REGULAR COUNCIL MEETING

The Regular Council Meeting was held on December 12, 2016 at 7:38 p.m. with Council President Slavin presiding. Council members present were Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Lewis, Mr. Cole, Mr. Hosfelt, and Mr. Hare. Mr. Hutchison was absent.

Council staff members present were Deputy Police Chief Mailey, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 7:48 p.m.).

OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Slavin declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Ms. Alysa Tosson, Dover, stated that she was present to talk about homelessness in Delaware. She stated that it was about change and chances, and that we need to help change our community. Ms. Tosson indicated that someone had given Council members a chance by voting for them and asked them to take a chance and help to change homelessness in Delaware. She indicated that not all homeless people are criminals, noting that she has two (2) jobs, works every day, and works and volunteers to help someone else. Ms. Tosson stated that God's purpose is for us to love one another and help someone else and asked members to take some time out, give the homeless a chance, and help them, noting that all they were asking for was a chance.

Mr. Steven Hall, Dover, advised members that he was standing there for five reasons: 1) the homeless were still here; 2) unfortunately they were not going anywhere; 3) there were still vacant buildings and houses in this city; 4) the homeless were not in any of them; and 5) if members were getting tired of hearing their cry, they should help the homeless and they would not have to hear it anymore. He indicated that he realized that Code Purple was available; however, Code Purple was like a band-aid and a temporary fix.

Ms. Kay Bailey, Kent County, stated that she was present because she found out that a group in town had not been informed about the noise ordinance and she was concerned. She advised that she had studied Arabic at the mosque in Washington, DC years ago, read the Quran, and knew the tenets of Islam, and that five (5) calls to prayer are usually broadcast. Ms. Bailey stated that she had called that day and found out that this group had not been notified about ordinances. She asked that they be notified of the noise ordinance, reiterating that calls to prayer are one (1) of the tenets of Islam.

Responding to Mr. Slavin regarding the address of the property, Ms. Bailey stated that she was referring to a new mosque being built near Target on John Hunn Brown Road.

Ms. Alexis Simms, Dover, stated that she was present to speak on behalf of the homeless and that it seemed that members did not know what to do to help them. She noted that Councilman Sudler not only owns but manages Mishoe Towers. Ms. Simms indicated that not every homeless person in this crowd was broke, noting that they have funds. She advised that Mayor Christiansen had stated in the paper that he had ended veteran homelessness; however, she stated that Mr. Eric Abernathy was a veteran who was also homeless. Ms. Simms stated that her third issue was

that two (2) weeks ago they were present at a Council meeting and were told that they could not clap, and noted that there was clapping for a game but they could not clap for a pastor who was helping the homeless and trying to keep them off the streets. She indicated that this was confusing and that she needed Council to help the homeless. Ms. Simms indicated that the old Dover library was still empty and that the homeless needed help.

Ms. Sue Harris stated her belief that members would not want her to talk about Code Purple and that she would not do so now; however, she explained that she was managing this site at People's Church for the next two weeks and invited members to come over, have dinner with them, take a shift, and work an overnight. Ms. Harris advised that it is hard to get volunteers to keep this going and that they are wonderful people. She stated that it would be wonderful to have members come spend some time at one of the Code Purple sites, serve and have dinner, and hang out if they had not done so. Ms. Harris stated that she was excited to hear about the blue ribbon commission that started a few months ago and it was nice to know that it was going to get rolling. She expressed her hope of seeing some familiar faces on the commission. Ms. Harris stated that both people who were newly involved and some who had been involved for many years would like to have a say.

Pastor Robert Appling, 2648 Sharon Hill Road, commended Council and the Mayor, noting that he had read an article in the paper that the Mayor was planning a council for the homeless in the City of Dover. He suggested that at least one (1) advocate for the homeless be placed on that committee because they know what is going on. Pastor Appling thanked everyone for what they had done to help; however, he stated that more help was needed. He stated that his wife had worked hours upon hours calling every facility in the State of Delaware to help a 25-year-old, young, black gentleman who weighed 661 lbs. Pastor Appling noted that most facilities would not handle anyone over 400 lbs; however, they finally found a place in Delmar and he had been there now for about 14 days, had lost 25 lbs., and was on a mental, physical, and emotional therapy program. Pastor Appling stated that this individual was tickled to be off the streets and to be getting some physical help. He reminded members that winter was just around the corner and would officially start in a week or so, and he expressed the need to help those who have no place to go.

Mr. Aaron Appling, Pastor at Victory Church, 2736 Forrest Avenue, thanked Council President Slavin for visiting them and sharing a bit of his story, noting that this was very encouraging to a lot of the guys who had been at their service and they were very appreciative. He advised that, as his father had stated, wintertime was coming, and he thought it crucial to look at some of the vacant buildings downtown for some sort of resource centers. Pastor Appling stated that his church brings out and feeds people seven (7) days per week at great expense and already does almost eight (8) hours per day of work with their volunteers. He indicated that it would be a great help to the church if they had some facility downtown. Pastor Appling stated his understanding that people were not wanted at the library and suggested having another facility downtown where they could provide resources eight (8) hours a day to bring people in and work with them, which he thought would result in a great change in people getting housed. Pastor Appling advised that they had already housed five (5) people with absolutely no resources, noting that it is hard to find affordable housing. He stated that even Councilman Anderson had worked on affordable housing and could not find it, noting that it is a really hard thing to do without resources.

Pastor Appling stated that they had been helping people with no money who come to them seven (7) days per week for almost a year now. He informed members that they had done this with no finances, and this had cost them a great deal, as a church and individuals, noting that people do not care about the finances when they love what they are doing. Pastor Appling advised that the public was definitely in support of them, that they had gotten 8,000 signatures in support of what they were doing in the City of Dover. He stated that they now had another 1,000 signatures and counting, as well as the attention of news media and others. Pastor Appling informed members that they were present as a group that was committed to help homeless people and people suffering in poverty, and that it would behoove Council to look at the body of work that had actually been done by their group, noting that he had turned in some information about their work. Pastor Appling advised that their group was made up of professionals who had worked in life. He stated that he has a bachelor's degree and had done mission work and built orphanages overseas, while the rest of the crew included people with master's degrees and those who had been very successful in the business world. Pastor Appling indicated that they were not just a misfit group but a talented group of people who have a heart to help the very people that are suffering in our City. He encouraged members to put on an agenda at some point in time what members could do to help facilitate the group doing a greater work that would help the City and the people at the same time.

Ms. Terri Staub, Dover, concurred with Pastor Appling's comments and stated that she was thrilled to hear about the blue ribbon commission and that talented minds were putting their talents to this subject. She stated that Pastor Appling was correct that they have a body of work that would save a lot of time if members would look at what had already been done. Ms. Staub stated that they are on the front lines and in the trenches, and were out at midnight, scooping people up off the street, hand feeding them when necessary, and hauling bedding down the street and into the churches every day so that these people have somewhere to go. She stated that having somewhere they could set up and have people come to them rather than having to go to each of them would be such a help. Ms. Staub encouraged members to be as quick as possible to come up with some sort of solution, noting that winter was coming. She advised that she takes her dog out in the middle of the night and, while standing on her back porch wrapped in a warm robe, she thinks that there is no way she could be out there for any given amount of time, yet too many people are being told that they have to stay on the street where this problem cannot be addressed. Ms. Staub asked members to do something, open a building, and give people a place to be. She stated that if this is done and it goes wrong, they could be shut down, but in the meantime some people will have had somewhere to go for a few nights, and if it works, all the better. Ms. Staub expressed appreciation for the Mayor's efforts and asked that the knowledge that they have be used, because the homeless are committees of one (1) and need to be a committee of many.

The invocation was given by Bishop Thomas L. Holsey, followed by the Pledge of Allegiance.

Mr. Slavin welcomed Mr. Anderson back from his recent deployment, thanked him for his service, and stated that Mr. Anderson had been sorely missed and members were glad to see him.

AGENDA ADDITIONS/DELETIONS

Council President Slavin requested the addition of a Presentation prior to agenda Item #2.

Mr. Hosfelt requested that agenda Item #3-A-4 - Council Committee of the Whole/Safety Advisory and Transportation Committee Report - Request for Four-Way Stop Sign - Wyoming Avenue and Westview Terrace be deleted from the agenda because it required more scrutiny and research on behalf of the Safety Advisory and Transportation Committee.

Mr. Lewis moved for approval of the agenda, as amended, seconded by Mr. Neil and unanimously carried.

Mr. Neil moved for approval of the Consent Agenda, seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Mr. Hutchison absent).

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF NOVEMBER 28, 2016

The Minutes of the Special Council Meeting of November 28, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Hosfelt and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF NOVEMBER 28, 2016

The Minutes of the Regular Council Meeting of November 28, 2016 were unanimously approved by motion of Mr. Neil, seconded by Mr. Hosfelt and bore the written approval of Mayor Christiansen.

CERTIFICATE OF APPRECIATION - COMCAST VIDEO PRODUCTION CREW

Mr. Slavin stated that this would be the last time that the Comcast crew would be working with the City to produce and televise Council meetings.

The City Clerk read the following Certificate of Appreciation into the record:

CERTIFICATE OF APPRECIATION

Presented to

Christopher R. Agar, Linea M. Cavallo, Ronald A. "PeeWee" Dagley, and Mark C. Kennedy

For contributing their talents and technical expertise to the City of Dover and for giving generously of their time to ensure that City Council proceedings were recorded and made available to the public. Their dedicated service has greatly benefitted the citizens of the City of Dover by providing them the opportunity to observe the deliberations of their elected officials. A strong democracy is dependent on an informed electorate, and their actions have helped to ensure that the operations of the City of Dover are conducted with transparency and full public oversight.

December 12, 2016

On behalf of the Mayor and Council, Mayor Christiansen and Council President Slavin presented Mr. Christopher R. Agar, Linea M. Cavallo, Ronald A. "PeeWee" Dagley, and Mark C. Kennedy with a Certificate of Appreciation, a City of Dover pin, and a City of Dover coin in appreciation of their service. Mr. Dagley was also presented with a Dover Cup in recognition of his 31 years of service.

Mr. Dagley expressed thanks for the recognition, stating that it had been a pleasure to serve. He advised that, in his 31 years of service to the City, he had gotten to learn the ins and outs of how things work, instead of sitting home complaining about taxes going up and why a street light is not on. Mr. Dagley stated that, through the years, the young people he works with had also gotten to be a part of the Comcast/City of Dover family and to see how and why members are elected for the great jobs that they do. He advised that he was about to venture off into the sunset or moonlight, and stated that it had been an honor knowing everyone, noting that he was not leaving the people but leaving the job.

REZONING REQUEST - PUBLIC HEARING/FINAL READING OF PROPOSED ORDINANCE #2016-23

A public hearing was duly advertised for this time and place to consider the rezoning of property located on the west side of South Bradford Street, south of Waples Avenue and to the rear of 911 South Governors Avenue, consisting of 0.32+/- acres, owned by Capital Grange No. 18, Inc. The property is currently zoned R-8 (One-Family Residence) and the proposed zoning is RG-1 (General Residence) (Tax Parcel: ED-05-077.17-03-15.00-000; Planning References: Z-16-06 and MI-16-13; Council District: 2)

Mr. Neil moved that the Final Reading of Proposed Ordinance #2016-23 be acknowledged by title only, seconded by Mr. Cole and unanimously carried. *(The First Reading of the ordinance was accomplished during the Council Meeting of October 24, 2016.)*

Planner's Review

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the petition to amend the zoning district and the findings and recommendations of the Planning Commission. She stated that the rezoning was related to the clean-up of non-conforming uses, and the property was a parking lot on South Bradford Street that serves the Grange building on South Governors Avenue. Mrs. Townshend explained that the proposal would rezoning this property from R8, One-Family Residence Zone, which does not allow parking lots, to RG-1, General Residence Zone, which does allow parking lots. Mrs. Townshend noted that the request was reviewed by the Planning Commission and no members of the public spoke either in favor or opposition to the proposed rezoning at that time. She advised that the Planning Commission unanimously recommended approval of the rezoning request.

