they go to college or move out of the district. He noted that they have some support out of the Wesley College students and that with COVID, they lost two of those guys until they just recently came back. He noted that the membership is a ride along program where they can come up and participate in their duty crews. There are also times that they have to sound the general alarm and reduce the number of times that responders will have to respond.

Mr. Taylor stated that the appeals of suspension could potentially be a liability issue for the City. He noted that if someone feels as though the decisions that are being made are disingenuous, and they are appealing to the exact same people who they are accusing of being disingenuous, he believes that is a recipe for disaster. Mr. Mullaney stated that they have a specific appeal process within their constitutional bylaws and any member that feels as though the punishment that they have been provided for whatever infraction, whether it was the President or the Fire Chief, because those are the only two that can issue those types of disciplines, there is an in depth process that they need to follow. Mr. Mullaney stated that it is in line with just about every other fire department throughout the State, in all big cities, with the exception of the City of Wilmington.

Mr. Mullaney stated that the process that they have spells out what the actual firefighter can do in any circumstance. He advised that it goes through a process that has been in place for longer than he has been a member. Mr. Mullaney noted that he did not remember anybody appealing a suspension to the City,

because they are attached to the City in a sense, however, the Volunteer Fire Department falls within that membership and that is where those members appeal to. Mr. Mullaney stated that he understood the concern of liability. He noted that the number of people that are provided any type of discipline had their right to appeal it, and most choose not to. Mr. Mullaney stated that if any member had an issue with any type of discipline that they were provided, that they would follow the bylaws and, if they needed to, take the Fire Department to court over that. Mr. Mullaney stated that in recent past, they had one incident where that did occur, the Fire Department was on their own in that sense. He noted that the City did not cover any legal fees. Mr. Taylor stated that he understood the explanation, but it did not satisfy his concern.

Responding to Mr. Lindell, Mr. Mullaney stated that the Fire Company is incorporated, and they are their own legal entity as far as that is concerned. Mr. Lindell stated that would address the concerns.

Mr. Hare stated that a lot of this is internal Fire Department procedure and that the Fire Department does respond to fires that are in City limits, and if there is someone that lives outside of City limits and they are able to come in, that works. Mr. Hare stated that if the Fire Department gives a two-week suspension to someone for a violation, they are the ones that know better whether that person should be suspended. Mr. Hare noted that he trusts the Fire Department, the Chief, and President, and that if they need these changes to try to attract more members and continue doing it, that was is fine.

Mr. Rocha, regarding the appeal of suspension issue, noted that this is protection or an option for the suspended member. He stated that he could not see how that would hinder recruitment and did not see why they should take it out without giving the suspended member an option to make an appeal to City Council.

Responding to Mr. Rocha regarding the verbiage of Section 46-73. - Qualifications. - (a), Mr. Mullaney stated that it is not correct to assume that only a male can be nominated for the position. He noted that they had a female Line Officer this current year. He noted that could have been an oversight.

Mr. Neil moved to recommend adoption of Ordinance #2020-11, pending the change of language to make it gender neutral. The motion was seconded by Mr. Hare.

Mr. Sudler stated that he felt as though their oversight as City Council has been somewhat diminishing slowly and that he was not comfortable with that. He stated that he cannot support anything that removes oversight, which City Council has been entrusted to do.

Mr. Hare asked if Mr. Neil, Fire Chief Rhodes, and Mr. Mullaney were okay with leaving the option for the suspended fire person to appeal to City Council, if they chose. Responding, Mr. Mullaney stated that this was not solely his or the Fire Chief's decision, noting that the amendments were voted on by their membership and put forth because that is what the general membership wanted, which would include the members that would have been suspended and have the potential to be suspended now and in the future. Mr. Mullaney noted that if the Committee takes an action now based on what they feel is best, and they would like to retain that verbiage, that is something that he will certainly take back to the company at their next company meeting to inform them of that change.

Mr. Lindell noted that if membership is unhappy with keeping that in there, they can have further discussion on it without delaying the other changes that are needed to maintain the strength of their Volunteer Fire Department.

Mr. Neil withdrew his original motion of adoption of Ordinance #2020-11, pending the change of language to make it gender neutral.

Mr. Neil moved to recommend adoption of Ordinance #2020-11, pending the change of language to make it gender neutral and adding Section 46-46 - Appeal of suspension, back into the original document. The motion was seconded by Mr. Hare and unanimously carried.

Proposed Amendments - Dover Human Relations Commission (Anderson, Rocha, and Sudler)

Mr. Anderson, Mr. Sudler and Mr. Rocha reviewed the background of the proposed amendments to the Dover Human Relations Commission (DHRC).

Responding to Mr. Hare, Mr. Anderson stated that he agreed that if both parties to a dispute are outside of the City, it should go to the State Human Relations Commission. He noted that if one party is in the City and one party is not in the City, or owns property or a business in the City, then that is City jurisdiction. Mr. Anderson stated that if both parties voluntarily agree to undergo mediation, then there would be no issue, and if they do not agree, then the jurisdiction would switch to the State Human Relations Commission.

Responding to Mr. Hare regarding if the DHRC would start working on their purpose as outlined in the Dover Code and involve segments of the community, understanding, appreciating the benefits of inter group relations, Mr. Anderson stated that yes, that is part of what meditation does. He noted that the strategic plan is based upon those factors and that they are endorsing to fulfill the vision that is outlined by the Code.

Mr. Hare stated that the Chair would see the intake form after it has been vetted by Mr. Rodriguez to know whether it is in their jurisdiction. He noted that he did not think the Commission should address complaints against the City, City Council, or other City offices. Mr. Rocha responded that it would be under the purview of the Ethics Commission.

Mr. Sudler stated that his only addition is to make sure that any complaint that is received goes to the Chair, in addition to legal counsel, simultaneously, because they do not want a Chairperson to be unaware of anything that was submitted. Mr. Sudler stated that even if it is not necessary, it is out of respect for the Chair. He suggested that the Chair should be made aware of the scenario and why it did not have merit to go forward so that they can explain to the constituent.

