



CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

**MINUTES
CITY OF DELAWARE CITY
PUBLIC HEARING, BOARD OF APPEALS
and MAYOR & COUNCIL MEETING
MONDAY, OCTOBER 15, 2018
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER – PUBLIC HEARING

The Honorable Mayor Green called the Public Hearing & Board of Appeals to order at 6:00 pm.

- 1. Second Reading & Possible Adoption Ordinance 18-0917-01 to Amend the City of Delaware City Code Chapter 22, Section 22-9 Relating to Residential Rental Properties Inspections**

BOARD OF APPEALS - 2nd Quarter Supplemental Tax Assessment FY19

Mayor Green read the Ordinance and Board of Appeal item being presented. City Solicitor Walton asked to speak on Ordinance 18-0917-01. City Solicitor Walton gave the history of this ordinance being passed with the revisions but never enforced. A number of concerns had grown from this ordinance and tonight it is on the agenda to be repealed.

Council Members Konkus and Titus discussed the issues this ordinance presents to both landlords and tenants. Vice Mayor Malinowski believes it is good for the protection of residents. Discussion continued on tenant's rights to privacy and at what period of time inspections should take place. City Solicitor Walton says the only question before Council tonight is to repeal the ordinance. Mayor Green

understands and explains that he wanted to have an open discussion to get a better flavor of how everyone was thinking.

City Manager Houck said many landlords have paid the registration fee and if this ordinance is repealed the fee would be reimbursed.

City Solicitor Walton asked Chief Baylor a question that had come up in the past about can law enforcement ask a landlord who lives in the property. Chief Baylor answered no; it is necessary to get a subpoena.

Vice Mayor Malinowski understands about tenant's rights but what about having an inspection between tenants to see the condition of the property. City Solicitor Walton said that's how it was setup or if a long-term tenant was residing it would be every 3-years. We can do whatever you want, just on change of occupancy. Vice Mayor Malinowski says that would give them something.

Mayor Green asks if anyone in attendance would like to appeal his or her FY19 tax assessment. There was no response. Mayor Green recesses the Public Hearing.

PUBLIC HEARING RE-CONVENED

Mayor Green reconvenes the Public Hearing at 6:27 p.m. and asked once again if anyone would like to comment on Ordinance 18-0917-01 and/or the FY19 Supplemental Tax Assessment. There was none.

Mayor Green asked for a motion to adjourn the Public Hearing. Council Member Konkus makes the motion to adjourn the Public Hearing. Council Member Titus seconds it. All were in favor. Public Hearing was adjourned.

CALL TO ORDER - MAYOR & COUNCIL MEETING

Mayor Green calls the October 15th meeting of Mayor & Council to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance to the Flag

ROLL CALL

Present were Mayor Green, Vice Mayor Malinowski, Council Members Barrett, Titus, Konkus and Renoll. In addition, City Manager Houck, Police Chief Baylor, City Solicitor Walton, Finance Manager McGinn, and City Secretary Hanna were also in attendance.

Mayor Green recognizes the Honorable John Buchheit, Delaware City Main Street President, Tim Konkus, DCVFD President Paul Johnson, DCVFD Chief Wally Poppy, Ms. Lisa Lindsay from Delaware City Refinery and three guests of honor: The family members of the late Max Walton, Mr. Christopher Sizemore and Mr. Paul Army who will be receiving special honors tonight.

ACTION UPON FINANCE REPORT

Finance Manager McGinn addresses the Council walking them through the report he had sent to them earlier on the financial status as of September 30, 2018. He drew their attention to the tax revenue stating they have collected the main tax collections and expenditures are on schedule with the exception of a few that have gone beyond the quarterly expectations which are the Community Center, Parks and Yard Waste due to additional maintenance costs for this period.

The Water Fund is currently operating at a deficit however; since consumption is billed in arrears the new rate change is not yet shown. It will be reflected in January covering the periods of October through December.

Also listed at Council's request are the reconciled balances of our bank accounts as of September 30th and the check register for the month of September.

There were no questions. Council Member Konkus says this is very good. Mayor Green asked for a motion to accept the financial report. Council Member Titus makes the motion and Council Member Konkus seconded it. All were in favor.

ACTION UPON THE MINUTES

Mayor Green points out there are two (2) sets of minutes; September 17th and October 1st. Council Member Barrett makes the motion to accept September 17th minutes and Vice Mayor Malinowski seconds the motion. All were in favor. Minutes of September 17, 2018 were accepted as written. Council Member Konkus makes the motion to accept the minutes of October 1st and Council Member Titus seconds the motion. All were in favor the minutes of October 1, 2018 were accepted as written.