Mr. Sudler asked if staff had heard any response from the church's representatives or anyone from the community. Responding, Mrs. Townshend stated that there had been no response, noting that there would be a public hearing that evening, which would be another opportunity for public comment.

Public Hearing
Council President Slavin declared the public hearing open.

Ms. Iva Hazlett, Treasurer, Capital Grange, stated that she and Mr. Ed Hazlett, Master, Capital Grange, were hoping that everything would be passed for the parking lot as they had been there since 1953 and had utilized the property as a parking lot since then. She advised that it would not cause any change in the area for any of the residents. Ms. Hazlett indicated that they always make sure that there are no functions that go past 11:00 p.m., so there would not be any problem with the residents in the area.

There being no one else present wishing to speak, Council President Slavin declared the hearing closed.

Mr. Hare moved for approval of the rezoning request, as recommended by the Planning Commission. The motion was seconded by Mr. Neil and, by a unanimous roll call vote (Mr. Hutchison absent), Council adopted Ordinance #2016-23, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED ON THE WEST SIDE OF SOUTH BRADFORD STREET

WHEREAS, the City of Dover has enacted a zoning ordinance regulating the use of property within the limits of the City of Dover; and

WHEREAS, it is deemed in the best interest of zoning and planning to change the permitted use of property described below from R-8 (One-Family Residence Zone) to RG-1 (General Residence Zone).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

1. That from and after the passage and approval of this ordinance the Zoning Map and Zoning Ordinance of the City of Dover have been amended by changing the zoning designation from R-8 (One-Family Residence Zone) to RG-1 (General Residence Zone) on that property located on the west side of South Bradford Street, south of Waples Avenue and to the rear of 911 South Governors Avenue, consisting of $0.32^{+/-}$ acres, owned by Capital Grange No. 18, Inc.
   (Tax Parcel: ED-05-077.17-03-15.00-000; Planning References: Z-16-06 and MI-16-13; Council District: 2)

ADOPTED: DECEMBER 12, 2016

COUNCIL COMMITTEE OF THE WHOLE REPORT - NOVEMBER 29, 2016
The Council Committee of the Whole Meeting was held on November 29, 2016 at 6:00 p.m., with Mr. Hare (departed at 7:27 and returned at 7:30 p.m.) presiding in the absence of Council President Slavin. Members of Council present were Mr. Sudler

(departed at 7:30 p.m.), Mr. Neil, Mr. Cole, Mr. Hosfelt, and Mr. Hutchison. Mr. Anderson and Mr. Lewis were absent. Mayor Christiansen (departed at 7:19 p.m. and returned at 7:20 p.m.) was also present. Civilian members present for their Committee meetings were Mr. Keller and Mr. Shelton *(Safety Advisory and Transportation)*, Ms. Arndt and Mr. Blakeman (*Utility*), and Dr. Stewart (*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 Councilman Hosfelt presiding.

Briefing on State Street and Scull Terrace Crossing

Mr. Mark Luszcz, Chief Traffic Engineer, Delaware Department of Transportation (DelDOT) advised members that there had been concerns about pedestrian safety on State Street at the Bayhealth Hospital and Scull Terrace intersection, noting that DelDOT had been looking at that intersection for a while. He stated that various upgrades had been proposed, and there had been various projects and Bayhealth improvements over the years. Mr. Luszcz stated that the current proposal being discussed with City staff and Bayhealth would involve installing a median refuge island on South State Street and a new type of beacon called a rectangular flash beacon. He advised that he had not brought any kind of audio-visual; however, anyone who was interested could look up this term on YouTube. Mr. Luszcz indicated that this is a different type of beacon with a stutter flash rate like that of a construction or police vehicle. He noted that research was tending to show that a stutter flash gets more motorist attention and leads to much higher yielding rates than a steady flash.

Mr. Luszcz advised that DelDOT has two (2) rectangular flash beacons in northern Delaware, one (1) on Polly Drummond Hill Road at the Judge Morris Estate and one (1) in Dobbinsville in the City of New Castle. He noted that these were the first two (2) beacons of this type and DelDOT had started installing them this past spring. Mr. Luszcz stated that DelDOT had been working with their Division of Planning as well as the Metropolitan Planning Organization (MPO) on finding lists of locations to install these type of beacons. He indicated that this location on South State Street was already on their list, noting that there had been some pedestrian crashes in this area and some concerns from City staff and local legislators.

Mr. Luszcz provided a photo of the location of the beacon in Dobbinsville, New Castle, Delaware, explaining that this setting was different than the location on South State Street; however, the photo would give members an idea of what the beacon would look like. He pointed out the center median island and noted that the flashing of the beacon could not be seen in the photo. Mr. Luszcz also provided members with a copy of the draft RRFB Signal Plan for South State Street at Bayhealth Kent General. He explained that the left turn lane would be eliminated going into the

hospital, noting that the hospital had not had an issue with that and was in support of this project, after meeting with DelDOT several times and exchanging emails. Mr. Luszcz advised that DelDOT would have to have a right-of-way agreement with Bayhealth because the beacon would be slightly on their property, and he stated that he believed that they would be willing to donate or give DelDOT an easement without an issue.

Mr. Luszcz stated that the result would look more or less like the photo provided, and the lanes would be narrowed down to 10 feet, which is appropriate for a City setting. He indicated that the pedestrian refuge island is a great counter-measure that gives pedestrians a chance to check one direction of traffic, find a gap, take a breath, and then check the other direction of traffic and finish their crossing. Mr. Luszcz explained that the proposed measure would be much less disruptive to traffic flow than installing some kind of a traffic signal, noting that this intersection did not meet any of DelDOT's criteria for a full traffic signal. He stated that this was a semi-final plan for this location.

Mr. Hosfelt asked if the proposed plan would be a traffic calming measure or a pedestrian control device. Responding, Mr. Luszcz stated that its primary function would be a pedestrian safety feature; however, it was expected to have some traffic calming influence as well.

Responding to Mr. Hutchison regarding the expense, Mr. Luszcz advised that the cost of the beacon would range significantly depending on things like whether it was solar or hard-wire powered. He indicated that the island would be the more expensive part and would probably be in the $100,000 to $150,000 range.

In response to Mr. Hutchison regarding maintenance, Mr. Luszcz stated that the beacon should not require any more or less maintenance than a regular beacon system and would be owned and maintained by DelDOT. He noted that the main cost would be the initial cost, and the bulk of that would be the concrete in the island. Mr. Luszcz advised that the beacon and its assembly could range anywhere from $10,000 to $25,000 depending on the variables that go into it.

Mr. Hutchison asked if this device was being considered for locations other than the one being discussed. Responding, Mr. Luszcz explained that two (2) other devices had already been installed and DelDOT had a list of approximately 15 other locations in planning or design. He indicated that he would provide members with a copy of the list of locations. Mayor Christiansen asked if the City could also have a copy of the email from Bayhealth supporting the proposal, and Mr. Luszcz stated that this would not be a problem. *(City Clerk's Office Note: Subsequent to the meeting, DelDOT provided a list of locations, entitled "RRFB Study - Proposed Locations," as well as an email dated October 13, 2016 from Mr. Jerry Peters, Director, Health Campus Project, Bayhealth Medical Center, regarding Bayhealth S. State St. Traffic Signal, Nemours example, and an email dated November 21, 2016 from*

Mr. Andy Strouse, Construction Manager, Facilities Planning & Construction, regarding Bayhealth State Street crosswalk (as on file in the City Clerk's Office).)

Mayor Christiansen stated that he thought it would also behoove the City to have the support of Holy Cross, because they share the driveway access and egress jointly. Responding, Mr. Luszcz advised that his designer had planned to attend this evening's meeting to assist him; however, he was unable to attend due to a family medical emergency. Mr. Luszcz stated that he had not personally talked to the school and was unsure if they had met with DelDOT; however, he noted that the school had been copied on emails. Mr. Luszcz indicated that he agreed about the need to make sure that Holy Cross was in the loop on this project; however, he did not think a right-of-way access agreement was needed with them.

Request for Waiver - Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 17 - Emergency Access Requirements - Waiver of Emergency Rear Access Requirement for the Redevelopment of Liberty Court Apartments (Application S-16-22)

Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that the Request for Waiver of Emergency Rear Access Requirement was related to a site development plan application that was reviewed by the Planning Commission on November 21, 2016. She advised that Liberty Court, located on the north side of Walker Road opposite Independence Boulevard, was currently undergoing a redevelopment that was being undertaken by the Delaware State Housing Authority (DSHA). Mrs. Townshend noted that representatives from DSHA were present to answer questions.

Mrs. Townshend stated that there were currently14 apartment buildings with a total of 108 units, and under the redevelopment plan there would be 13 apartment buildings with a total of 100 units. Referring to the site development plans for the property known as Liberty Court Apartments, she indicated that the layout of Liberty Court would not change and they would take down the existing buildings and construct in the same building locations with one less building.

Mrs. Townshend advised that the Zoning Ordinance requires an 18-foot fire lane to provide emergency rear access for two- or three-story apartment buildings and gives City Council the authority to waive that requirement. She noted that this requirement had been waived in the past for a number of apartment projects. Mrs. Townshend stated that this was a dated section of the Code, noting that staff was currently reviewing the supplementary regulations and planning to bring updates forward in the future. Mrs. Townshend indicated that this section of the Code was adopted before the current regulations at the State level and the City's adoption of the National Fire Protection Association (NFPA) National Fire Codes, which provide a higher level of protection.

Mrs. Townshend noted that the request was considered by the Development Advisory Committee (DAC); therefore, distribution was made to both the Fire Marshal's

Office and the Fire Department and no objections were received. Mrs. Townshend stated that all of the buildings would be fully sprinklered, which is the best way of protecting from fire, and there is adequate fire lane coverage. She advised that the project meets all of the State fire prevention regulation requirements, as well as the City's adopted NFPA requirements, but it does not meet the zoning provision regarding emergency rear access. Mrs. Townshend indicated that the apartments that are currently there do not meet this zoning provision either; however, she explained that the proposed buildings would be newer and safer because they will be fully sprinklered.

The Planning Commission recommended approval of the waiver for the elimination of the emergency rear access. Pursuant to Appendix B - Zoning, Article 5, Section 17.5(a) of the Dover Code, the Planning Commission recommended approval of the waiver for the elimination of the emergency rear access requirement for an 18-foot secondary fire lane.

Mr. Sudler stated that he had heard that there were no objections but asked if there were any concerns. Responding, Mrs. Townshend advised that there were not.

Mr. Neil asked if the existing buildings had fire suppression, noting that the proposed project included sprinklers and alarms. Responding, Mrs. Townshend stated that she did not believe that they did. She stated her belief that the existing buildings were built in1989 or 1990 and do not have a fire suppression system; therefore, the proposed apartments would be safer than the existing apartments.

Responding to Mr. Shelton, Mrs. Townshend explained that the current building layout was 14 buildings with 108 units and the proposed redevelopment would have one (1) less building, with 13 buildings and 100 units. Mr. Shelton asked if the people currently living in the apartments would have to move out and find someplace else. In response, Mrs. Townshend indicated that the DSHA has a plan for how the project will be phased so as not to displace people.

Mr. Sudler asked if a suppression system was required by the Code in 1989. Responding, Mrs. Townshend stated that she did not believe it was required in 1989; however, she noted that Mayor Christiansen had more background on the history. Mayor Christiansen advised that, to his recollection, each of the buildings was constructed just under the square footage required to have fire suppression by the Code at that time, and this was done as a cost-saving measure. Mr. Sudler noted that his 25-unit building was constructed in 1987 and was required to have a suppression system. Mayor Christiansen stated that these buildings were constructed prior to 1989. Ms. Emily Lanter, Building Support Systems Engineer, DSHA, advised that a rehab was done in 1991.

Mrs. Townshend reiterated that the redeveloped Liberty Court Apartments would have fewer units per building and noted that NFPA requirements had changed significantly in the past 25 years.

Mayor Christiansen asked if the Fire Department had memorialized their position on the project. Responding, Mrs. Townshend advised that the Fire Department received the distribution regarding the project and did not submit any comments through the DAC process.