Mr. Hare stated that did not disagree with Mr. Sudler, but he did not think that it was the Chair's position. He stated that if someone in the City files a human relations complaint, it should go to the City Clerk's Office and the Council person whose district it is in, then they should be advised of the complaint. Mr. Hare stated that it goes to Mr. Rodriguez, then if that person has a question, they will be advised that their Council person knows about it, it is being vetted, and it will go to DHRC.

Responding to Mr. Taylor, Mr. Sudler stated that if there is a complaint made against an officer or any first responder it would be handled by internal affairs. Mr. Sudler noted that the Dover Police Department has their own internal complaint form and it would probably be forwarded to the City Solicitor for advice. Mr. Sudler noted that people would file with the City Clerk's office, or members would have some intake forms, but then they would have to give it directly to the City Clerk's office. They would have to file, stamp, and see if it was within their purview, if it was not, it would go to the proper department.

Mr. Lindell stated that one of the issues that is preventing the Commission from maturing as an organization is the way the membership is broken down and chosen. He noted that they have had two vacancies for a while and had constant turnover. Mr. Lindell stated that there was a lot of frustration about not having a lot of direction from Council as far as what needs to happen. Referring to the DHRC minutes of May 27, 2015, Mr. Lindell advised that Mr. James McGiffin, Jr., former Council member, added the idea of interviewing people, surveys, and creating focus groups on diversity. He stated that those are the types of things he would like to see the Commission focus on. Mr. Lindell noted that he would like to get this done right and take the time to do it and he would start with talking to Mr. Rodriguez to see what they can and cannot do and what conflicts with the State Human Relations Commission. He stated that across the Committees, they need to bring younger people into the fold.

Mr. Sudler agreed with Mr. Lindell and stated that a part of getting it right is taking the first step. He noted that this would be a great opportunity to get mediation training for the current commissioners to get them started and it really would not cost too much of their time or taxpayers' money. Mr. Sudler stated that this is the echo that they heard in Dover Park with of Dover Human Relations Commissioner Reverend Rita Mishoe Paige and three to four State and Delaware Central branch City NAACP members and members of the community.

Mr. Neil stated that they have to start now, and they can enhance later. He noted that this Commission basically has helped them spread the word that they are doing things right, and for that reason, he is going to support this recommendation.

Responding to Ms. Lachelle Paul, Mr. Rocha stated that the description of the DHRC's mission is in the strategic plan. Ms. Paul expressed her concerns regarding the racial tension issues, not just in the City of Dover, but all over the country. She noted that the community could actually become a part of helping bridge the gap so that they can work on things that are more important than the racial tension.

Mr. Sudler moved to recommend approval of the recommendations, seconded by Mr. Anderson.

Responding to Mr. Taylor, Mrs. Mitchell stated that they have a social media employee policy that all employees have to sign off on every year. She noted that she did not know that they give it to committee members or Council members, but she would check into that.

Mr. Lindell requested that the motion include their due diligence with legal opinions and that when it goes to Council, it is off the consent agenda so Councilman Slavin has a chance to respond, if he so desires.

Mr. Anderson and Mr. Sudler both concurred with the addition to the motion.

Mr. Anderson moved to recommend restoration of the intake form (Attachment #2), allowing the Commission to participate in non-binding mediation, and encouraging participation in community education. Additionally, allowing the recommendations to be reviewed by the City Solicitor's Office before the Council meeting, and that the item not be on the consent agenda when it is considered by City Council. The motion was seconded by Mr. Sudler and unanimously carried.

Status of Other Post-Employment Benefits (OPEB) and Pension Funds

Mrs. Donna Mitchell, City Manager, reviewed the Status of Other Post-Employment Benefits (OPEB) and Pension Funds.

Staff advised that it was an information update only.

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, and Council President Hare reviewed the background of Proposed Ordinance #2020-05 Amending Chapter 22 - Buildings and Building Regulations, Article IX - Lodginghouses and Article X - Rental Dwellings.

Staff advised that it was an information update only.

Mr. Contant asked if they could walk through how this ordinance would actually be enforced and what actions would be taken. He expressed his concerns regarding some of the nuisance laws that they have had with rental properties which were never actually used because there was an issue with enforcement.

Mr. Hare reviewed the process, history, and background information regarding proposed ordinance #2020-05. He noted that, for the most part, it would be complaint-driven but they would have to have a rental permit.

Mr. Contant asked how they would prove what actually happened if the violation took place on the weekend, especially when they are dealing with short-term rentals. He noted that they already know they do not have enough inspectors. Mr. Contant asked, based on subsequent fines, if the property owner does not pay, what is the City going to do. Mr. Hare stated that if it is an Airbnb and someone files a complaint, they will be able to go there on Monday and speak to the owner that lives there and say they have received a complaint. Mr. Contant stated that the property in question that started all of this was not listed on Airbnb. He asked how the City would address the people who are skirting around the typical channels of finding short term tenants. Responding, Mr. Hare stated that they can always have the inspectors contact the owners to obtain a copy of their lease because they are getting complaints, then they tell the owner what the issues are and if they are not going to address them it goes on from there.

Mr. Contant stated that he was fairly certain that there was no lease agreement in the case that started all of this. He asked how the City was going to use the ordinance to effectively enforce this on the house that does not appear to be following proper channels for renting anyway. Responding, Mr. Hare stated that they can revoke the rental permit until the owner comes in and addresses the questions, and they can start getting violations, then the violations will build up. He noted that if there is a notice put up that the house cannot be occupied because there are a certain amount of violations, they cannot occupy the house if they are not the owner because there would be no rental permit.

Mr. Hugg stated that the ordinance did the following things:

- It enlarges the kinds of violations that could be brought against the property. Using the property for a rental purpose without a rental license is a code violation on its own. They ultimately have the power to prevent people from occupying that house if need be.

- Before that, there are a series of fines and penalties that if they are not paid, they roll over as an addition to taxes and either they get paid or the property moves through the default process.
- It strengthens the ability of the Police Department to use the provisions that are in the disorderly premises law.

