LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on January 11, 2016, at 6:00 p.m. with Chairman Hare presiding. Members present were Mr. Cole, Mr. Sudler, and Mr. Shevock. Ms. Maucher was absent. Members of Council present were Mr. Anderson, Mr. Hosfelt, Mr. Hutchison, and Mr. Slavin. Mayor Christiansen was also present.

AGENDA ADDITIONS/DELETIONS

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

City of Dover Proposal for Usage of Bank Settlement Funds for Public Safety

Police Chief Paul Bernat advised members that last month the Police Department received $579,569 from bank settlement funds from the State Joint Finance Committee. He indicated that the Police Department was requesting to spend $105,569 of these funds to continue the Police Cadet Program until June 15, 2017, noting that the program was currently slated to end on February 15, 2015. Chief Bernat stated that $275,000 would be expended for overtime for uniformed foot patrols for one (1) year, which would allow for 4,800 hours of extra foot patrols at an average overtime rate of $57.19, including Social Security, Medicare, and Workers' Compensation. He indicated that this would provide for two (2), two (2) man units to walk for four (4) hours, five (5) days per week for 52 weeks, leaving an extra 640 hours that could be used for officers to do community and special events. Chief Bernat stated that $170,000 would be spent on 14 additional downtown monitoring cameras and upgrades to enhance the camera monitoring system. He advised that $25,000 would be spent on building trust in the community through hosting community events such as basketball tournaments and movies at the Dover Police Department, which may include funds for music and food, DJ's, t-shirts, and supporting the police in the community. Chief Bernat indicated that the Department was able to secure an additional $4,000 to fix the basketball court lights at South Kirkwood and Division Streets, which would be set on a timer so that they would turn off, most likely at 10:00 p.m.

Staff recommended approval of the grant project as requested.

In regard to scheduling of the extra duty foot patrols, Mr. Shevock questioned if officers' schedules would overlap and if two (2) officers would work for five (5) days and the other two (2) would cover the weekend and the next three (3) days. Responding, Chief Bernat explained that the Department's Accreditation/Crime Analyst was currently using crime mapping to find hot spot locations and times, noting that these times were changing on a weekly basis. He indicated that the schedule may involve two (2) days in one (1) week and three (3) in another.

Responding to Mr. Sudler as to whether additional cadets would be obtained, Chief Bernat stated that there were currently nine (9) cadets, three (3) at the Dover Public Library that were being funded through the Library, and six (6) working throughout the City that would be maintained through these grant funds. He indicated that these funds would cover all cadet costs, except for the costs at the Library, noting that the City had not paid a penny for the Library cadets which were funded through grants.

In response to Mr. Sudler regarding whether expanding the Cadet Program had been considered, Chief Bernat indicated that the Department was happy with the existing program; however, if there were extra funds available in the future, this would be considered.

Mr. Sudler expressed his opinion that the cadets were doing a great job.

Mr. Anderson congratulated Chief Bernat and Mayor Christiansen on seizing the initiative to make sure that some of the money that was stolen from the community by ill-gotten banking practices was coming back to the community in a way that would benefit it, and he expressed his thanks.

Mayor Christiansen informed members that Senator Brian Bushweller was also very influential in helping Chief Bernat and him to put together a package that was marketable to the Joint Finance Committee. Mayor Christiansen stated that the City had a Class A presentation when members of the Joint Finance Committee asked what the City's intentions and purposes were for the expenditure of these monies, and the City of Wilmington chose not to even show up.

Chief Bernat mentioned that Attorney General Matt Denn played a large part in requesting these funds for Dover and for Wilmington.

Mr. Sudler moved to recommend approval of the grant project as requested, seconded by Mr. Cole and unanimously carried. (*Due to time constraints, this matter has been placed on the Council agenda for the meeting being held later in the evening.*)

Proposed Ordinance #2016-01 Amending Appendix B - Zoning, Article 3 - District Regulations, Section 1 - One-Family Residence Zones [(R-20, R-15, R-10, R-8 and R-7)], Subsection 1.1 - Uses Permitted, Subsection 1.15 - Accessory Uses, Limited to the Following:, Paragraph (d) - Keeping Domestic Animals

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that there had been complaints from constituents about chickens in residential neighborhoods and the associated odors and nuisance that they create for neighboring properties. She was requested by members of Council to draft an ordinance that would restrict the keeping of chickens in residential zones. Mrs. Townshend indicated that the ordinance would allow approximately one (1) year, until March 2017, to come into compliance. She advised members that the proposed ordinance would amend the Zoning Ordinance; therefore, it would be referred to the Planning Commission, which would make a recommendation to City Council following a public hearing.