Mayor Christiansen asked if the Fire Department actively sends representatives to DAC meetings. In response, Mrs. Townshend stated that the Fire Department sends a representative on occasion; however, most frequently they reach out to the Fire Marshal's Office and work with that office to include comments throughout review if they have concerns about a plan. Mayor Christiansen expressed his hope that the Fire Department would sign off on this as staff moves forward in the process so that it does not come back to haunt the City in the future. Responding, Mrs. Townshend stated that staff had asked in the past and all staff can do is distribute the information and allow the Fire Department to offer comments.

Responding to Mr. Hosfelt, Mrs. Townshend stated that the Fire Marshal's Office was in support of the request. She noted that the Fire Marshal's report was included in the DAC Application Review Commentary.

The Committee recommended approval of the waiver for the elimination of the emergency rear access requirement for an 18-foot secondary fire lane, as recommended by the Planning Commission.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Mr. Hutchison absent).

Briefing on Violent Crime Within the City

Mr. Hosfelt informed members that he had asked for a Briefing on Violent Crime Within the City as he thought it would be important for members to know what is going on in the City. He stated that members had all seen news releases; however, many times there are underlying factors and he thought it important for everyone to be aware. Mr. Hosfelt noted that an annual report would be done; however, that would not be for another four (4) months.

Captain David Spicer, Operations Division Commander, Dover Police Department, reviewed statistics on burglaries, robberies, and shootings for 2016. In regard to shootings, he stated that there were 36 shootings this year, noting that at this time in November of 2015 there had been 36 shootings and a total of 39 at the end of 2015.

Captain Spicer reviewed the "2016 Gun Log Thru November 4, 2016," noting that 96 guns had been seized throughout the City of Dover. He advised that one (1) additional handgun was seized earlier in the day in connection with a burglary, noting that 20 handguns and rifles were taken during that burglary. Captain Spicer reviewed a graph entitled "Types of Guns Recovered, January 1, 2016 - November 4, 2016." Referring to a graph entitled "Grid Locations", he explained that it depicted the locations from which guns were seized, and correlated with the grid map.

Captain Spicer advised that 17 guns were seized from the 200 District in the northeast part of the City; 14 guns were seized from the 400 District in the southeast part of the City; 24 guns were seized from the 600 District, which is located primarily downtown around the Police Department area, Division Street, South New Street, Queen Street, etc.; 24 guns were seized from the 800 District north of Division Street, New Street, Queen Street, Kirkwood Street, and the Hamlet area; and 17 guns were seized from outside the City. He stated that a task force agent had been assigned from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) who is responsible for the seizure of guns outside the City. Captain Spicer reviewed a graph entitled "Dispositions," explaining that he physically went through and checked the status of each case listed to determine if the case was still pending or if the suspect was found guilty or pled guilty, etc. He noted that 46 of the cases were still pending, explaining that it takes some time to get through the court system and find a resolution.

Referring to a report entitled "City of Dover Violent Crime, Weapon Violations and Overdoses - January 2014 to October 2016", Captain Spicer reviewed Violent Crime statistics. He informed members that there had been only one (1) murder in 2016, noting that there were two (2) homicides; however, one (1) was reported as manslaughter, which is not reported as a homicide. Captain Spicer advised that there were approximately 56 robberies to date and the trend indicated approximately 61 for the year. In regard to Weapon Violations Per Capita (Dover, Newark and Wilmington), he noted that the City of Dover had approximately 2.1 weapons violations per 1,000 residents for 2016, which was approximately double what Newark was experiencing and half of what Wilmington was experiencing.

Captain Spicer reviewed the statistics regarding Heroin Overdoses, noting that seizures, people being treated at the hospital, and those dying as a result of overdoses are heard of quite a bit. He stated that there had been a recent death; therefore, there were five (5) deaths so far this year and heroin was definitely affecting the City's population.

Captain Spicer reviewed the things that the Department was doing to prevent violent crime, noting that the Drug, Vice, and Organized Crime (DVOC) and Street Crimes Units were working informants throughout the City and obtaining valuable information to seize guns and drugs and removing them from the City's streets. He noted that the Street Crimes Unit had been responsible for many of the gun seizures, was very proactive, and was getting guns off the street just about every day. Captain Spicer spoke highly of the camera system which had proven to be very effective, and expressed the hope that the Department could get more cameras in the future. He advised that they were focusing their efforts in drug-infested areas, noting that downtown, New Street and South New Street seem to be a problem, and the Capital Green area is always a problem, and these areas are where a lot of shootings and drug activity are associated. Captain Spicer stated that there had been two (2) daytime shootings in the past week and officers were doing their best to contact witnesses and work victims; however, they often get little cooperation in shooting

investigations. He stated that the Community Policing Unit was bringing valuable information back from housing managers and giving it to the right people and units, and the Department was acting on it.

Mr. Sudler asked if the majority of shootings occurring in the City, especially downtown, were due to disputes among people or due to gang activity. Responding, Captain Spicer indicated that it was probably a combination of both. He stated that he heard that the shooting that occurred the previous evening was due to a disagreement between two (2) rival gangs. Mr. Sudler questioned if the name of these alleged gangs was known. He asked if it was the Bloods, noting that he had held a gang forum and they were identified as being here, or if it was First 48, or if there was another new gang. Responding, Captain Spicer stated that he did not know the name of the gangs and the information that was given to him earlier in the afternoon was that it was the East Side against the West Side. He indicated that he was unaware of any other new gangs that were associated. Captain Spicer explained that the Department has a gang intelligence officer and had developed other liaison officers who are on patrol and report to the gang intelligence officer, so information is being shared between the Patrol and Criminal Investigations Units to develop and identify many suspects associated with gangs.

Mr. Sudler asked if the Department was making a lot of arrests in regard to gang members. Responding, Captain Spicer advised that he could confidently state that the Department was making a lot of arrests. He indicated that it is usually gang members that are toting guns and being arrested, and a lot of them are repeat offenders who are also selling drugs or doing some shooting. Captain Spicer stated that the Department frequently sees the same repeat offenders; however, he thought the Department was making a difference.

Mr. Hutchison stated that Captain Spicer could be very proud of what the Dover Police Department does every day, noting that he sees more and more guns being taken off the street. He asked what the Department's relationship is with the Attorney General's Office on the prosecution end, noting that he sees too many cases involving guns with gun charges being dismissed. He questioned if the Department was trying to establish a better working relationship with the Attorney General. In response, Captain Spicer stated that he serves as the court liaison and periodically calls the Attorney General's Office and has conversations with numerous Deputy Attorney Generals. He noted that deals are unfortunately struck for various reasons, as Mr. Hutchison knew, having previously served as Police Chief and having many years in law enforcement. Captain Spicer stated that sometimes gun charges and convictions that officers hope will stick instead fall through. He noted that this is very frustrating to law enforcement officers who are putting their lives on the line and going out and seizing weapons. Captain Spicer advised that they could only hope that there is movement in the right direction and that the Attorney General's Office takes a hard stance on gun violence and possession, noting that otherwise the police are fighting a losing battle. He stated that the Department needs the support of the Attorney General's Office and would continue their conversations with them.

Captain Spicer indicated that in cases where they have a violent offender that needs the extra attention or conviction, the Attorney General's Office tends to listen to the Dover Police Department and their recommendations.

Mr. Hutchison stated that in many cases there would probably be a five-year mandatory jail sentence for gun violations; however, he thought that Delaware law enforcement as a whole needed to step up and work with the Attorney General's Office and share their serious concerns. He stated that gun violence in the City and throughout Delaware continued to be an outrage. Mr. Hutchison indicated that the Dover Police Department does a great job; however, they cannot keep fighting the violence and arresting the same people.

Mr. Neil asked what happens to the weapons when there is a nolle pros and the case is not going to be prosecuted. He questioned whether the weapons are then taken off the street or if they go back to the individual. Responding, Captain Spicer explained that guns are seized unless they are legally possessed; however, most of the time they are stolen or illegally possessed and they may have obliterated serial numbers. He stated that guns are held until the case is adjudicated, whether it is nolle prossed or the individual pleads guilty, and then the guns are destroyed by being melted down by the Dover Police Department.

Mr. Hosfelt asked if the Dover Police Department was using Narcan for heroin overdoses. Responding, Captain Spicer advised that eight (8) officers had been trained to use Narcan or some form of it, noting that he thought there was another such drug. However, he stated that there had just been a recall for that product and he believed that what the Department had in supply was returned to the medical examiner's office. Captain Spicer advised that the drug was not being dispersed properly, through no fault of the Police Department, and the State was in the process of trying to get this fixed. He informed members that there had been several saves as a result of this drug. Captain Spicer expressed his hoped that at some point there would be enough of this drug for every officer to carry it, noting that it was probably just a matter of time before an officer would save somebody's life as a result of an overdose.

Mr. Hosfelt asked if Narcan, or the similar drug, is purchased or obtained through grants. In response, Captain Spicer advised that, so far, the State had supplied the drug to the Police Department.

Mr. Keller asked if the weapons that officers confiscate included realistic pellet guns, etc. Responding, Captain Spicer stated that he had been speaking of actual, real, working guns and did not count pellet guns. He explained that he had been a detective for over 11 years and approximately half of the robberies that he handled involved real guns and half pellet guns, noting that today they can be doctored up and they all look real. Captain Spicer estimated that pellet or BB guns are used in about half of the crimes.

Mr. Keller recalled from a previous report that a nucleus of approximately 100 individuals were repeat offenders. Responding, Captain Spicer offered to look into this and report back at a later date.

Mr. Shelton asked if the gang activity referred to included school-aged individuals and what the average age was. In response, Captain Spicer advised that gang members range from 12 or 13 years of age up to the late twenties, and sometimes older. He noted that sometimes gang members eventually escape gangs in their adulthood, but sometimes they stay in the gangs until they are arrested or put away. Captain Spicer indicated that the Department had seen some very young and some middle-aged gang members who could not get out of gangs.

Mr. Shelton asked if gangs had been seen in Dover High School or if there was a relationship there. Responding, Captain Spicer stated that he had a recent conversation with the School Resource Officer and some of the First 48 gang members that attended that school had been removed. He indicated that the atmosphere and climate there for students was much better this year and he did not believe there had been any incidents at all. Mr. Shelton advised that a friend of his at Dover High had told him the previous day that after Christmas last year and a whole group of gang members had been removed from his classroom, so it seemed that something was being done to help the situation.

Mayor Christiansen stated that the Dover Police Department was addressing the gang issue through the Gang Resistance Education And Training (GREAT) Program, which tries to capture middle school aged students before they get involved in gangs. He explained that, in addition to the Narcan program, the Angel Program was instituted earlier this year and was beginning to change the focus of drug addiction. Mayor Christiansen advised that, through the Angel Program, individuals have the opportunity to turn themselves in to the Dover Police Department, not for adjudication or arrest, but for treatment. He stated that this, along with other programs, had actively taken people off the street and would ultimately be the solution to the problem.

Responding to Mr. Keller's previous question regarding repeat offenders, Mayor Christiansen noted that he is a member of the Council on Police Training (COPT), appointed by the Governor, and the most recent figure provided in a report to its members last spring was that 70% of those taken off the street are repeat offenders. Mayor Christiansen stated that there is a tepid attitude in the Attorney General's Office, noting that he was not being critical because he thought they were understaffed and had to do what they had to do. He indicated that this results in a lot of these people being turned around and back on the street.

In response to Mr. Hosfelt, Captain Spicer reiterated that there were 36 shootings and two (2) homicides this year. He noted that one (1) of the homicide cases was a home invasion case in the area of Loockerman and Queen Streets where a roommate accidentally shot another roommate, so it was not coded as a homicide but was more

of a manslaughter case. Captain Spicer advised that the other homicide case was in Capital Green.

Mr. Hosfelt noted that the frightening part was that the 36 shootings could have been 36 homicides if someone had shot better.