Mr. Hugg stated that it gives them more tools to bring to bear, but the most important thing it does is, it would say to the person who owns the property of Stewart Court, because they do not live there, they have no right to operate it as any kind of temporary, short-term use. The only available option to them would be to get a regular City of Dover rental license with inspection and meet those code requirements. Mr. Hare noted that they could be a bed and breakfast too. Mr. Hugg stated they could, but they would have to get a conditional use and they would have to have the proper underlying zoning, so that would be quite difficult for them, but it is an option that they could pursue if they really wanted to.

Mr. Taylor stated that it appears that they are going to spend \$500 to \$1,000 in man hours trying to collect \$100 and that they need to streamline this process. Mr. Hare stated that he thought it would be considerably more than \$100. Mr. Taylor stated that it states in the packet material that the annual licensing fee is \$50 and penalties for violations are \$100 for the first offense, \$300 for the second offense, and \$500 for any subsequent offense leading up to 24 months of the license being suspended. Mr. Taylor noted that if it is the weekend and they have to determine whether or not there was a violation that Monday or Tuesday, code enforcement is already short when it comes to personnel.

Mr. Hare stated that if the ordinance was passed, then the property would need to be an owner-operated Airbnb or a bed and breakfast property, or a leased rental property. He noted that the violations would not matter because they can revoke the rental permit. Mr. Hare advised that the fines are strictly what is in there now, but if the ordinance is adopted and the property has to be either an Airbnb, a bed and breakfast, or a leased rental property, they are not going to waste time with code enforcement or the police. Mr. Hugg noted that then it could no longer be occupied by anybody but the owner, so if they revoke the rental permit, no one can occupy the property legally.

Mr. Neil noted that enforcement would be complaint driven and the complaint would be referred to the police and they are going to be the initial contact because a complaint had been made about noise or something else by a neighbor. He stated that if there are no problems to be found, there is no action that the police or code enforcement are going to have to take. Mr. Neil noted that having these rules and regulations in place basically gives them some teeth to take action when there is a complaint.

Mr. Taylor stated that he did not disagree with Mr. Neil but noted that if they are talking about police reform, they do not want the police responding to every single complaint and this would fall well within that. He noted that it sounded civil and they want the police officers to be more proactive and start handing things off and not responding to this. Mr. Taylor expressed his concerns regarding man hour costs.

Mr. Hare stated he thought they were missing the point and that this was not about the police. He advised that the police do not even need to be involved. Mr. Hare stated that this is about the proper licensing of properties for proper usage. He noted that the Airbnb, hotel, and bed and breakfast owners in the City say they agree, and they were wondering why some of these properties did not have to meet the requirements that they have to meet.

Mr. Lindell asked why they were adding more enforcement mechanisms on top of the licensing when there were already ordinances that they should be enforcing. Mr. Cole agreed with Mr. Lindell and indicated that he was confused when they talked about Dover being good for business. Responding to Mr. Cole, Mr. Hare stated that they did not disagree but that the Airbnb operators and hotel and bed and breakfast owners in the City do not have a problem with the regulations. He noted that they were asking why some of those properties did not have to meet the same regulations that they do. Mr. Hare stated that these houses of people need to meet one of those three requirements.

Responding to Mr. Rocha, Mr. Hare stated that the penalties for violations of \$100 for the first offense are if they are operating without a licensing fee. Mr. Rocha asked for an example of the City revoking the license. Mr. Hare stated that if someone wanted to rent as an Airbnb or bed and breakfast, once they meet the requirements, they can get a license. He noted that if that person is not going to do any of that and rent their house, they get a license for \$50.00 and do whatever they want. Mr. Hare advised that if someone contacted the owner and asked for the lease for the rental property and they did not have it, then they have a revoked rental license and they have to get one of the other options.

Mr. Anderson stated that he had concerns with the ordinance in the beginning, but with the revision made, he supported it. He stated that all they were doing was clarifying the law to make sure that these fit in with the law just like everyone else. Mr. Anderson noted that the revisions that are being made resolved his concerns regarding people's rights to use their property.

Mr. Lindell moved to recommend that Mr. Hugg draft the ordinance with the proposed changes from the various groups that he has talked to for an up or down vote at the next Committee meeting, or when he has it drafted and completed. The motion was seconded by Mr. Anderson and unanimously carried.

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

Meeting adjourned at 9:02 p.m.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee met with Chairman Anderson presiding.

Adoption of the Agenda

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

Presentation - Delaware's State University - The Acquisition of Wesley College

Dr. Tony Allen, President of Delaware State University (DSU), reviewed the presentation titled, "Delaware's State University - The Acquisition of Wesley College,".

Responding to Mr. Taylor, regarding safety, retirees, and vision, Dr. Allen provided the following information:

- Delaware State University, since spring of 2020 has kept 200 students on campus and about 100 of those students would otherwise be homeless and the remaining from very vulnerable communities. They knew bringing their students would be important, but the only way to do that safely was to have a full testing protocol and overall protocols that they know work as it relates to mandatory mask wearing and social distancing, and even how they learn in the classroom.
- They entered a deal with Testing for America, a consultancy full of scientists that built their testing protocol and have raised significant money for them to make sure that they can afford those tests.
- They have tested 7,000 times and their positivity rate is less than half a percent. They test their students twice a week and if a student tests positive, they have a residence hall fully dedicated to their isolation and quarantine. Their instruction is a virtual model and even though they are on campus, about 85% of their classes they take in a virtual fashion.
- As it relates to Wesley College, they have talked about their plans and he is familiar with some of their protocols, but they do not mirror one another. Some of that has to do with the fact that in this year, by protocol, they have to operate as separate institutions, but he has exposed them to Testing for America. They have reported a couple of cases on campus to date, but they are monitoring that closely and know that folks who are responsible for each of their campuses talk regularly.
- To his knowledge the acquisition will not affect the pensioners. On DSU's front, there will be no effect. On the Wesley College front, they have to do a little more due diligence. As they go through the acquisition, those faculty and staff remaining with the new DSU will have full access to the benefits that they normally provide their employees and effectively their retirees.
- It is still vision, not yet on paper, but he believes that the Wesley College at Delaware State University could be a theme college, and that theme could be around health and behavioral sciences. Their health and behavioral science is made up of public and allied health, for instance, nursing, social work, psychology, and a lot of translational research as well. Bringing more folks downtown, one, is important, both as it relates to their students, faculty, and staff.
- Early College High School could actually find a better home in Downtown Dover. That is about 425 students who are good and across the state, they actually recruit a third from New Castle County, a third from Kent and a third from Sussex.
- When they build capacity, they are thinking about downtown as it relates to economic and cultural vitalization. If they can build a corridor where it really is a unique opportunity for more young people to be engaged in downtown activities, more opportunities for experiential learning, across a number of platforms to go on, and things that they want to have happen.