POLICE REPORT

Police Chief Baylor presents the following report:

- Based on the year-to-date statistics there is a continued decline in the three (3) crime categories and it is anticipated to continue through the end of the year.

Incidents during September:

- 2-drug overdoses due to heroin one on the unit block of Hamilton Place and the other on Solomon Place.
- Theft of a license plate from a vehicle at the boat ramp at Fort DuPont. Just please pay attention to your license plate
- Package stolen from the front door of a residence on Fifth Street. Police urge everyone to make arrangements with neighbors/friends/or the police if you are not going to be at home when packages are expected to be delivered
- An Alabama man was arrested after making terrorist threats to a Delaware City resident on Clinton Street
- As a result of a crime stoppers report a resident of the mobile home park was apprehended. The individual is wanted by the NCCty Court of Common Pleas and by the State of New Jersey.

Significant Events:

- September 20th Delaware City Police partnered with the Delaware City Library to put on an Active Shooter Presentation for the community. Seventy-five (75) people attended. Due to the positive response a request was made to present another after the first of the year.

Announcements:

- National Drug Take Back Program will be Saturday, October 27th from 8 a.m. to 12 noon for the public to drop off any prescription drugs that are not being used or are outdated.
- After a 3-year effort, DCPD has been awarded a port security grant to place camera systems near the waterfront. The installation is expected sometime during the first quarter of 2019.
- DCPD is actively in the selection process for two (2) new officers to attend the NCCty Police Academy in December. They have completed all protocol and are now waiting for the results of background investigations. We hope to have these individuals identified by next Council Meeting.
- As the result of the Funds to Combat Violent Crime Grant, DCPD has received five (5) body worn cameras for each police office in the department and the officers will be required to wear them while on duty.

Council Member Titus asked if a theft was reported. Chief said yes it has been reported. Mayor Green adds his gratitude for the work the Chief and the officers did for Delaware City Day Fireworks.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- His office assisted the City Manager with regard to the executive session that is on the agenda for later tonight
- Also assisted City Manager regarding certain legal question posed relating to the Charter.
- Answered questions regarding Washington Street Flood Mitigation Project

City Solicitor Walton concludes his report stating he also answered miscellaneous questions during the month.

Mayor Green asks City Solicitor Walton to remain at the podium and joined him there and asks for his family to also come forward.

Mayor Green says as a small community, Delaware City likes to recognize people who have given generously of their time and talents. In doing so tonight, two resolutions signed by Mayor & Council are being presented.

The first is to the family of the late Max R. Walton for his generous contribution in labor and cost to restore the ball field. Therefore the Babe Ruth Diamond is being dedicated to the memory of Mr. Walton. A plaque of remembrance will be placed there in the near future. Mayor Green presents Mrs. Walton with the framed resolution.

Mr. Christopher Sizemore, the grandson of the late Mr. William Yowell was presented with a resolution signed by Mayor & Council for his grandfather's dedication to the youth of Delaware City and the Little League. Therefore, the Little League Ball Field is dedicated to the memory of Mr. Yowell and a plaque of remembrance will be placed there in the future. Mr. Sizemore was presented with the framed resolution.

The Mayor's Community Service Award was presented to Mr. Paul Army from Citi Bank and First Data who has generously saw to furnishing much of Town Hall. Mayor Green calls him "friend" and says Mr. Army is a faithful believer in helping others.

CITY MANAGER'S REPORT

City Manager Houck reported the following:

- The FY2018 audit continues. The auditors are expected back later in the week.
- The Downtown Development Plan was approved by Mayor & Council and was submitted to the State Planning Office. The reimbursement request was made from the planning grant totaling \$45,735, which was received on September 19th.
- Damon Cinaglia has accepted the position of part-time Code Enforcement Officer. He is in the process of familiarizing himself with the community, access to our systems and training in Edmunds. This engagement with Building Inspection Services, Building Inspection Underwriters (BUI) for this position will be reevaluated in advance to next year to determine if continuing with BUI for Property Maintenance meets our needs.
- City Manager calls Council's attention to the memo they received about the potential restoration effort on the C&D Canal Lock. We plan to engage a firm for estimates on the restoration. It is not clear what the cost of

obtaining an estimate will be but we will report back after we make contact.

- The Comprehensive Plan update continues to progress with the Planning Commission. We will ultimately come to Mayor & Council for approval.
- We received favorable feedback about the Fireworks event that it was a pleasant event focusing on families.
- Many complaints about dogs off their leash and about pet waste not being picked up. This will be addressed in our next City News issue as a reminder to our residents.