Request for Four-Way Stop Sign - Wyoming Avenue and Westview Terrace

During the Council Committee of the Whole/Legislative, Finance, and Administration Committee meeting of September 27, 2016, members considered a Request for a Four-Way Stop Sign - Wyoming Avenue and Westview Terrace and deferred the whole matter for one (1) month pending the completion of the flashing lights to better collect the information for the speed determination.

Mr. Scott Koenig, City Manager, advised that the Dover Police Department conducted an additional speed survey from October 17, 2016 through October 24, 2016, as requested. He stated that this speed survey was completed after speed monitoring signs were repaired and placed back into operational status. Mr. Koenig indicated that the October survey recorded 20,566 vehicles, 2,124 of which were over the 15 miles per hour (m.p.h.) stopping threshold. He stated that the average speed during this survey was 29.3 m.p.h. Mr. Koenig advised that the original survey had an average speed of 31.2 m.p.h., and the speed monitoring signs reduced the average speed by 1.9 m.p.h. He advised that a second petition had been received indicating that the residents in this neighborhood would not like the four-way stop.

Mr. Koenig stated that staff's recommendation was whatever was decided in the chamber. He advised that staff was prepared to install the four-way stop if approved. Mr. Koenig reminded members that this road was scheduled for repaving as part of the FY17 Street Program. Since this work would not occur until springtime, Mr. Koenig stated that if a stop condition was installed in late fall or early winter, the pavement would be milled up in the spring and a more permanent marking for the stop sign would be placed after the road is paved. He stated that staff was also working on a striping plan for Wyoming Avenue from Governors Avenue to New Burton Road that would address some of the concerns raised, such as putting in a double center yellow line, edge striping, and additional cross-walking to give it more of an avenue effect; however, that work would probably not be done until after the road is paved. Mr. Koenig indicated that the full striping of the road would probably not be done until April or May of 2017. He reiterated that staff was prepared to make whatever adjustments come out of the full Council vote.

Mr. Hosfelt reiterated that two (2) speed surveys had been done. He reminded members that during the Safety Advisory and Transportation Committee meeting of September 27, 2016 they considered a petition with 20 signatures in favor of placing the stop sign. Mr. Hosfelt stated his understanding that, since that time, the neighborhood had met as a group at least twice and there were at least 18 people in attendance from various streets in the neighborhood on at least one occasion.

Mr. Hosfelt explained that on or about November 21, 2016 another petition was submitted with approximately 60 signatures in opposition to the stop sign. He stated that an email was received on November 29, 2016 from Mrs. Jean Taylor, on behalf of the Taylor family, regarding the four-way stop sign.

Mr. Hare stated that he had done some research and talked to different people who drive the street and noted that approximately 3,000 cars go up and down the street each day, which he compared to Mifflin Road, Bicentennial Boulevard, and Independence Boulevard that are approximately the same length, half a mile. He advised that he was told that striping was a big help in slowing cars down on Independence Boulevard, noting that there were also two (2) stop signs there, and also two (2) stop signs on Bicentennial Boulevard. Mr. Hare stated that Kesselring Avenue has four (4) stop signs and Dover Street, which is 0.2 miles in length and cuts through from New Burton Road to Governors Avenue, has two (2) stop signs. He explained that everything he found when researching this on the internet indicated that stop signs do not cure speeding; however, he stated that they do not hurt it either. Mr. Hare stated that, having the flashing signs fixed, maybe having the 25 m.p.h. speed limit sign above the flashing sign would be a benefit. In regard to the speed study that was recently done, he stated that members needed to be aware that a tractor-trailer had broken down at the location of the speed study for a day-and-a-half and Comcast had the street blocked; therefore, cars were backed up and there was only one way through. Mr. Hare expressed his belief that those occurrences kind of skewed the study a little bit.

Mr. Hare stated that there was a recognized speed problem and even with one lane at a time, 45% of the cars were traveling over 30 m.p.h., noting that the speed limit was 25 m.p.h. He indicated that this was the only City street that he was able to find that does not have at least a stop sign for a four-way intersection. Mr. Hare noted that Mifflin Road is the same length and does not have a stop sign but has a roundabout. He advised that when he asked some people who traverse Wyoming Avenue why they do so, they indicated that they consider it to be a bypass because they can get through without having to stop until they get to Governors Avenue, and they have to stop everyplace else. Mr. Hare stated that a stop sign there might cut down on traffic, noting that 3,000 cars per day is a lot of cars. He indicated that the road would be repaved in the spring and striping could be put in. Mr. Hare indicated that some suggestions were made at the neighborhood meeting held at the home of Mr. Anthony DePrima about medians, curb extensions, and mini traffic circles, which Mr. Hare stated were good ideas and might work if they could be implemented. He advised that if the speeds were reduced, the signs could come down. Mr. Hare indicated that he was hearing that the people on Wyoming Avenue look at the stop sign as something that will make them feel safer, and those who do not live on Wyoming Avenue look at it as a nuisance. He stated that he preferred to err on the side of caution and support the stop sign so they do feel a little safer, noting that he had talked to a few of them and they did not have a problem if the signs come down if the road is repaved and striped. Mr. Hare noted that a few other things could

be done and that there were 37 homes, a business, and a church and school on the street and, with that in mind, he was in favor of the stop sign.

Mrs. Debbie Grinstead, 320 Wyoming Avenue, stated that she lives at that address with her husband Alan. She thanked Mr. Hare for doing homework about the streets and finding out what had been going on. She indicated that it was mind-boggling to her that everyone was here again discussing a stop sign on a street that obviously needs it, where over 3,000 cars a day were going down it. She stated that she had heard people say that if those living on Wyoming Avenue do not like it, they should not be living on Wyoming Avenue. Mrs. Grinstead explained that they moved to their neighborhood almost 15 years ago, and at that time there was one (1) child on that street who lived next door and was 15 years old. She indicated that speeding and traffic did not seem to be as much of a problem then, and she stated that if they were looking at the house now, they probably would not move there because of the traffic. Mrs. Grinstead advised that now there are eight (8) school children under the age of 11 living in the first seven (7) houses going down the street from Governors Avenue toward New Burton Road on the left side. She stated that this did not include grandchildren or other children that visit, noting that she and her husband have three (3) grandchildren who come regularly. Mrs. Grinstead indicated that the kids in the neighborhood needed to be protected, noting that there are bus stops on the road. She indicated that it is a nuisance for her to try to get out of her driveway; however, she did not care about it being a nuisance, she cared about a kid being hit. Mrs. Grinstead stated that if stop signs were put up, it would not be so convenient to go down Wyoming Avenue and maybe some traffic would be diverted other ways, which in turn would lower some of the speeds, and there would be other natural occurrences because there is a stop sign on the road. She stated that hers was the only street in the City that does not have a stop sign and was sorry if it was a nuisance for other people to have to stop; however, if Council made the decision to go a different route and one of the kids was hit or killed, Council would have to live with their decision.

Mrs. Grinstead advised that she had heard taxpayer dollars and a roundabout mentioned in the same conversation during the last meeting, and she found it hard to believe that a roundabout would cost less than a stop sign. She stated that all they had asked was to give the stop sign a try. Mrs. Grinstead expressed her understanding that Mr. DePrima's new petition had more signatures than the first petition, noting that the first petition went just to the people who were immediately affected and the initiator of the petition did not go further out into the neighborhoods. She questioned if the people that the petition went to were told everything and that there were over 3,000 cars per day. Mrs. Grinstead stated that she saw a copy of the petition earlier in the afternoon and the only person on the petition who lived on Wyoming Avenue and was immediately affected every day, with their kids, grandchildren, and pets, was Mr. DePrima's mother. She stated that she kept hearing about average speed, noting that average speed does not kill a child. Mrs. Grinstead indicated that, from her investigation, if people are going down the road at 25 m.p.h., a child has a chance to survive; however, it is the one driver who is going between

50 and 70 m.p.h. and not the average speed that is going to hurt the child. Mrs. Grinstead asked members to think about the safety issue.

Mr. Richard Cook, 516 Wyoming Avenue, stated that he had lived at that address for 29 years. He informed members that a tractor-trailer had jack-knifed at the corner of Janeka Lane and Wyoming Avenue directly on top of where the speed study censors went across the street on the afternoon of October 18, 2016 in the middle of the study. He indicated that traffic was blocked, a police cruiser was there the whole afternoon, and the tractor-trailer did not move until 5:00 p.m. after maintenance was done on it. Mr. Cook advised that a Verizon crew, not Comcast, was out there the next day with a flagger, and traffic was routed to one lane all day. He stated that approximately 21% of the speed study was affected during the high traffic hours.

Mr. Cook indicated that he agreed with Councilman Hare, stating that 45% of the traffic that went down Wyoming Avenue during the speed study was going over 30 m.p.h. He stated that there were a number of cars going 50, 60, and between 70 and 75 m.p.h., and someone went 93 m.p.h. Mr. Cook advised that he could not think of another street in the City of Dover where someone could travel 93 m.p.h. and feel that they were okay and safe, even if it was an emergency vehicle. He noted that Wyoming Avenue is significantly different than other nestled little streets inside communities. Mr. Cook stated that this had to be taken into consideration when talking about public safety and there should be no question about it being a public safety issue. He stated that he was for whatever it takes for City Council to correct the problem, noting that he was not locked onto one (1) particular issue or method to fix it, but members could not ignore it. Mr. Cook advised that something would eventually happen because people just act that way. He thanked Mr. DePrima and Mr. Taylor for hosting the meetings previously referenced, which he stated was very nice and gracious, and he appreciated it very much.

Mrs. Sharon Cook, 516 Wyoming Avenue, stated that a large number of people had signed the petition stating that the stop sign is a nuisance or inconvenience, noting that this may be so. She indicated that many of those people stated that the speed limit should be raised, and some of them at the meetings thought that 25 m.p.h. was way too slow for the street. She estimated that half of the citizens of Dover would agree if they were asked to sign a petition about a stop sign; however, the reason for it is not inconvenience but safety. Mrs. Cook reiterated that drivers were routinely going well over 35 m.p.h., 50 m.p.h. or more, so her grandchildren and children cannot play in the front yard, so they are on the sidewalks. She indicated that stop sign studies say that people speed up after they stop; however, if they are already going 50, 60, or 70 m.p.h. and have to stop, they can hardly speed up too much more halfway down the street. Mrs. Cook advised that they were all for traffic calming things; however, after listening to the engineer from Wilmington, she thought that anything like roundabouts or bump-outs would be a couple hundred thousand dollars, and a stop sign would be a cheap, efficient way to fix the problem.

Barbara Shefferson, 21 Stewart Court, New Sherwood, stated that she does not live on Wyoming Avenue but goes up and down it three (3) to five (5) times every week in the morning, and cars go very fast there. She noted that people had passed her on Wyoming Avenue several times. Mrs. Shefferson expressed concern about the children there with the buses, stating that the kids are up and down off the curb and texting, with cars going back and forth. She stated that one of these children was going to get hit and that she thought a stop sign was needed.

Mr. Raymond Hebert, 515 Wyoming Avenue, stated that he wished to second what Mr. Cook had stated about the speeding problem on Wyoming Avenue. He described an incident that occurred the previous Saturday when he was going home from Holy Cross a little after 6:00 p.m. Mr. Hebert explained that he was getting ready to turn onto Westview Terrace, since his driveway is in the back on a one-way alley, and a gentleman was driving behind him so close to his bumper that he could not see the man's headlights. He indicated that this gentleman passed him and went down Wyoming Avenue at an estimated speed of 50 m.p.h. Mr. Hebert advised that there is a speeding problem, noting that this had been discussed in September. He indicated that he did not care if a turnaround, flashing light, TV cameras, or police officers were put there, but there was a need to take care of the problem. Mr. Hebert stated that the Dover Police Department had a problem on Wyoming Avenue, noting that he had talked to police officers who stated that they give tickets all the time there and that they can sit there for 10 minutes and give out two (2) tickets. He asked members why something could not be done about the problem quickly before someone is hurt, noting that people walk up and down the street every day, including those walking their dogs and kids walking to school.