Responding to Mr. Lindell, regarding Wesley College's employees, Dr. Allen stated that they are still very early in this process. He noted that Wesley College and DSU's leaders have begun to spend a lot of time together in the last month and actually have an outside consultant helping them think through what the configuration will look like. He stated he could not surmise what the final configuration will look like, but that they think there is a lot of brand equity in the Wesley name. Dr. Allen stated that preserving the name is important to them and they believe that there are a number of very well developed and healthy programs

that they can take advantage of. He noted that over the last six years, they have basically stayed flat from a faculty perspective, even though they have grown significantly from the student perspective. Dr. Allen stated as they bring on even more students, it is clear that they will need to bring some significant level of faculty and staff to support the new configuration.

Responding to Mr. Rocha, Dr. Allen stated that as the merge moves forward, local students graduating from high school will be able to attend with a lower state tuition, which is a unique opportunity. Dr. Allen advised that they have the Inspire Scholarship and they are able to keep their in-state tuition cost's low with the four-year support from the State that pays for half of the student's tuition if they can start out with a 2.75 GPA and maintain it throughout their time at the university.

Responding to Mr. Anderson regarding community, economic and workforce development, Dr. Allen stated that they have been working with many organizations such as the City and NCALL to bring more business downtown. He stated that they opened an entrepreneurship center at Delaware State University. Dr. Allen advised that, on the workforce development front, he had a conversation with Barclays Bank about their technology center at the Sheraton, which is a wholesale facility that can have many certifications for the up-skilling of under-skilled people in and around the City. He noted that their idea was to bring that facility downtown, which would be a significant growth prospect for them. Dr. Allen stated that they already provide about a hundred certifications throughout the university, but their visibility is not what they think it should be. Being able to have a more visible place that is attractive and welcoming to all of the citizens of Dover is something they are very interested in, and they believe they have the tools and the facility. He stated that they just need to make sure that they have the right location.

Presentation - Wilmington Hope Commission and Bobby Wilson

Due to the absence of Mr. Bobby Wilson, Mr. Anderson requested that this item be deferred to the next Parks, Recreation, and Community Enhancement meeting. *(This presentation was deferred by Committee on July 14, 2020.)*

Mr. Hare moved to defer this item to the next Parks, Recreation, and Community Enhancement meeting scheduled for October 13, 2020. The motion was seconded by Mr. Sudler and unanimously carried.

Presentation - Vines Community Project

Reverend Carol Harris, Vines Community Project, reviewed the background information of the Vines Community Project and noted the following information:

- In 2017, the Vines Community Project was brought together with herself and the Delaware National Guard because in 2016 the National Guard realized the number of addictions and substance use had increased, specifically in the State of Delaware. The Epic Vision of the Vines Community Project states "Education and prevention for individuals and communities."
- Their very first initiative was to teach Dover citizens how to dispose of medication. They distributed Detera bags throughout the City. Detera bags melt the medication into a bag and deactivate whatever medication there is. After the Detera bags, they began several Narcan training and distribution into the communities and into the hands of their citizens.

- They wanted to target their young people and seniors. They wanted to empower their seniors because they did a survey of seniors that frequent the Modern Maturity Center and other senior centers and were finding medication missing. They were getting Deterra bags into the hands of seniors and helping them have the power to report things, especially if they have healthcare workers in their homes, or strangers in and out the homes. They were trying to teach them how to secure their medication, particularly any narcotic prescriptions that they had. They started the plan to secure the young people, and that has taken the crux of their attention in the last year and a half.
- The Vines Community Program began their Purple Ambassador Program that allowed them partner with the early college high school and Delaware State University. With the high schoolers, they empowered them to know the warning signs amongst their friends or people that were using. They could notice behavioral signs, see things that were diminishing amongst their friends, know the signs of addiction and/or use, and that would empower them on how they report, how they get help. They had to reduce the stigma that was attached to what their students called "ratting."
- Delaware State University social work students became mentors to their high school ambassadors and counseling and empowerment groups were formed. The students made purple commitments, which meant that if they had parties, they had to be purple (clean) parties and if there was any ambassador amongst them, that ambassador would have the tools and would know what to do if there was somebody that was high or in danger and they would know how to report.
- They used two different curriculums; Dr. Gilbert Botvin's Life Skills Training and the Prime for Life curriculum. They found that their middle schoolers were the most compromised amongst their student population. In turn they developed mentorship so that their high schoolers would then become mentors to their middle schoolers, and then COVID hit. They have not yet been able to make that connection. They are working on how they can do that virtually, because they do want to begin to empower their middle schoolers, and eventually, elementary schoolers.
- They have maintained partnership with the Dover Police Department and its Angel program and have been active with Help is Here Delaware and they are partners with North Node.

Responding to Mr. Taylor, Rev. Harris stated that, initially, they did all the work that they needed to do out of pocket through the Coalition membership or the donations of their citizens through their time and financial donations. She noted that this year was the first year that they have received some grant funding and they have received some funds from the City to help. Rev. Harris stated that going forward they just need manpower and mentorship. She noted that they needed people talking about the cause and staying educated and informed with the numbers.

Mr. Taylor stated that this should be labeled as a healthcare issue and not a criminal justice crisis. He noted that he would direct some of his discretionary funds to the Vines Community Project.