In response to Mr. Sudler, Mrs. Townshend indicated that the complaints had been received from the southern end of the City; however, she noted that the Zoning Ordinance must be consistent across all areas.

Responding to Mr. Shevock regarding animals that would be included, Mrs. Townshend indicated that the ordinance stated fowl, which would include turkeys, ducks, and other types of birds.

Noting that dogs were currently included in the ordinance, Mr. Shevock questioned if cats were addressed. Responding, Mrs. Townshend stated that the number of cats was not regulated, noting

that a draft amendment was brought forward several years ago that would have addressed both chickens and cats, but it did not move forward. Mrs. Townshend informed members that the scope of what she was asked to prepare did not include cats.

Mr. Anderson asked whether birds that are kept inside, such as parakeets and canaries, would be covered. Responding, Mrs. Townshend stated that a definition for fowl had not been drafted and staff was in the process of developing an amendment to the full definitions article; however, she stated that staff could amend this ordinance to include a definition.

Mr. Anderson stated that this ordinance concerned him for a lot of reasons. He indicated that the proposed amendment may not be a problem for homeowners, since it might not be known if they have fowl; however, it would matter to individuals who rent, since they are subject to rental inspections. Mr. Anderson also expressed concerns about those who are interested in organic eggs, particularly with the new movement toward healthier living and survival, and about the Asian community that would be affected by this amendment. He did not think the amendment was a good move, but at the very least he hoped it would be defined well enough to allow people to keep their canaries.

Mayor Christiansen indicated that a gentleman living on Queen Street several years ago had homing pigeons and requested that this be taken into consideration, noting that these birds were kept caged and were a hobby or sporting animal. He understood the concern about having chickens running around yards, but noted that these pigeons were caged and well maintained.

Mrs. Townshend, referring to the Merriam-Webster Dictionary, stated that a simple definition such as "a bird that is raised for food including chickens, turkeys, and ducks" could be added. She indicated that if the ordinance was referred to Council, staff could make sure this was included at the first reading.

Mr. Hare suggested that the ordinance could be changed to state "chickens, turkeys, and ducks." Responding, Mrs. Townshend stated that her concern was that anything omitted from the definition could cause problems, for example, she asked whether the definition should include emus. Mr. Hare felt that anything kept in the house, in a cage, as a pet would be exempt, and Mrs. Townshend reiterated that a definition could be provided if the ordinance was referred to Council for a first reading.

Mr. Sudler asked if the complaints were related to farmers or homeowners raising organic produce and if staff had reviewed environmental issues of air sanitation in regard to chicken coops. Responding, Mrs. Townshend indicated that the complaints were generated specifically in regard to chickens being kept on residential lots by neighbors of those keeping chickens, and the complaints were about odors.

Responding to Mr. Sudler as to whether code enforcement staff had gone to these homes to ask whether chickens were being sold or consumed, Mrs. Townshend indicated that staff had been to at least one (1) of the homes where there was a complaint but had not asked about what they were doing with the chickens. She noted that there was a growing movement of people who have

chickens that produce eggs, explaining that it would be one (1) thing if the chickens were kept on a one (1) or two (2) acre lot; however, some of these lots are less than a quarter of an acre and penned chickens can be very close to neighbors.

Mr. Sudler suggested, if fowl were allowed, that the language specify the distance between dwellings that would be permissible.

Mr. Hare stated that he used to live one (1) door down from someone with a mobile chicken coop that was moved to different locations on the property, and on warm days there was a smell. He indicated that last August he visited another location with two (2) inspectors, the smell was almost to the point of being nauseating, and the neighbor living behind the property could not sit out in her yard. Mr. Hare felt that a residential neighborhood was not for raising chickens. He felt that if there was a one (1) acre lot, restrictions could be placed, but with a lot that was not even a quarter acre with houses possibly 30 feet apart, the mosquitoes and smell could present problems. Mr. Hare questioned if members would want this next door to them.

Ms. Janet Sibbald, Crossgates, stated that there were chickens in a backyard in her neighborhood and people were complaining and concerned that this would continue to be popular if allowed. She stated that there were health concerns about the smell and stated her understanding that when chickens are present there can be more rats, mice, and other problems. Ms. Sibbald felt that those who want chickens can live in Kent County, where this is allowed because there are larger properties that are not encroaching on neighbors. She expressed the desire to keep the City of Dover clean and neat and have people want to come live here. Ms. Sibbald did not think a chicken coop next door would entice new people into the neighborhood.