Mr. Anthony DePrima, 575 Westwood Drive, advised members that two (2) community meetings were held since the last time this matter was considered by the Council Committee of the Whole/Safety Advisory and Transportation Committee. He indicated that 18 people attended the community meetings and, after a lot of good discussion, they came to a final conclusion, noting that Mr. Hare had mentioned some of their suggestions. Mr. DePrima stated that everyone acknowledged that there was a speeding problem on Wyoming Avenue and no one, at least in this group, was saying that speeds should be increased, although this had been mentioned. Referring to Mr. Hare's comments, Mr. DePrima noted that there were no stop signs on Webbs Lane, to his knowledge. Responding, Mr. Hare advised that Webbs Lane is a State road. Responding, Mr. DePrima stated that this did not matter and that a road is a road. He indicated that there is no stop sign at Webbs Lane because the State would never allow a stop sign on that road.

Mr. DePrima informed members that the consensus at the community meetings was to take actions, in lieu of a stop sign, that would actually work. He explained that the studies referenced stated that a stop sign does not work for controlling speed, noting that Wyoming Avenue is 500 feet long and the stop sign would solve speeding for a short distance before and after the sign. Mr. DePrima stated that the stop sign would serve only the very limited number of people that were present tonight, stating

that they think the stop sign would solve the problem but were forgetting the rest of the people on the street, who would not be served. He stated that those who came up with the suggestions thought they would eventually solve the problem for the whole street. Mr. DePrima stated that the flashing lights work and expressed the need to keep them working. He expressed the need to keep enforcing the speed limits, do the striping, and then revisit the issue and if there was still a problem after re-striping, other traffic calming measures should be considered. He indicated that this was the solution rather than stop signs, which would increase speeding between the light and the stop signs. Mr. DePrima stated that the stop sign would not be abided by, noting that he had provided two (2) studies, one (1) that showed that stop signs do not help and actually increase speeding, and one (1) that indicated that nuisance stop signs are not listened to and people roll through them.

Mr. DePrima advised that he did not appreciate the child card being played. He stated that he had been looking for kids and was not seeing them on the street, although he was not saying that they were not there. Mr. DePrima indicated that responsible parents do not let their young children play in front of the street when they live on Wyoming Avenue. He advised members that a doctor, a school nurse, a nurse, several teachers, and parents of little children were at the meeting at his house, and nobody would be signing off on the petition if any of them thought there was a danger to children. Mr. DePrima stated that he thought it unfair to play the child card, which could be played on any street in Dover, including Webb's Lane or Mifflin Road, which both have a speed limit of 35 m.p.h. He indicated that no one had mentioned that there are no stop signs on Walker Road, which has a speed limit of 30 m.p.h. In regard to the statistics on speeding, Mr. DePrima acknowledged there was an issue with the truck; however, he stated that the reality was that in the last study 90% of the people were going less than 35 m.p.h., and the bulk of the people were going between 30 and 35 m.p.h. He stated that 35 m.p.h. was what people are allowed to drive on Webbs Lane and Mifflin Road and was not an unsafe speed.

Mr. DePrima expressed that he would have liked for the email from the Taylor's to be read. He noted that Mr. Ralph Taylor had been at the community meeting, had spoken during the Committee meeting of September 27, 2016, was a former traffic officer, and had been in favor of the stop sign. Mr. DePrima stated that Mr. Taylor's wife, Mrs. Jean Taylor, did a lot of research and learned that stop signs do not work, would not make the road safer, and would be a nuisance because people would be asked to stop every time they go down the road, and it would serve no purpose, other than maybe for a limited number of people. Mr. DePrima stated that the people on Wyoming Avenue do not own the road and are no more or less safe than anybody else driving on that road. He explained that for many of the people in his subdivision and the other subdivisions, every time they leave their driveway they end up either crossing or going onto Wyoming Avenue, and that their voices count as much as anybody's voices. Mr. DePrima stated that they were able to get 63 people to sign the petition stating that they do not want the stop sign in very short order and could have gotten many more, explaining that several people just visited the homes that were immediately around them.

Mr. DePrima noted that the Delaware uniform traffic control code states that yield or stop signs should not be used for control of speeding and that once a decision has been made to control an intersection, the decision regarding the appropriate roadway control should be based on engineering judgment. He advised that, in most cases, the roadway carrying the lowest volume of road should have the control, and yield or stop signs should not be installed on the higher volume roadway unless justified by an engineering study, noting that there was no engineering study in this instance. Mr. DePrima indicated that a multiple four-way stop control is used when the volume of traffic on the intersecting roads is approximately equal, and they are not approximately equal in this case. He noted that there are very definite guidelines on when a four-way stop is put in, and this stop sign would not meet that code or the law. He reiterated that this is a nuisance stop sign that would not solve the problem; however, traffic calming would. Mr. DePrima expressed the hope that City Council would realize that they were not doing anybody good by putting in a false sense of safety when it does not make anything safer. He stated that what would make this safer is traffic calming and striping after the road is paved.

Mr. Jeramie Forbes, 524 Westwood Road, advised that the West Dover Connector would be complete in the spring, and everybody expected that this would reduce the traffic that goes down Wyoming Avenue. He indicated that this would have a big impact on the number of people using Wyoming Avenue as a pass-through. Mr. Forbes noted that, as Mr. DePrima previously indicated, everything he has read about stop signs states that they are not going to slow anybody down. He explained that the stop signs would probably infuriate the people who are currently using the road as a pass-through, because they would see the stop sign as a sudden obstruction of their easy way to get where they are going. Mr. Forbes indicated that he had lived in a neighborhood where they installed a similar stop sign and that was what happened. He explained that people begin to see it as an obstruction and get irritated with it, and it actually causes more problems than it is worth. Mr. Forbes stated that he bikes across the road with his five-year-old son and has no problem crossing safely. He noted that he also runs across the road two (2) or three (3) times in a single run. Mr. Forbes stated that he had never had trouble crossing the street by himself or with his five-year-old son on his bike; therefore, the kid card did not count to him. He indicated that his wife walks their kids to school along that street, and is in control of their children when doing so. Mr. Forbes stated that he thought that responsible parents can take the measures that are required to keep their kids safe from the traffic.

Mr. Hosfelt read the email from Mrs. Jean Taylor, on behalf of the Taylor family.

Mr. Hare stated that he did not disagree with what Mr. DePrima had said, noting that Mr. Hare had stated in his remarks that stop signs are not totally the answer. He indicated that it would upset people, and maybe they would start going a different direction and there would not be 3,000 cars on this road. Mr. Hare suggested that, since the road would not be paved until the spring, this might be a good time to put the stop signs up on a trial basis, put the 25 m.p.h. signs above the flashing sign, and

do some more traffic studies to see if it does affect the speed. He indicated that it may or may not have an effect and by then it would be known. Mr. Hare stated that when the repaving starts, the signs may have to come down anyway, and then the City could go to the other options. He reiterated that everything he had found indicated that a stop sign alone is not the answer; however, he stated that it was worth trying. Mr. Hare advised that there were only 13 houses on Independence Boulevard, 37 on Wyoming Avenue, and 46 on Mifflin Road and noted that the roundabout on Mifflin Road splits the road right about down the middle. He stated that he thought the stop sign would be worth it, even on a trial basis. Mr. Hare noted that perhaps two (2) or three (3) weeks after the signs are up, another speed study could be done for 10 days, noting that there would be a little inconvenience to see if the problem could be solved, and in the spring it could be addressed with other options if the speed is still an issue.

Mr. Sudler thanked both parties for coming to express how they feel. He stated that he is big on research, the ordinance, and guidelines, noting that he heard and understood that something needed to be done. Mr. Sudler advised that he was also looking at what the code had said in regard to speed reduction, and that yield and stop signs were not effective tools for reducing speed or the flow of traffic. He stated that he was in favor of radar, speed signs, traffic lines, indicators, and flashing lights. Mr. Sudler indicated that he was not totally against doing a stop sign temporarily on a trial basis as Councilman Hare had suggested; however, the code had already stated that this would not be effective and, from what Mr. DePrima had said, it would serve only a certain group of individuals in that area. Mr. Sudler stated that he would like to see something done for the entire road, as Mr. DePrima had voiced, and expressed the hope of coming up with a compromise. Mr. Sudler advised that he did not see an issue with a trial stop sign, which would cost something but not as much as other measures, and that it would only be until April or May. Mr. Hare noted that it may only be until March if there is a warm spring. Mr. Sudler stated that the sign could come down or stay up, depending on the study.

Mr. Neil asked if stop signs could be put up before the streets are redone. Responding, Mr. Koenig stated that signs could be put up two (2) weeks after final Council action, explaining that staff was prepared to put the signs up several months ago.

Mr. Neil expressed his hope that nobody in this particular area proposed to start pulling signs from Queen Street or Governors Avenue, stating that one cannot go down there without a problem. He questioned if members wanted to do something for the people who are basically affected, live on that street, and had testified and signed the first petition to give them immediate relief now, and then find out after the streets are redone and painted whether that will do it. Mr. Neil noted that he had sat in, along with Mr. Hosfelt, on discussions regarding street calming for a series of streets, including Independence Boulevard and North State Street. He advised that he thought that putting the stop signs in would at least give relief, whether it is just moral relief, and that the people who signed that petition initially deserve that right

to have those stop signs put in. He stated that the stop signs on Queen Street or Governors Avenue may be an inconvenience; however, this is the law, and this is what he thought should be done. With due respect to the fact that stop signs do not work and the City is loaded with stop signs for various reasons, Mr. Neil stated that he thought members owed it to the people on the street to allow what they desire at this particular point because it could be changed. Mr. Neil expressed the need to adapt, stating that he would rather err on the side of the safety for the people who live on that street and who asked for help.

Mr. Hutchison stated that it was important to keep in mind that Wyoming Avenue is very different than most streets in the City because it is 42 feet wide, and when turning off Governors Avenue on Wyoming it is possible to see all the way down to New Burton Road. He indicated that he drives down Wyoming Avenue a lot, noting that you have to focus on keeping the speed limit down. Based on his 25 years in law enforcement, Mr. Hutchison guaranteed that stop signs would work, and someone would be getting tickets if they do not work. He stated that if stop signs were put up, alternatives could be sought and perhaps something better would come up. Mr. Hutchison stated that members have a responsibility to do something.

Mr. Hare moved to recommend the installation of two (2) stop signs at the intersection of Wyoming Avenue and Westview Terrace, to place 25 m.p.h. speed limit signs above the flashing lights, and to revisit this matter in March, just before the City starts repaving, so members can possibly layout a street layout plan for softening the street. The motion was seconded by Neil.

Mr. Sudler stated that he was going to support the motion based on the fact that it would be a temporary fix that will be reviewed, in lieu of an actual fix, because he believed that when people need some type of relief, this relief needs to be addressed and granted. He noted that he does not always agree on what the relief should be; however, this would be a good start for a compromise. Mr. Sudler stated that if this did not work, it would only be three (3) to five (5) months before it is revisited and there would be an opportunity to come back and come up with a plan together that will work. He indicated that something needed to be done and he had not heard about anything other than the re-striping, which he did not think would be done tomorrow. Mr. Sudler indicated that the stop sign was something that could be done tomorrow that would bring a sort of relief and he would support it as a temporary fix and not a total solution, unless research and statistics showed that this is just as effective as the other alternatives that they are looking to implement in the near future.

The Committee recommended the installation of two (2) stop signs at the intersection of Wyoming Avenue and Westview Terrace, to place 25 m.p.h. speed limit signs above the flashing lights, and to revisit this matter in March, just before the City starts repaving, so members can possibly layout a street layout plan for softening the street.

(City Clerk's Office Note: This item was deleted from the Council agenda at the request of Mr. Hosfelt because it required more scrutiny and research on behalf of the Safety Advisory and Transportation Committee.)

Quarterly Update - Bicycle/Pedestrian Subcommittee

Mr. Scott Koenig, City Manager, stated that the Bicycle/Pedestrian Subcommittee had been active and were working on ways to improve the bicycle and pedestrian flow throughout the City. He stated that the Delaware Department of Transportation (DelDOT) had been very active with the Capital City Trail, and a number of these citizens were contributing to improvements all over the City, from working with DelDOT to work on City streets. Mr. Koenig indicated that staff was seeing a big increase in requests for striping, crosswalks, shared bike lanes, etc., which was part of the work that the Subcommittee does.