Responding to Mr. Sudler, Rev. Harris stated that because of COVID, a lot of AA meetings have been shut down and, although a lot of places are trying to have virtual meetings, when someone is in the cycle of addiction, those personal, one-on-one meetings are so very meaningful for people to get eyes on you. Rev. Harris provided her email address, carol_harris@bayhealth.org, and Vines Community Project email, vinescommunityproject@gmail.com.

Library Reopening Plan

Mr. Brian Sylvester, Library Director, reviewed the background and analysis regarding the library reopening plan.

Staff recommended opening a temporary computer lab beginning September 28th with a partial capacity re-opening on October 26th. If the Committee is in agreement, the Committee should direct staff to proceed and revisit the reopening plan October 20th.

Responding to Mr. Rocha, Mr. Sylvester stated that the number of people they would allow in the room would depend slightly on the number of computers that they are able to set up in that space. If they combine both of the two meeting rooms, there is a receiving wall in the middle. Mr. Sylvester stated there are only 10 support drops, so if they can run multiple computers off of a single network drop, there is space to fit 12 to 15 computers with social distancing. He noted that if they are limited by the number of network drops and can only run one computer off of each of them, then they would only offer nine because they would need one of those network drops for a printer.

Mr. Cole expressed his concerns with the opening. He stated that he would like to see the library keep offering some type of services, whether it be the passport or book pickup. Mr. Cole stated that he would like to see a structured plan that meets the Centers for Disease Control and Prevention (CDC) and Delaware of Public Health (DPH) guidelines. He noted that there are some school districts doing a hybrid version, but as far as opening the library, they need to really look at some very structured types of policies.

Mr. Sylvester stated that the Delaware Division of Libraries has put out statewide guidelines for reopening libraries, which does touch on some of those specifics, but they do not contain any very, very concrete detail. He noted that they are trying to offer guidance that applies to very large libraries and very small libraries, so it is almost a one size fits all approach. Mr. Sylvester stated that they can certainly use that as a stepping off point for a more detailed plan if that is the direction the Council would like to take.

Responding to Mr. Anderson, Mr. Sylvester stated that the County Library intended to reopen Monday of that week, but that plan actually got delayed until early October. He stated that he did not know the exact date, but that was due to the number of staff vacancies that they currently have. They did not feel that they could safely operate the facility the way they needed to with social distancing and the other types of restrictions that are in place, so it seems that they will not be opening that library until, at the minimum, they have filled two or three of those positions.

Mr. Sudler stated that the better safety measure would be to open up around phase three.

Responding to Mr. Lindell, Mr. Sylvester stated that the Delaware Division of Libraries (DDL) does not have a recommended date for reopening written in their guideline. He stated that verbally they have been told that they believe libraries should reopen when the Governor moves them into phase three. As to whether or not that would be a full reopening or opening at 60%, they have not really weighed in on that at least in writing.

Mr. Lindell stated that he would not vote to reopen the library until they are actually in Council Chambers in person.

Mr. Anderson stated that with this particular plan, people are being crushed economically and socially by not being able to have access because of the digital divide. He stated that the more they delay, the more they are harming people, when everything else is open, even senior centers, athletic fields, recreation departments, and schools going hybrid. Mr. Anderson stated that there is no reason that a 50,000 square foot type library cannot open two rooms for a dozen people.

Mr. Taylor stated that he agreed with Mr. Anderson, but that his concern was that they open at this particular point and they go back to where they were before COVID-19. He stated that he did not want a situation where people cannot go into the library and be comfortable to sit down at the computer because their homeless population was using it again as a rest area. Mr. Taylor stated that if Mr. Sylvester was able to assure him that was not going to happen, then he had his vote wholeheartedly, but if he was not able to provide him with enough information that relieves that concern, he did not support the reopening right now. Responding to Mr. Taylor, Mr. Sylvester stated that a number of the renovations were made to the facility specifically to address security concerns. He advised that he was hoping to resume their relationship with Sunstate Security and would like for them to be on site when they offer the computer lab to provide the necessary security to ensure that they are offering a safe space, not just in COVID terms, but also in terms of public safety. Mr. Sylvester noted that they have made changes to the layout, removed furniture, sightlines, and all of these steps were taken specifically with the goal of improving safety. He advised that if there were more changes that Council would like them to make, he would be more than happy to bring people into the building to see what they have done and give them recommendations for further steps. Mr. Sylvester stated that they have their Acceptable Behavior Policy, which are the rules and guidelines for being in the facility. He noted that he was presenting some recommended policy changes to the Library Advisory Commission.

Mr. Hare stated that if they decide to open the computer rooms, it should be by appointment. He also advised that they should ensure that someone that is going to be sanitizing the computer after each use.

Mr. Neil noted that the library was still providing activity packets for parents to pick up for their young kids and curbside book services. He stated that as long as there is COVID, people coming into the library becomes a problem.

Mr. Lindell stated that they need to be prepared and that they need to continue with those preparations so that when they hit phase three, they can hit the ground running.

Mr. Sylvester advised that there are cleaning protocols in place and that he could create and provide documentation that describes that in more detail. He stated that their custodial work is by contract with Atlantic.

Mr. Cole stated that everybody has made some good points, but overall, they are all in the same boat, they want to see this move forward if things can be opened in a structured, safe manner. Mr. Cole asked if they could revisit this and if Mr. Sylvester could provide them with that information.

Mr. Cole moved to recommend not moving forward until there is a clear vision of guidelines and protocols in place, seconded by Mr. Lindell and unanimously carried.

Police Athletic League (P.A.L.) Update

Mrs. Donna Mitchell, City Manager, provided an update regarding the Police Athletic League (P.A.L.).