Ms. Sandy Kinkus, 365 Fiddlers Green, agreed with Ms. Sibbald. Ms. Kinkus also questioned why the number of cats allowed could not be included in the ordinance. Responding, Mrs. Townshend stated that cats could be included; however, this was not in the scope of what was requested. She stated that when a request to limit the number of cats was brought forward several years ago, a limit of (5) was suggested. Ms. Kinkus felt that having five (5) indoor cats should be up to the homeowner, but she had recently heard of a situation where there were eight (8) cats that were running in the neighborhood. She believed this was more of an issue than dogs because dogs are usually on leashes and rarely run loose. Ms. Kinkus stated that it would have to be determined if it were house cats or outside cats; however, she felt that cats should be included while this ordinance was being considered.

Ms. Sibbald stated that there had been a problem with cats in her neighborhood, noting that the City had been dealing with a house on Blue Beach Drive since the 1990s. She stated that the City had to go in and clean this house and there were cats. Ms. Sibbald indicated that other areas in the City had problems with a lot of cats, noting that even indoor cats were getting out in the neighborhood. Although there was not currently a concern about too many cats in that particular house on Blue Beach Drive, it had been an ongoing, yearly expense for the City of Dover to attempt to keep the house presentable from the outside. Ms. Sibbald stated that the quantity of cats was a big problem. She was unsure how many cats would be acceptable, but she felt that a little more room was needed in neighborhoods the size of Crossgates, where residents live cheek by jowl.

Mr. Ed Hannigan, 344 Fiddlers Green, informed members that he lives next door to an existing problem where chickens are located. He indicated that he did not have an ax to grind with anybody but wanted to have a considerate neighbor. Mr. Hannigan questioned if members would want to buy his home if he were to sell it. He stated that he and Ms. Kinkus had lived in this neighborhood for more than 40 years and people had invested a lot in homes that they would not be able to get their money back if there were 20 chickens and goats next door.

Mr. Sudler moved that chicken coops in the City of Dover not be permissible due to air sanitation and environmental hazards and issues.

Mr. Cole questioned whether there would be a definition, noting that it would be an issue moving forward. Responding, Mr. Sudler stated that he was thinking about chickens at present, since this was the main concern brought forward, noting that other concerns could be presented. He indicated that he was familiar with the smell of chickens in his community, did not like it, and was speaking on behalf of chicken coops not being permissible in the City. Mr. Sudler agreed to a friendly amendment to include chickens, turkeys, ducks, etc.

Mrs. Townshend suggested that the motion be amended to endorse the draft ordinance and request that staff develop an amendment that defines fowl, as discussed, prior to the first reading.

Mr. Shevock questioned if there were goats on the property and Mrs. Townshend indicated that there were not goats present. She indicated that only domestic animals were permitted in residential zones and the problem was that the current code specifically allows up to 25 fowl. Mrs. Townshend explained that in most cases a chicken would not be considered a domestic animal, with domestic animal meaning a kind of pet; however, the current Code specifically allows fowl.

Ms. Sibbald questioned the provision that would allow the owner to keep fowl until March 15, 2017, stating this would be more than a year. She requested that the neighborhood not have to live through the summer with this problem, stating that the fowl could be out of there by June.

Mr. Hutchison suggested that residents be required to remove fowl three (3) months from the time the ordinance is passed.

Mr. Sudler stated that he was open to accepting an amendment to the motion. Responding, Mr. Hare stated that the motion was to amend the ordinance to include chickens, turkeys, ducks, and anything else staff feels would qualify and that residents be required to remove fowl within three (3) months from passage of the ordinance.

In response to Mr. Shevock, Mr. Sudler confirmed that the motion was to have staff redraft the ordinance and bring it back to the Committee.

Mr. Shevock seconded the motion.

Responding to Mr. Hare, Mrs. Townshend advised members that the requested amendments could be made prior to first reading.

Mr. Slavin clarified that the provision for compliance within 90 days of passage referred to passage by Council. He noted that after going through first and second reading of the ordinance, it would probably take effect no more than six (6) months from today but possibly before this.

The motion to recommend amending the ordinance to include chickens, turkeys, ducks, and anything else staff feels would qualify and that residents be required to remove fowl within three (3) months from passage of the ordinance was unanimously carried.

By unanimous consent, the meeting adjourned at 6:30 p.m.

William F. Hare
Chairman

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