UTILITY COMMITTEE

The Utility Committee met with Chairman Cole presiding.

Municipal Separate Storm Sewer System (MS4) Inventory and Inspection Proposal

Mr. Scott Koenig, City Manager, advised members that on August 28, 2003, the City of Dover was issued a National Pollutant Discharge Elimination System (NPDES) State permit from the Delaware Department of Natural Resources and Environmental Control (DNREC). He explained that the City is required to perform six (6) elements to comply with its Stormwater Management Program. Mr. Koenig stated that one (1) of the elements is illicit discharge detection and elimination, which includes keeping a storm sewer map active, accurate, and current.

Mr. Koenig indicated that the proposal from KCI Technologies includes mapping the City's MS4, locating and inspecting stormwater point structures (inlets, outfalls, junction boxes, and manholes), stormwater linear structures (pipes and ditches), and stormwater polygonal structures or best management practices (BMPs), which represent the stormwater ponds. He stated that each asset will be inspected for structural integrity, and the end product will include a web-based map viewer of all the infrastructure and the ability to input and store information and future inspection data on each structure. Mr. Koenig advised that this proposal would satisfy the above referenced element of the Stormwater Management Program. He noted that the City currently has a map of the existing structures that collect, convey, and discharge stormwater; however, it is not 100% accurate and structural integrity inspections had not been performed to date.

Mr. Koenig stated that KCI Technologies is not a current consultant that is under contract with the City of Dover; however, they are a consultant under contract with the Delaware Department of Transportation (DelDOT). He indicated that the City's Purchasing Policy allows for cooperative purchasing through other government contracts, which is what was being proposed with this project.

Mr. Koenig explained that this work was budgeted for in the FY 17 Operating Budget, specifically within the Department of Public Works, Streets Division, and the entire project was proposed over a five-year term, which equates to $329,740 or $65,948 per year.

For additional reference, Mr. Koenig advised that the City had major struggles with maintaining compliance with this permit and was under a conciliatory order from the Department of Natural Resources and Environmental Control (DNREC) to become fully compliant with its permits. He stated that the proposed expense was a budgeted expense for FY 17 and would have to be rebudgeted as the FY 18 budget is built. He indicated that this is an ongoing, very labor- and information-intensive permit, noting that it is not good enough for staff to simply map the system once, they must map, inventory, and inspect the system and then demonstrate that they have done all of these activities in an annual report to the State to comply with the permit requirements.

Mr. Koenig explained that the MS4 Inventory and Inspection Proposal was only one (1) component of the overall program, noting that additional projects, including public outreach, must also happen. He noted that several years ago, the City hired Mr. Randy Cole, Environmental Scientist, who laid out a program to help get the City into compliance with the permit requirements. Mr. Koenig advised that Mr. Cole had come from the Delaware Department of Transportation (DelDOT) and noted that one of the benefits of this program is that it creates a cooperative relationship with DelDOT, who is also an MS4 permittee. He stated that the program also helps staff to standardize some of the information gathering and reporting.

Mr. Koenig stated that the City has roughly 105 or 110 miles of streets, but there are an additional 55 or 60 miles of State-owned streets in the City, and some of the old agreements include language that obligates the City to maintain and inspect some of the stormwater infrastructure on these roads. He noted that, in some cases, DelDOT had gone out and inventoried certain structures, such as U.S. Route 13 and some of the other roads.

Mr. Koenig stated that using the same consultant as DelDOT would allow staff, in some cases, to merge data and tie the systems together through the web-based viewer, and give staff a better picture of what is happening. He noted that this was not something that could be accomplished in-house. Mr. Koenig advised that the proposal indicates that KCI has a division dedicated to this type of work that includes field personnel, scientists, and engineers, who can go out and provide a standard inspection. He explained that the City had previously inspected structures using field crews and, as crews changed, the standard sometimes varied in the information coming back. Mr. Koenig advised that it is important that the City reports consistent information so that it matches up when final reports are given to the State, noting that this is also important for the City's asset management system. He stated that the proposal would be an expansion of what is currently being done regarding the MS4

permit to demonstrate compliance. Mr. Koenig indicated that this work needed to occur, reiterating that it was budgeted.

Mr. Koenig stated that he fully supported staff's recommendation to authorize the five (5) year proposal with KCI Technologies, in the amount of $329,740, initiating with $65,948 in FY 17.

Referring to page 7 of the Cost Estimate submitted by KCI Technologies, dated October 21, 2016, Ms. Arndt noted that the consultant recommended that additional work be done concurrently for illicit discharge detection and elimination. Responding, Mr. Koenig stated that staff did not recommend that proposal at this time, explaining that the recommendation was for the first component of the project and the rest would have to be picked up at a later date or when doing some other proposal. In response to Mr. Neil's question regarding whether that recommendation was due to budgetary considerations, Mr. Koenig noted that $136,000 was remaining in the budget for FY 17, so he thought that it was more program related than budget related; however, he stated that he would provide members with the information.

Mr. Blakeman requested clarification regarding the specific meaning of illicit discharge. In response, Mr. Koenig explained that illicit discharge means things like dumping motor oil into the storm sewer system, as well as mowing grass and blowing it into the storm sewer where it enters the storm sewer system. He indicated that illicit discharge would also include things like dirt from a construction site and glass, debris, and fluid from a car accident. Mr. Koenig stated that it can be argued that all things entering the storm system that are not stormwater are illicit discharges. He stated that, in some cases, the City has storm drains that were tied into the sanitary system, which is not an illicit discharge, but is a problem in the sanitary system. Mr. Koenig explained that, on occasion, staff had run into problems where sanitary laterals were tied into the storm sewer system, and that is an illicit discharge. He noted that the term illicit discharge has a wide range of meanings but in very simple terms is anything other than stormwater entering into the storm sewer system.

The Committee recommended authorizing the five (5) year proposal with KCI Technologies, in the amount of $329,740, initiating with $65,948 in FY 17, as recommended by staff.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Mr. Hutchison absent).

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

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

North Street Sidewalk Improvements - New Project - DelDOT Transportation Alternatives Project

Mr. Scott Koenig, City Manager, advised members that several years ago the Downtown Dover Partnership (DDP) initiated a Transportation Enhancement Project request for pedestrian improvements on North Street from Governors Avenue to Queen Street. He noted that the project encompasses the area adjacent to the cemetery next to the museums and the area where the old federal building was converted to the Johnson Victrola Museum. Mr. Koenig stated that, when initially developed, the project was intended to help expand the downtown streetscape into other parts of the downtown to improve pedestrian flow. He indicated that this was, in essence, a sidewalk project, and because the project is just under $1M, it qualifies as a Delaware Department of Transportation (DelDOT) Transportation Enhancement Project.

Mr. Koenig stated that the project was accepted by DelDOT, and the City of Dover was required to act as the municipal sponsor and project partner for the work. He indicated that the project would improve the sidewalk, American Disabilities Act (ADA) accessibility, and street lighting in the corridor, and extend the downtown sidewalk and lighting network into an underserved area of the City. Mr. Koenig advised that the total estimated project cost was $980,000 according to the DelDOT engineers. He stated that this project would require an 80/20 match from the sponsoring local government; therefore, the City's match would be $186,000. Mr. Koenig noted that this payment must be received prior to the award of the construction contract, and staff intended to submit Community Transportation Funding (CTF) requests to area legislators to offset the City's contribution for the improvement. He reiterated that, under this proposal, the City would provide 20% of the funding and the State would pick up 80% on what is a City street, noting that the leveraging of State money is a benefit of using this program. Mr. Koenig stated that emails from Representative Sean Lynn, received earlier this evening, indicated that CTF funding would be acceptable to him. Mr. Koenig noted that Representative Lynn had capped contributions to the City at roughly$120,000, which was not intended to be used solely for this project; however, some of it could be used. He stated that several General Fund projects and equipment purchases were coming in under budget, from which the remaining funds could be transferred to this project to support the required match.

Mr. Koenig reviewed DelDOT's schedule for this project.

Mr. Koenig stated that staff is requesting authorization from City Council to sign the project agreement with DelDOT and begin assembling the required funds for the match. The State has requested that all matching funds be transferred to DelDOT no later than February/March 2017.

Mr. Koenig informed members that he wanted to get a recommendation from the Committee this evening; however, if the Committee was not comfortable with this, he would like the proposal to be sent to Council without a recommendation, so that

this matter does not appear on the Consent Agenda. He advised that this would give the City 13 more days to bring the project closer to full funding or give staff a script for which purchases are coming in under budget. Mr. Koenig stated that this was an opportunity for the City to leverage approximately $800,000 of State money to improve the downtown sidewalk and lighting network for a 20% match. He indicated that if the project does not move forward, the City had already committed to some design costs and would have to reimburse the State between approximately $24,000 and $25,000. Mr. Koenig stated that adjustments would have to be made to the budget to fund the $186,000, noting that if Council authorizes the agreement, there may be flexibility with DelDOT on the schedule to transfer funds. He stated that he thought this was a good project for the City, reiterating that it was initiated through the DDP as a follow-up project to some of the North Street improvements that were authorized in the bond bill several years ago when Mr. Gary Patterson, former member of the DDP Board of Directors, Senator Brian Bushweller, and a few others worked closely with the State and the DDP to fund downtown improvement projects.

Dr. Stewart asked how much funding would be available from equipment purchases that were coming in under budget. Responding, Mr. Koenig estimated that this would be in the $20,000 to $25,000 range. He stated that the City had a very large project related to the Garrison Oak Technical Park and the A-Del Construction Company contract, and A-Del had been delayed and is in a liquidated damages clause; therefore, there may be savings from that project that could be reprogrammed for this project. Mr. Koenig indicated that he did not have the numbers available this evening; therefore, if there were reservations about authorizing the request, he asked that it be sent to Council without a recommendation. He stated that, at the staff level, it was believed that projects and purchases were coming in under budget and this money could be directed to leveraging this project with the State.

Mr. Neil asked if staff had reached out to Senator Bushweller or any of the other congressional members. Responding, Mr. Koenig stated that this had not yet been done but, as previously mentioned, staff would send out a request for CTF. He noted that the reason Representative Lynn had any understanding of the project via email was because he had asked a question earlier today about funding for the Street Program. Mr. Koenig advised that if this project goes forward through the Committee, by the end of the week there would be a request out to legislators for CTF. He stated that the City may obtain $30,000 to $50,000 through CTF, which would potentially reduce the City's exposure to the funding of the project. Mr. Koenig stated his understanding that the money would transfer directly to DelDOT if the legislators actually agree to fund it, rather than having to route it through the City and then back to DelDOT. He advised that the legislators can direct their funding for CTF directly to this project so that it reduces the City's actual payment for the improvement.

The Committee recommended approval of staff's request for authorization from City Council to sign the project agreement with DelDOT and begin assembling the

required funds for the match. The State has requested that all matching funds be transferred to DelDOT no later than February/March 2017.

By consent agenda, Mr. Neil moved for approval of the Committee's recommendation, seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Mr. Hutchison absent).

Draft Comprehensive Annual Financial Report (CAFR)

Mr. Hare stated that if there were no questions regarding the Draft Comprehensive Annual Financial Report (CAFR), no action was required.

By consent agenda, Mr. Neil moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Hutchison and carried by a unanimous roll call vote (Mr. Hutchison absent). *(City Clerk's Office Note: The Council Committee of the Whole Report was accepted without consideration of the Request for Four-Way Stop Sign - Wyoming Avenue and Westview Terrace. This item was deleted from the Council agenda at the request of Mr. Hosfelt because it required more scrutiny and research on behalf of the Safety Advisory and Transportation Committee.)*

MONTHLY REPORTS - OCTOBER 2016

By motion of Mr. Neil, seconded by Mr. Hosfelt, the following monthly reports were accepted by consent agenda:

City Assessor's Report
City Manager's Report
City Planner's Report
Controller/Treasurer's Budget Report
Fire Chief's Report
Police Chief's Report

REMOVAL OF THE INFORMATION TECHNOLOGY HIRING FREEZE

Mr. Scott Koenig, City Manager, reviewed the memorandum dated December 8, 2016 regarding Removal of the Information Technology Hiring Freeze. He stated that during the City Council meeting of August 8, 2016, a motion was unanimously carried that any position that is vacant for more than six (6) months that is not being actively recruited must be vetted through the Legislative, Finance, and Administration Committee. Mr. Koenig noted that the only positions affected by this motion were in the Information Technology (IT) department.

Mr. Koenig stated that the consultant, BarryDunn, who is providing technical assistance to the City of Dover for the Enterprise Resource Planning (ERP) Selection Project, indicated that the City will need IT resources to successfully implement any changes to its systems. In addition, he indicated that the City's Police Department and general government need adequate resources to function properly, and staff needed to move forward with revisions to job descriptions related to the changing needs of the City with respect to IT.

Staff requested authorization to release the vacant IT positions for evaluation and recruitment, including authorization for the City Manager to potentially convert the part-time administrative position to a full-time position to address internal personnel opportunities. Included in this request

was authorization to reclassify positions as the City Manager deemed necessary to prepare for changes to technology, including LAN and software needs. Staff respectfully requested that consideration of this request not be referred to the Legislative, Finance, and Administration Committee since the minutes of the Committee meeting reflected that "the Committee recommended acceptance of the staff's recommendation to reaffirm the authorization to recruit all open positions as the City Manager deems necessary."

Responding to Mr. Hosfelt regarding whether these positions were budgeted, Mr. Koenig stated his recollection that the AS400/System Operator position was budgeted for the full year and the administrative assistant position was budgeted at 29 hours for a full year.

Mr. Slavin advised members that staff recommended authorization to release the vacant Information Technology positions for evaluation and recruitment.

Mr. Neil moved for approval of staff's recommendation to authorize the vacant Information Technology positions for evaluation and recruitment. The motion was seconded by Mr. Hosfelt and carried by a unanimous roll call vote (Mr. Hutchison absent).

ONBOARDING FOR NEW COMMITTEE MEMBERS

During their Regular meeting of October 11, 2016, the Council Committee of the Whole/Legislative, Finance, and Administration Committee tabled this matter to allow Mrs. Ann Marie Townshend, Director of Planning and Community Development, to conduct research and come back to Council at a future date with her findings.

Mrs. Townshend referred to her memorandum dated December 6, 2016 regarding Onboarding of New Committee Members. She informed members that most of the municipalities in Delaware do not have a formalized onboarding process for their elected bodies or appointed commissions; however, the City of Newark and the Town of Ocean View do. Mrs. Townshend advised that Ocean View focuses on ethics, Freedom of Information Act (FOIA), and procedures and rules for meetings, while Newark provides tours of the facilities and has their department heads meet with newly elected council members and newly appointed commission members. She explained that the information on this topic that she was able to find across the country related primarily to elected bodies; however, a lot of those concepts could cross over from elected to appointed bodies. Mrs. Townshend reviewed three (3) approaches to begin an orientation process, as follows:

1) Creation of a notebook, such as a standard notebook with customized sections depending on the committee or commission. This would include the enabling legislation for the specific committee or commission, the city organization chart, policies and procedures that members need to be aware of, the city's strategic goals and objectives, contact information for key officials, and pages from the budget, at least those on revenues and expenditures.

2) Required training. Mrs. Townshend suggested that this training could be done by in-house staff. She noted that the State has a person who provides ethics training and had done so for other state bodies, and staff could check on this. Mrs. Townshend advised that this type of training is frequently done by in-house attorneys and noted

that in her research she had continually seen open meetings, open records, ethics, and procedures as training topics.

3) Looking for opportunities to provide specific training related to the area of a particular board or commission. Mrs. Townshend noted that the City had been very fortunate in that the University of Delaware offers training to the Planning Commission and the Board of Adjustment. She stated that training on many of the other topics was not as readily available; however, she thought that the University of Delaware had offered training on budgeting that week or the week before, which might be useful for the Legislative, Finance, and Administration Committee in the future. Mrs. Townshend explained that the idea would be to look for those types of training opportunities, but also perhaps to look for opportunities to develop training in-house using the City's own staff and its own attorney for ethics, FOIA, and those types of topics.

Mr. Lewis thanked Mrs. Townshend for conducting the research.

Mr. Lewis moved for approval of Staff's recommendation, seconded by Mr. Anderson and unanimously carried.

APPOINTMENT RECOMMENDED BY COUNCIL PRESIDENT SLAVIN - ECONOMIC DEVELOPMENT COMMITTEE - KISHOR C. SHETH - ONE-YEAR TERM TO EXPIRE MAY 8, 2017

Council President Slavin recommended the appointment of Mr. Kishor C. Sheth to serve on the Economic Development Committee for a one-year term to expire May 8, 2017.

By consent agenda, Mr. Neil moved for approval of the appointment of Mr. Sheth as recommended by Council President Slavin. The motion was seconded by Mr. Hosfelt and carried by a unanimous roll call vote.

CONFIRMATION OF SPECIAL POLICE PENSION ELECTION - RETIRED CAPTAIN LARRY GRAY (TO FILL THE UNEXPIRED TERM OF RETIRED CORPORAL MARTIN STALLINGS) - TERM TO EXPIRE JANUARY 31, 2018

The recent resignation of Retired Corporal Martin Stallings left a vacancy on the Police Pension Board. Pursuant to Chapter 62 - Law Enforcement, Article III - Pension Plan, Division 2 - Retirement Committee, Section 62-102(c)(2), notice of an election was given to all plan members. Only one (1) nomination was received, therefore, no election was held. Chief Bernat nominated Retired Captain Larry Gray to fill the unexpired term of Retired Captain Martin Stallings, term to expire on January 31, 2018.

By consent agenda, Mr. Neil moved for approval of the nomination of Retired Captain Larry Gray to serve on the Police Pension Board to fill the unexpired term of Retired Corporal Martin Stallings, term to expire on January 31, 2018. The motion was seconded by Mr. Hosfelt and carried by unanimous roll call vote.

REZONING REQUEST - FIRST READING OF PROPOSED ORDINANCE #2016-29

A request was received to rezone property located at 301 North Bradford Street, consisting of 11,362.5+/- s.f., owned by Harry O. Meeks, Jr. And Bonnie G. Meeks. The property is currently zoned RG-1 (General Residence) and the proposed zoning is C-1 (Neighborhood Commercial).

Prior to amending the zoning ordinances and zoning map of the City of Dover, a public hearing is required.

Mr. Hosfelt moved to refer the request to the Planning Commission on January 17, 2017 and set a public hearing for February 13, 2017 at 7:30 p.m. The motion was seconded by Mr. Neil and unanimously carried.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2016-29 as read by the City Clerk, by title only, as follows:

> AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 301 NORTH BRADFORD STREET

REZONING REQUEST - FIRST READING OF PROPOSED ORDINANCE #2016-30

A request was received to rezone property located at 11-15 North Queen Street, consisting of 9,020+/- s.f., owned by E. Vernon Ingram, Jr. The property is currently zoned RG-1 (General Residence) and the proposed zoning is C-3 (Service Commercial).

Prior to amending the zoning ordinances and zoning map of the City of Dover, a public hearing is required.

Mr. Hosfelt moved to refer the request to the Planning Commission on January 17, 2017 and set a public hearing for February 13, 2017 at 7:30 p.m. The motion was seconded by Mr. Neil.

Mr. Hare asked if this property was currently occupied by Delaware Auto Sales. Responding, Mrs. Ann Marie Townshend, Director of Planning and Community Development, stated that this was a portion of that property. Mr. Hare asked if the parking lot had been marked and paved that way and if this rezoning was routine, estimating that the property had been this way since 1943. Responding, Mrs. Townshend explained that this rezoning was related to the sunsetting of non-conforming uses in residential zones and was routine.

The motion to refer the request to the Planning Commission on January 17, 2017 and set a public hearing for February 13, 2017 at 7:30 p.m. was unanimously carried.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2016-30 as read by the City Clerk, by title only, as follows:

> AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 11-15 NORTH QUEEN STREET

FINAL READING - PROPOSED ORDINANCE #2016-26 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE III - STANDING COUNCIL COMMITTEES

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of November 28, 2016. Council President Slavin reminded members of the public that copies of the Proposed Ordinance were available at the entrance of the Council Chambers and on the City's website at www.cityofdover.com under "Government."

Mr. Neil moved that the Final Reading of the Proposed Ordinance be acknowledged by title only, seconded by Mr. Hare and unanimously carried.

Mr. Lewis stated that, as he indicated during previous dialect, he could not support this, stating that this may be good for some but it was not good for all. He expressed his hope that one day members could go back to the way they were previously done. Mr. Lewis advised that he had done some research for the record, and this would be the only city that has a committee meeting of the whole, noting that no other cities or towns in the State do.

By motion of Mr. Neil, seconded by Mr. Hosfelt, Council, by a vote of seven (7) yes (Mr. Anderson, Mr. Sudler, Mr. Neil, Mr. Cole, Mr. Hosfelt, Mr. Hare, and Mr. Slavin, one (1) no (Mr. Lewis), and one (1) absent (Mr. Hutchison), adopted Ordinance #2016-26, as follows:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 2 - Administration, Article III - Standing Council Committees of the Dover Code be deleted in its entirety and inserting in lieu thereof the following:

ARTICLE III. - STANDING COUNCIL COMMITTEES

Sec. 2-81. - Committee of the whole.

(a) *Created*. There is hereby created a committee of the whole as a standing committee. The committee of the whole shall be an advisory body.

(b) *Members*. All members of the city council shall be members of the committee of the whole with the council president serving as chair.

Sec. 2-82. - Committee of the whole sub-committees.

(a) *Created*. There are hereby created the following committee of the whole sub-committees:

(1) *Legislative, Finance and Administration Committee*. The legislative, finance, and administration committee shall advise the city council on proposed Charter amendments, ordinances to be adopted or amended, and other legislative matters; and shall advise the city council on financial matters, including the city's budget, assessments, and taxation; and advise the city council on administrative issues,

policy, procedures, and operations of the city. The legislative, finance, and administration committee shall act as an advisory committee to the city council regarding matters relating to the mayor, council, city manager's office, finance department, administrative services, city clerk's office, tax assessor's office, human resources department, central services department, information technology department, election board, pension boards, and any omitted or new departments or committees, and other areas as deemed appropriate.

(2) *Parks, Recreation and Community Enhancement Committee*. The parks, recreation, and community enhancement committee shall advise the city council on parks, playgrounds, open space, and other recreational facilities and programs; shall advise the city council on matters relating to community enhancements by reviewing and commenting on community plans, and recommend appropriate funding for each community improvement project; and shall advise the city council on landscaping and beautification programs and tree preservation requirements, and assist in developing an understanding of the objectives and methods of tree conservation. The parks, recreation, and community enhancement committee shall act as an advisory committee to the city council regarding matters relating to the parks and recreation department, planning department, grounds department, community development, Silver Lake Commission, Greater Dover Arts Council, library commission, and other areas as deemed appropriate, including funding.

(3) *Safety Advisory and Transportation Committee*. The safety advisory and transportation committee shall advise the city council on public safety issues, policies, procedures, and operations relative to emergency operations, and fire and police services. The safety advisory and transportation committee shall act as an advisory committee to the city council regarding matters relating to the police department, fire department, department of inspections, and other areas as deemed appropriate.

(4) *Utility Committee.* The utility committee shall advise the city council on the installation, maintenance, repair, improvement, and relocation of electric, water, sewer, streets, communication utilities and other infrastructures within the city and lawfully extending beyond the city corporate limits; shall advise the city council on the issue of utility consumption rates, suggested code amendments, and condemnation of public rights-of-way; and shall act as an advisory committee to determine and establish utility issues, policies, procedures, and operations relative to electric, water, sewer, communications, etc., including, but not limited to, nonconsumption utility fees, utility extensions, impact fees, and service connection fees. The utility committee shall act as an advisory committee to the city council regarding matters relating to the electric department, and public works department, including water, sewer, and sanitation divisions, and other areas as deemed appropriate.