Mrs. Mitchell stated that they could probably operate the P.A.L. Program out of the Pear Street Warehouse once they move the inventory to the electric department. She noted that the P.A.L. Program would be a good use for that facility because it would make a good gymnasium or could possibly be outfitted in a recreation center kind of way for the at-risk community that is close by. Mrs. Mitchell advised that the concept of moving that electric inventory to the power plant would occur during the decommissioning. She stated that the issue is that it is longer down the road than what they originally thought with the clean-up program. They are going to have to go through Delaware Department of Natural Resources and Environment Control (DNREC) to make sure they do not have any environmental issues and all those things must be taken care of. Mrs. Mitchell advised that it is not going to be something that they could do probably in the next year and there will also be some facility improvements that will need to be made to convert that warehouse space for a good space for the P.A.L. Program.

Mr. Hare moved for adjournment of the Parks, Recreation, and Community Enhancement Committee meeting. The motion was seconded by Mr. Hare and unanimously carried.

Meeting adjourned at 10:31 p.m.

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

Meeting adjourned at 10:31 p.m.

William F. Hare
Council President

WFH/TM/jt

Attachments

- Attachment #1 - Presentation titled "Wireless Communications Facilities - Update on Development of Provisions and Ordinances"
- Attachment #2 - Dover Human Relations Commission Intake Forms (Approved and Proposed)



ATTACHMENT #1

Council Committee of the Whole Meeting of September 15, 2020

WIRELESS COMMUNICATIONS FACILITIES

UPDATE ON DEVELOPMENT OF PROVISIONS AND ORDINANCES

SEPTEMBER 15, 2020 – COUNCIL OF COMMITTEE OF WHOLE: UTILITY COMMITTEE MEETING

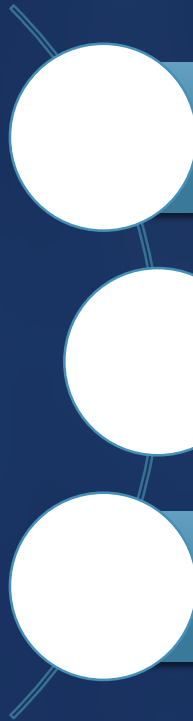
PURPOSE

- To establish uniform standards for the siting, design, permitting, installation, maintenance and use of **Wireless Communication Facilities** in the City of Dover.

TASKS UPDATE

- Updates to CCOW-Utility Committee on February 11, 2020 and July 14, 2020; directed Staff to continue work
- Topic continues to be worked on by Staff of City Manager's Office, Electric Department, Planning Office, and Department of Public Works
- City continues to utilize Cohen Law Group as subject matter/legal resource
- City Manager's Office (Assistant City Manager) serves as leader in coordination among City Departments, law firm, and industry representative inquiries
- Preliminary Comments and Process Questions from industry representatives
- Planning Office continued work on refinement of a WCF Ordinance
- Planning Office & Electric Department worked on refinement of SWCF Design Manual
- Electric Department & City Manager's Office working on Master Licensing Agreements for pole attachments and licensing (on City owned poles and rights-of-way)

WIRELESS COMMUNICATIONS FACILITIES



Small Wireless Communications Facility

Non-Tower WCF

Tower Based WCF

EXHIBIT A:

DRAFT OF WCF ORDINANCE (WCF ORDINANCE VERSION 2 – PLANNING 9-9-2020)

- **Development of Ordinance for adoption of regulations into *Dover Code of Ordinances* by creating new section *Zoning Ordinance, Article 5 Section 23 – Wireless Communications Facilities***
 - Purpose
 - Definitions
 - Applicability
 - Type of Activity Determination:
 - Eligible Facilities Request
 - Substantial Change Activity
 - New Facility
 - Small WCF

EXHIBIT A:

DRAFT OF WCF ORDINANCE (WCF ORDINANCE VERSION 2 – PLANNING 9-9-2020)

- Application Procedures: Location within Public Right-of-way, Eligible Facilities Request, Substantial Change Activity, New Facilities, New Small WCF
 - WCF Permit
 - Conditional Use Application (New Tower-Based WCF)
- Regulations & Standards by Facility Type
 - Location
 - Development (Sizing, Height, Uses on Property, Placement, Setbacks, Accessory Equipment & Buildings, Fencing, Access, Lighting,)
 - Design Standards (Design Manual for SWCF, Visual Appearance)
- General Requirements

EXHIBIT A:

DRAFT OF WCF ORDINANCE (WCF ORDINANCE VERSION 2 – PLANNING 9-9-2020)

- **Establishment of Fees for Wireless Communication Facility Activities:**
 - Fee Structure for permits, applications, and annual fees
 - Existing fees
 - Pole Attachment Fees and Activities
 - Conditional Use Permit Applications
 - Certain application fees are capped by Federal regulations.
 - Fee Structure to become part of *Dover Code of Ordinances*, Appendix F – Fee and Fines

EXHIBIT A: DRAFT OF WCF ORDINANCE (WCF ORDINANCE VERSION 2 – PLANNING 9-9-2020)

- **Other Amendments to *Zoning Ordinance* and *Dover Code of Ordinances***
 - Uses in IPM3 Zone
 - Clarification of WCF versus Public Utility Infrastructure
 - Placement in Rights-of-way
 - Establish Use of Rights-of-way Permit & Annual Fee

EXHIBIT B:

PRELIMINARY DRAFT #2 CITY OF DOVER SMALL WCF DESIGN MANUAL (SWCF DESIGN MANUAL MARKUP 9-9-2020)

- **Development of a Small Wireless Communication Facility Design Manual**
 - Definitions
 - General Standards
 - Antenna and Accessory Equipment Standards
 - Pole Standards
 - Review and Approval
 - Approval Timing

NEXT STEPS

- Continuing Ordinance Refinement Work:
 - Coordination between WCF Ordinance & SWCF Design Manual
 - Determine Fees for Permit/Application Types
- Continuing SWCF Design Manual Refinement Work
 - Coordination between WCF Ordinance & SWCF Design Manual
- Final editing & formatting of Ordinance and Documents
- Legal Review by City Solicitor and Special Legal Counsel