City Manager listed the meetings she had attended during the month of September.

Council Member Titus said the DART bus is still stopping and idling on Clinton Street ahead of its scheduled stop. City Manager said she would call DART.

Before moving forward, Mayor Green says he agrees with Council Member Konkus about the financial report and thanks Mr. McGinn. The Mayor said, the bar has now been set high.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

There were no appointments or announcements. Mayor Green said there is an opening for City Treasurer and two (2) openings each for Planning Commission and Historic Preservation. If anyone is interested please contact the Mayor or the Chairperson of each Commission.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street, Mr. Tim Konkus:

- The end of October, Main Street will begin its 23rd year
- DNREC is interested in opening a track through the Dragon Run, scenic area
- Farmer's Market continues until the middle of November, 9 a.m. to 1 p.m.
- Chief Baylor provided the ABC training for the volunteers for River Towns Festival
- Thank you to Chief Baylor, Ray and John Buchheit for their help and contributions to River Towns Festival
- River Towns Festival brochure of businesses is available
- Oct. 11 a meeting regarding the Coastal Zone development will be held. Important to have input from residents/business on the impact the development of the 14 potential sites will have on the environment of the River while at the same time balancing future jobs.

Upcoming Events:

- Cruise Night, October 27
- Halloween Parade, October 31. Parade lineup at Town Hall at 5 p.m. Step off at 6 p.m. Prizes for best costumes

- Small Business Saturday, November 24th
- Christmas Tree Light, Santa's arrival by fireboat, a lighted boat parade and pictures with Santa Saturday, November 24th at 6 p.m. Lynn Dilliplane will take pictures; Pampered Pets offered to cover the cost and Lynn will donate the paper.

Delaware City Fire Company, President Paul Johnson

- October is Fire Prevention Month. Anyone in need of a smoke detector, or batteries changed can call the Fire Company for a Career Staff Member to come by and assist.
- Open House, October 21 from 11 a.m. to 3 p.m. family time, games, and activities.
- December 22nd a memorial service remembering Michele Smith will be held. Mayor & Council are invited. Official invitations will be mailed.
- February is Black History Month and it would be nice to pay tribute to the first Afro-American Police Chief in Delaware City. Chief Griffith was the chief in the 1970's and paved the way for many more Afro-American Officers. President Johnson proposes Mayor & Council consider a memorial in recognition of Chief Griffith.
- President Johnson also echoed the comments regarding holding Delaware City Day on 2-days. He felt it was the best organized he'd seen.

Mayor Green said he was establishing an ad hoc committee to discuss the issues of Delaware City Day. Council Member Konkus has already agreed to be a member. Mayor Green invites others to step up.

OLD BUSINESS

1. Second Reading & Possible Adoption Ordinance 18-0917-01 to Amend the City of Delaware City Code Chapter 22 Section 22-9 Relating to Residential Rental Properties Inspections

City Solicitor is available for any questions. Mayor Green believes they had a good discussion earlier. Council Member Titus asked if this was to repeal and perhaps revisit later.

At this time it is to repeal the ordinance. Council Member Titus makes the motion to repeal Ordinance 18-0917-01. Council Member Konkus seconded the motion. Discussion followed. City Solicitor Walton suggests meeting with Vice Mayor Malinowski and work on a new ordinance to bring before Council.

A roll call vote was taken. The vote was all ayes. Ordinance 18-0917-01 was repealed.

NEW BUSINESS

1. Introduction & First Reading Ordinance 18-1015-01 to Amend City Code Section 46-31 to Change the Dimensional Requirements in the HPR District for Quartermaster Place

Mayor Green asked for a motion to accept this ordinance for first reading in abstract and title only. Council Member Barrett makes the motion. Vice Mayor Malinowski seconds it.

Vice Mayor Malinowski asks who is paying the legal fees. City Solicitor Walton answered the Fort is covering it 100%. He goes on to explain the change is to also have an option for a lesser density area that Council had previously approved in the HPR district.

Council Member Konkus asked if this is near the marina. City Solicitor did not bring his map so will have to get back to her.

Roll call vote was taken and resulted in the acceptance of the ordinance in abstract and title only. A public hearing will be held at the next meeting of Mayor & Council.

2. Grant in Aid - City Manager Houck

City Manager Houck said she is requesting approval from Council to move ahead in submitting the FY20 Grant in Aid request. Mayor Green asked for a motion for City Manager to forge ahead with the request. Council Member Titus made the motion. Vice Mayor Malinowski seconded the motion. The vote was all ayes. The motion passed.