(b) *Members.* The committee of the whole sub-committees shall be composed of all members of the city council. The council president shall appoint elected city officials to serve as

committee of the whole sub-committee chairpersons. The council president and the sub-committee chairpersons will each appoint one city resident as a sub-committee member. All sub-committee appointments shall be for one-year terms unless sooner removed and are subject to confirmation of a voting majority of the city council.

©) *Removal.* A member of such sub-committee shall be removable by a three-fourths vote of the city council, excluding any councilmember under consideration, after written notice shall have been given the member being considered for removal, at a reasonable time prior to the proceeding, stating the time, place and date of the removal proceeding.

Secs. 2-83 - 2-200. - Reserved.

ADOPTED: DECEMBER 12, 2016

FINAL READING - PROPOSED ORDINANCE #2016-27 AMENDING CHAPTER 18 - ANIMALS, SECTION 18-4 - RUNNING AT-LARGE, SECTION 18-5 - DOG LICENSES REQUIRED, AND SECTION 18-10 - SAME-SEIZURE AND IMPOUNDMENT, AND APPENDIX F - FEES AND FINES

The First Reading of the Proposed Ordinance was accomplished during the Council Meeting of November 28, 2016. Council President Slavin reminded members of the public that copies of the Proposed Ordinance were available at the entrance of the Council Chambers and on the City's website at www.cityofdover.com under "Government."

Mr. Neil moved that the Final Reading of the Proposed Ordinance be acknowledged by title only, seconded by Mr. Hare and unanimously carried.

Mr. Slavin advised that during the Council meeting of November 28, 2016, the Proposed Ordinance was amended to include language referencing an animal acting in a vicious capacity toward the public or to the officer, with the exact language to be brought forward, and this language had been included in lines #10 and #11 of the Proposed Ordinance.

Responding to Mr. Sudler, Deputy Police Chief Marvin Mailey stated that he had not heard any input from the community regarding this ordinance.

By motion of Mr. Lewis, seconded by Mr. Neil, Council, by a unanimous roll call vote (Mr. Hutchison absent), adopted Ordinance #2016-27, as follows:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 18 - Animals, Section 18-4 - Running At-Large, of the Dover Code be amended to read as follows:

Sec. 18-4. - Running at-large.

(a) *Unlawful*. It shall be unlawful for any person to permit any dog to run at-large.

(b) *Duties of police and animal control officer*. It shall be the duty of every police officer and animal control officer to apprehend any dog found running at-large contrary to the provisions of this section and to impound it. If the dog is acting in a vicious capacity and attacks the officer or others, the officer may destroy the dog. Such person shall make a record of the breed, color and sex of the dog and the number of its license tag, if any. A compilation of the records of all dogs caught and impounded shall be maintained at the police headquarters station.

(c) *Authority of citizens*. Any citizen of the city may take up any animal found running at-large and deliver it to an animal control officer or police officer, or other authorized person, to be impounded.

(d) *Notice to owner*. It shall be the duty of the animal control officer or police officer or other person taking or impounding any animal to notify the owner, if known, within a reasonable time, either personally or by a written notice left at his usual place of abode or, if unknown, by five or more written or printed notices posted in public places within the city.

(e) Any person convicted of a violation of this section shall pay a fine as provided for in Appendix F-Fees and Fines.

(Code 1981, § 4-4; Ord. of 8-28-1995; Ord. No. 2009-09, 6-22-2009)

BE IT FURTHER ORDAINED:

That Chapter 18 - Animals, Section 18-5 - Dog licenses required, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 18-5. - Dog licenses required.

(a) *Generally*. The owner or lawful possessor of any dog shall obtain a license for his dog pursuant to 16 Del. C. § 3042F, and any owner or possessor who shall fail to comply with the provision of the laws of the state shall pay a fine as provided for in Appendix F-Fees and Fines.

(b) Enforcement. The provisions of this section may be enforced by any police officer or by any person designated to act as an animal control officer.

(Code 1981, § 4-4.1; Ord. of 8-28-1995; Ord. No. 2009-09, 6-22-2009)

BE IT FURTHER ORDAINED:

That Chapter 18 - Animals, Section 18-10 - Same - Seizure and Impoundment, of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 18-10. - Same-Seizure and impoundment.

(a) *Person bitten*. When a person has been bitten by a vicious dog or animal, the person, or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control or possession of the animal shall notify the city police department immediately and give the name and address of the person bitten and the owner of the animal, along with a description of the animal. All animals that bite a person shall be immediately confined for ten days in a city-approved animal shelter or veterinary facility, at the expense of the owner.

(b) *Confinement*. If the owner of a dog or cat that has bitten a person can provide proof of a currently valid rabies vaccination, that dog or cat may be quarantined on the premises of the owner or custodian.

©) *Impoundment if not confined*. Any dangerous or vicious animal may be impounded by an animal control officer or police officer to protect the public safety. Said impoundment will be in a city-approved animal shelter or veterinary facility at the owner's expense. No dangerous or vicious animal will be returned to the owner unless said animal is confined by the owner within a building or secured enclosure and shall be securely muzzled or caged whenever off the premises of its owner. Every person harboring a vicious animal, vicious dog or a wild animal is charged with an affirmative duty to confine said animal in such a way that the public does not have access to such animal.

(Code 1981, § 4-9; Ord. of 8-28-1995)

State Law reference- Similar provisions, 16 Del C. §3073F.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, Chapter 18 - Animals, Section 18-5 - Dog licenses required; for each violations be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 18-5. Dog licenses required; for each violation	First offense - Not less than $50.00or more than $500.00. Second and subsequent offenses occurring within 12 months of prior offense - not less than $100 and not more than $500. The minimum fine for a subsequent offense shall not be subject to suspension. Conviction for the failure to pay the license fee is a violation.

ADOPTED: DECEMBER 12, 2016

CITY MANAGER'S ANNOUNCEMENTS

Mr. Scott Koenig, City Manager, thanked the various employees involved in preparations related to the holiday season for the City of Dover and expressed thanks for a very successful year on behalf

of the workforce. He stated that the City accomplished a lot of things and had a lot of things yet to accomplish in 2017. From the bottom of his heart, Mr. Koenig expressed thanks and wished everybody a Merry Christmas.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Slavin announced that the Council and Committee meetings for the week of December 26th had been canceled, as had been the City's tradition for many years, and asked everyone to keep in mind that a special meeting would be called if the need arose. He also wished Councilman Lewis a happy birthday on December 23rd.

Mr. Slavin asked everyone to keep in mind over the holidays that, while many would be home relaxing and enjoying their time, there would be many paid and unpaid uniformed personnel, including the Fire Department, Police Department, Inspectors, Electric Department, and Public Works crews, that would go out on a moment's notice and work at any hour, and asked everyone to keep them in their thoughts. He stated that he was reminded of this at 4:30 that afternoon when a transformer blew in his neighborhood and a crew showed up within 15 minutes on a cold day, and were likely still working to restore power. Mr. Slavin expressed thanks for that kind of dedication.

Mr. Sudler thanked all of the fire departments that assisted with the fire that occurred at Cedar Chase Apartments and expressed his hope that everyone was doing fine. He thanked Fire Chief Carleton E. Carey, Jr. for the diligent work and sacrifice that the Fire Department had exhibited throughout the years.

Mr. Sudler also advised that, on Wednesday December 14, 2016 from 6:30 to 8:30 p.m., he would partner with Lieutenant Governor-Elect Bethany Hall-Long, the Dover Police Department, and mental health agencies to conduct a City-wide forum to address the heroin epidemic in the City of Dover and how it affects our communities, not only from a crime rate perspective but also from a public health and safety perspective. He stated that the forum would be held in Council Chambers, and resources and life-changing tools would be reviewed to help loved ones and the City of Dover's constituents combat heroin addiction. Mr. Sudler expressed his hope that all could attend.

Mr. Anderson expressed appreciation for the dedication of the firefighters and asked everyone to keep in their prayers and thoughts those from the Dover and Cheswold Fire Departments who were injured and still recovering. He stated that they were great heroes and great Americans, and that we all give our full support to them.

Mr. Anderson encouraged anyone so inclined to remember that the good folks at Code Purple and The Salvation Army could use help and noted that, in this time of giving, there is no greater gift than to give of oneself.

Mr. Anderson also stated that everyone should watch Facebook and the newspapers regarding the annual chili-cook off, which would be held around February 24, 2017 and had previously been a help to local charities. He stated that he was pleased to sponsor this event.

Mr. Anderson wished everybody a Merry Christmas, Happy Hanukkah, Happy Kwanzaa, or whatever they celebrate, noting that the Christmas season is a great one for him because it had literally changed the world forever.

Mr. Cole asked Fire Chief Carey where people could go to find the schedule for Santa's visit on a fire truck through their neighborhoods. Responding, Chief Carey stated that the schedule would be in the Dover Post on the next two (2) Wednesdays, and that visits would take place on Friday, December 16th; Saturday, December 17th; and Sunday, December 18th. He noted that times were only tentative because the department must first take care of any calls they receive.

In reference to the fire at Cedar Chase, Fire Chief Carey advised that there were 37 personnel just from the Dover Fire Department that morning. He indicated that all five (5) engines, both of their ladders, and the rescue were in use, and Smyrna was called in for extra manpower. Chief Carey stated that things went downhill very quickly about 10 minutes after they were on the scene. He explained that their priorities were first to rescue the people hanging on the third floor balcony and then to make forcible entries in all the apartments to ensure that there was nobody in any of them. Chief Carey stated that by the time the first crew got to the third floor, they kicked in the door and found a family there. He explained that assistance from the Police Department helped the firefighters to get this individual out safely because he was giving them a little difficulty, while the building was burning over his head.

Chief Carey thanked Mayor Christiansen, who came to the scene approximately 5 - 10 minutes after the firefighters were on the scene and assisted them for a bit. He explained that when the first member of the Dover Fire Department was injured, the Mayor went straight to the hospital and stood by with him while the Department was taking care of the fire. Chief Carey also thanked the Police Department for an outstanding job helping the Fire Department with the rescue and getting people off the balcony. He noted that the Dover Fire Department had the first couple of trucks there and was doing two (2) jobs at once, getting people off the balcony and concentrating on getting the fire knocked down in the stairwell, because all three (3) floors and the stairwell were completely engulfed. Fire Chief Carey stated that, luckily, everybody got out, and it could have been more devastating than it was, referring to the family that they had found. He noted that the roof started to collapse over two (2) apartments next to each other. Chief Carey explained that firefighters were trying to make entry through the ceiling so they could start getting water above them, because the attic on one end of the apartment building was totally engulfed. He advised that it was a bad feeling to watch his own people being carried out unconscious. Chief Carey explained that this individual was doing very well now, got out of the hospital on Saturday, had a concussion, and just had to take some time. He advised that Cheswold had two (2) of the three (3) individuals that were seriously injured and they were also doing well, noting that they were part of the rescue at the beginning of the call when the Dover Fire Department arrived.

Chief Carey thanked Mr. Slavin, noting that he had received a phone call while at the fire scene after the fire was under control stating that Mr. Slavin had stopped by the hospital also to check on the personnel who were injured. Chief Carey stated that he and the members of the Fire Company greatly appreciated this. Responding, Mr. Slavin stated that he had been there on behalf of all members of Council.

Chief Carey wished everyone a wonderful and safe holiday. Mr. Slavin asked Chief Carey to convey Council's thanks to all members of the Police and Fire Departments.

Mr. Lewis noted that this would be the last meeting of the year and wished all the residents of Dover a Merry Christmas, Happy New Year, and Happy Hanukkah. He urged everyone not to forget the blue collar workers working for the City Police, Fire, and Public Works Departments on this holiday season, and commended and thanked them for what they had done.

Mr. Sudler moved for adjournment, seconded by Mr. Hosfelt and unanimously carried.

Meeting adjourned at 8:18 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of December 12, 2016, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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