NEXT STEPS

- Continued development and refinement of agreements and licensing associated with attachment on City owned poles and access to City right-of-way
- Establish Application Review Processing Procedures
 - Development of Application Checklist and associated Permit Forms
 - Process of Intake and Review among Departments
- Recommended Timeline for Formal Review of Ordinance
 - Introduction of Proposed Ordinance at CCOW – September 15, 2020
 - First Reading at City Council – September 28, 2020
 - Public Hearing & Recommendation by Planning Commission – October 19, 2020
 - Public Hearing, Final Reading & Adoption of Ordinance by City Council – November 9, 2020

QUESTIONS & COMMENTS

WIRELESS COMMUNICATIONS FACILITIES



A. Intake Form Front PageTHE CITY OF DOVER HUMAN RELATIONS COMMISSION
INTAKE FORM

Name of person or organization filing: (last name, first name, middle initial) ☐ Mr. ☐ Miss ☐ Mrs. ☐ Ms.		Home Phone: ()	Business Phone: ()	Fax: ()
Street Address:	City:	County:	State:	Zip Code:
Identify the contact person that the Commission should notify:				
List the name, address and telephone number of any person or organization that you believe should be invited to appear before the Commission to help resolve your concern:				
Summarize what has or will occur that has given rise to your concern. Use this space for a brief and concise statement of facts (who, what, where, when, why, how). Additional details may be submitted on an attachment.				
What relief or action is being requested?				
Completion of the following questions is <i>OPTIONAL</i> :				
Ethnicity: ☐ Black ☐ White ☐ Hispanic ☐ Asian ☐ Native American ☐ Other: _____				
Sex: ☐ Male ☐ Female Age: _____ Nation of Origin: _____				
NOTICE: ALL DOCUMENTS AND TESTIMONY PRESENTED TO THE HUMAN RELATIONS COMMISSION ARE AVAILABLE TO THE PUBLIC AND THE PRESS.				
Signature:		Date:		
This form was delivered to: _____ (person) on _____ (date), located at _____ (address).				
This form was mailed to: _____ (person) on _____ (date), located at _____ (address).				

A. Intake Form - Back of Page

THE CITY OF DOVER HUMAN RELATIONS COMMISSION
RECORD OF ACTION

Case No. _____

CITY CLERK ACTION:

1. On _____ (date), the INTAKE FORM was received by the City Clerk's Office.
2. On _____ (date), the concerns expressed in the INTAKE FORM were placed on the New Business section of the Agenda for the Commission meeting to be held.
3. On _____ (date), a copy of the INTAKE FORM was mailed to members of the Commission along with the Agenda for the Commission meeting.
4. On _____ (date), notice of the date, time and location of the Commission meeting at which the concern(s) expressed in the INTAKE FORM will be considered by the Commission was mailed to the following:
 - a.) the party(ies) filing the INTAKE FORM;
 - b.) the interested party(ies) identified in the INTAKE FORM; and
 - c.) the person(s) or entity(ies) who caused the concern(s) to be raised.
5. On _____ (date), notice of the Commission's final action was sent to the person(s) filing the INTAKE FORM and the other party(ies) listed on the INTAKE FORM.

COMMISSION ACTION:

1. On _____ (date), the Commission decided it did/did not have jurisdiction over the matters set forth in the INTAKE FORM.
2. On _____ (date), the Commission considered the matters set forth in the INTAKE FORM.
3. On _____ (date), the Commission took the following action:



CITY OF DOVER

HUMAN RELATIONS COMMISSION

PUBLIC ACCOMMODATIONS DISCRIMINATION INTAKE FORM

INSTRUCTIONS

This packet contains the form you will need to complete to begin the process of filing a discrimination complaint with our office. You can also download and print this form from our website: <https://www.cityofdover.com/dhrc>. The form asks for some of the basic information that we need to decide whether or not we can investigate your public accommodations-related problem. If you have difficulty understanding these instructions or have questions, our staff can assist you.

The **Public Accommodations Discrimination Intake Form** asks questions about why you believe you were treated unfairly and how you believe this treatment was against the law. **In the City of Dover, the law protects individuals against unfair treatment in public accommodations on the basis of:**

- | | |
|--------------------------------|--|
| ✓ Ancestry | ✓ Marital Status |
| ✓ Color | ✓ National Origin |
| ✓ Disability | ✓ Race |
| ✓ Domestic and Sexual Violence | ✓ Religion |
| ✓ Ethnicity | ✓ Retaliation for Prior Discrimination Complaint |
| ✓ Familial Status | ✓ Sex (including breastfeeding) |
| ✓ Gender Identity | ✓ Sexual Orientation |

The DHRC Cannot Investigate Public Accommodations Complaints Based on General Mistreatment

There are many reasons people are treated unfairly, and several of these reasons may not be against the law. The DHRC can only investigate public accommodations complaints based on illegal mistreatment relating to the factors identified above. By law, we cannot handle general public accommodations-related concerns based on any other factors. In addition, your complaint should relate to mistreatment that affected you personally. You cannot file a complaint about the treatment of someone else unless you have the legal right to represent that person (e.g., because you are the person's parent or guardian).

Evidence Is Required To Support Your Discrimination Complaint

In addition to the statements you make about why you believe you were mistreated, the DHRC will need information from other people and from documents to investigate your complaint. The Public accommodations Discrimination Intake Form includes questions about the people and documents that might help prove that any mistreatment you experienced was against the law. To be most useful to your complaint, the people you identify generally should have direct knowledge (have learned through their own senses) of how you were treated and/or some information about how your treatment compared to that of other people. The most helpful documents will be ones written around the time that you believe you were mistreated.

Complete the attached form only if you believe you have been discriminated against because of one of the bases listed above. Please take the time to answer all questions completely and accurately. Once you have completed the form, please submit the form in person or by mail to our office:

City of Dover Human Relations

City Hall
15 Loockerman Plaza
Dover, DE 19903
Phone: 302-736-7008
Fax: 302-736-5068

Once we have received your completed form, our intake staff will meet with you about filing a complaint. Completing the enclosed form does not mean you have filed a discrimination complaint. A DHRC staff person will review your form and meet with you to decide if we can assist you. Preparing and filing a discrimination complaint is a complex matter. Please plan for the process to take at least 2 hours.

SPECIAL INSTRUCTIONS IF THE DISCRIMINATION WAS 9 OR MORE MONTHS AGO:

The City of Dover Human Relations Commission can only investigate discrimination that occurred within the past 300 days. If your complaint involves events that occurred more than 9 months ago, please contact our office immediately. If you fail to complete all of the steps for filing a complaint within the legal time period, our staff will not be able to investigate your complaint.

DRAFT



CITY OF DOVER HUMAN RELATIONS COMMISSION

PUBLIC ACCOMMODATIONS DISCRIMINATION INTAKE FORM

1. Please provide your personal information.

First Name		Last Name
Street Address (Include Apartment or Unit #)		City
State	Zip Code	Email Address (if available)
Home Phone		Work Phone
Cell Phone		Date of Birth

2. Are you filing this complaint for someone else? ☐ Yes ☐ No

a. If yes, who do you believe was discriminated against?

First Name	Last Name
Relationship To You	

3. What organization (e.g., store, restaurant, City government agency) do you believe has discriminated?

Organization		
Street Address	City	
State	Zip	Phone
Owner Name	Phone	

4. What is the reason (basis) for your discrimination complaint?

FOR EXAMPLE: If you feel you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply.

- | | |
|--|---|
| ☐ Ancestry | ☐ Marital Status |
| ☐ Color (e.g., difference in skin shade within same race) | ☐ National Origin |
| ☐ Disability | ☐ Race |
| ☐ Domestic and Sexual Violence | ☐ Religion |
| ☐ Ethnicity | ☐ Retaliation for Prior Discrimination Complaint |
| ☐ Familial Status | ☐ Sex (including breastfeeding) |
| ☐ Gender Identity | ☐ Sexual Orientation |
| ☐ Other (explain): | |

5. For each category above, please state how you identify yourself. For example, if you checked sex, please indicate whether you are male or female.

6. What happened to you that you believe was discriminatory? Please attach additional pages if needed.

Date	Action (Ex. I was denied service)	Name/Title of Person(s) Responsible

7. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

8. What reason(s) were you given for the acts you consider discriminatory? By whom? His or her job title?

9. Why do you believe the reason(s) given to you are false?

10. Describe who was in the same or similar situation as you and how they were treated. For example, who else requested service from the establishment? Provide the basis identified in Question 5 of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

a. Of the persons in the same or similar situation as you, who was treated *better* than you?

Full Name	Basis	Description of Treatment

b. Of the persons in the same or similar situation as you, who was treated *worse* than you?

Full Name	Basis	Description of Treatment

c. Of the persons in the same or similar situation as you, who was treated as *same* as you?

Full Name	Basis	Description of Treatment

Answer Questions 11-13 only if you are claiming discrimination based on disability. If not, skip to Questions 14-20. Please state if you have more than one disability. Please add additional pages if needed.

Please check all that apply:

- ☐ Yes, I have a disability
☐ I do not have a disability now, but I did have one
☐ I do not have a disability, but the organization treats me as if I am disabled

11. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.)? If so, how does this disability affect you?

12. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

☐ Yes ☐ No

a. If yes, what medication, medical equipment or other assistance do you use?

13. Did you ask the organization for any changes or assistance to the establishment because of your disability? ☐ Yes ☐ No

a. If yes, please state when you asked, how you asked, who you asked, what changes or assistance you requested and how the organization responded to your request.

Date	Verbal or Written Request?	Name/Title of Person(s) Asked	Changes or Assistance Requested	Organization Response

14. Are there any witnesses to the alleged discriminatory incidents? ☐ Yes ☐ No

a. If yes, please identify them below and describe what they will say. (Please attach additional pages if needed.)

Full Name	Address & Phone Number	What This Person Will Say

15. Are there any documents about the alleged discriminatory incidents? ☐ Yes ☐ No

a. If yes, please identify them below and indicate from whom we might obtain them.

Document	Source of Document

16. Have you filed a complaint on this matter with the City of Dover Human Relations Commission or another agency?

☐ Yes ☐ No

If yes, please indicate the agency and date of filing:

Agency	Date of Complaint(s)
☐ Dover Human Relations Commission	
☐ Other (explain):	

17. Have you sought help about this situation from an attorney, or any other source? ☐ Yes ☐ No

a. If yes, please provide the name of the organization, the name of person you spoke with, the date of contact, and results, if any.

Organization	Person You Spoke With	Date of Contact	Results

18. If we cannot reach you directly, is there someone we can contact to help us reach you?

First Name		Last Name
Street Address (Include Apartment or Unit #)		City
State	Zip Code	Email Address (if available)
Home Phone		Other Phone
Relationship to You		

19. Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a discrimination complaint, you must do so within 300 days from the day you knew about the discrimination. If you do not file a complaint within the time limits, you will lose your rights. If you would like more information before filing a complaint or you have concerns about DHRC's notifying the organization about your complaint, you may wish to check Box 1. If you want to file a complaint, check Box 2.

BOX 1 ☐ I want to talk to a DHRC employee before deciding whether to file a complaint. I understand that by checking this box, I have not filed a complaint with the DHRC. **I also understand that I could lose my rights if I do not file a complaint in time.**

BOX 2 ☐ I want to file a complaint of discrimination, and I authorize the DHRC to look into the discrimination I described above. I understand that **the DHRC must give the organization that I accuse of discrimination information about the complaint, including my name.** I also understand that the DHRC can only accept complaints of public accommodations discrimination based on ancestry, color, disability, domestic and sexual violence, ethnicity, familial status, gender identity, marital status, national origin, race, religion, retaliation for prior discrimination complaint, sex or sexual orientation.

20. If you checked Box 2 above, what would you like to have happen in response to your complaint?

(Ex. use of the establishment, receipt of service requested, guarantee of no future discrimination)

I declare under penalty of perjury that all of the information that I have provided on this form is true, correct, and complete to the best of my knowledge. I acknowledge that false statements on this form are punishable under state law, **11 DE. C 1953. § 1233 (unsworn falsification to authorities).**?

Signature

Today's Date