3. Recommendation and Presentation Regarding Street Paving Project - City Manager Houck

City Manager Houck said she had hoped to have a recommendation about the street paving to present tonight but the funding has not come together yet. She recapped the effort to align the street paving with that of the paving on the Washington Street Project was completed as a cost saving effort since the paving company would already be mobilized in town.

Studies of the streets have been done and a balance of \$142,000 is at hand from previous Municipal Street Aid and Community Transportation Fund from our legislatures. The bid came in higher than what is at hand. Our legislatures said they would be able to make the balance of the funds available. When that is in place a special meeting of Mayor & Council will be called.

Mayor Green thanks City Manager Houck for her diligence in moving forward with this project.

MAYOR & COUNCIL COMMENTS

Council Member Barrett: no comments

Vice Mayor Malinowski: no comments

Council Member Titus: no comments

Council Member Renoll: received many positive comments about the fireworks and the race as well as the businesses in town. He believes Sunday is a good day to hold events as they do not appear to impact local businesses too much.

Council Member Konkus: Winter coat drive taking place for children at Southern Elementary. You can either donate a coat or money. Mayor Green offers to donate \$100 to which Mr. Konkus asks for \$200!

Mayor Green: recalls conversation he had with a family visiting Delaware City and how much they enjoy coming but are disappointed that one of the restaurants has closed. Mayor Green said he appreciates the favorable comments he has heard and sad we lost a business.

CITIZENS COMMENTS

Tim Dilliplane, 118 Clinton Street asked if the recent water bill reflects the new rate. City Manager Houck said yes it does. Finance Manager McGinn said however, the water consumption will be on January's bill.

John Buchheit, 30 Clinton Street. As a business owner he wanted to congratulate Main Street for the 23 years they have helped and supported local businesses and applauds Mr. Konkus for the efforts he puts out in keeping everyone informed and activities going. Mr. Buchheit was not pleased with the competitive runners who were recently in town for a race. He said competitive participants in any sport do not stay in town and spend money. Plus they also caused a great deal of disruption in the flow of traffic for businesses and residents alike. He suggested races be held along the trail and not in town. He concluded his remarks with a positive feedback on the fireworks being held on Sunday.

Mayor Green agrees with the fireworks being held on a different night and also recognizes parking is a negative dynamic in the city. He said more will be shared at a later date concerning the parking issue.

Ray Fruityer, 909 Fifth Street wanted to know where the water bills should be paid. City Manager Houck replied payments can be sent to Artesian or to Delaware City Town Hall. Mr. Fruityer said he was pleased the volume had been turned up he was able to hear the entire meeting.

Mayor Green recognizes DCFC Chief Wally Poppe as being present.

Chief Poppe gave an account of issues of safety that came up from the recent Delaware Distant Runners event held in town. He and Chief Baylor are not being informed by DNREC when these events are happening along the trail. Chief

Poppe describes what is necessary to provide a safe event and asks for assistance in getting DNREC to provide details.

Mayor Green suggests a letter be drafted from his office to the Secretary of DNREC about the need for this vital information and suggest a meeting be set to discuss this issue. Both Chief Baylor and Chief Poppe will be copied on the letter as well as City Manager Houck. Mayor Green also suggests Chief Baylor and Chief Poppe come up with an agenda for this meeting.

Mayor Green relates to Chief Poppe that the Little League Field had been dedicated to the memory of William Yowell and thanks Chief Poppe for bringing this to his attention.

EXECUTIVE SESSION

Mayor Green asked for a motion to go into Executive Session. Council Member Titus made that motion. Council Member Barrett seconded it. Mayor Green adjourns Mayor & Council Meeting to move into Executive Session at 7:39 p.m.

RECONVENE MAYOR & COUNCIL MEETING

Mayor Green reconvenes Mayor & Council Meeting at 8:03 p.m. He asked for a motion to accept the three (3) points that had been discussed during the Executive Session. Council Member Titus made the motion to accept. Council Member Barrett seconded the motion. Roll call vote was taken. All ayes, motion carried.

RECONVENE BOARD OF APPEALS

Mayor Green recessed Mayor & Council Meeting and reopens Board of Appeals. He asked if anyone would like to appeal the FY19 Tax Assessment. No one came forward. Mayor Green closes the Board of Appeals and Re-opens Mayor & Council.

ADJOURNMENT

Mayor Green asked if there was no further business could he have a motion to adjourn. Council Member Konkus made the motion to adjourn Mayor & Council Meeting. Council Member Titus seconded, all were in favor. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary