

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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**MINUTES
CITY OF DELAWARE CITY
PUBLIC HEARING
& MAYOR AND COUNCIL MEETING
MONDAY, NOVEMBER 19, 2018
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER – PUBLIC HEARING

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

1. Second Reading & Possible Adoption 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 read the Ordinance being presented. City Solicitor Walton took the podium and gave the background history of the Ordinance. The dimensional requirements chart was adopted at the March 20, 2017 meeting of Mayor & Council. It was based on like dimensions as Delaware City; single family with like setbacks which are already in the Code. However, this became problematic to apply. The new chart was created based on the different usage in the HPR's various districts. With the respect to Quartermaster Place district there were only two (2) permitted uses: 2-family attached and multi-family commercial mixed use. At the request of Fort DuPont there is interest in having that district house 1-family attached and 1-family detached which is the same as the Canal District. Basically this allows for a less dense use in the Quartermaster Place.

Mayor Green asks Council to keep in mind Fort DuPont Redevelopment Corporation is part of our City and within our boundaries. It is his understanding there has been more interest generated in having single-family homes and semi detached homes than what they originally planned. City Solicitor Walton answered Council Member Konkus's question saying yes, the single-family attached was like a townhome. Council Member Titus said she prefers a less dense option if it can be done.

City Manager Houck added this is the same as in Delaware City Proper is currently always be allowed. Mayor Green added at the Fort's first planning they wanted a denser concentration. This would present more revenue for Delaware City in tax parcels but having another look they felt it would be more difficult to sell and therefore made the changes.

There were no further comments so Mayor Green recesses the Public Hearing at 6:06 p.m.

PUBLIC HEARING RE-CONVENED

Mayor Green reconvenes the Public Hearing at 6:25 p.m. Both City Solicitor Walton and Mayor Green re-state their comments from the Public Hearing. With no other comments and/or questions, Mayor Green asks for a motion to close the Public Hearing. Council Member Titus makes the motion to close. It is seconded by Council Member Konkus. All in favor, Public Hearing is closed.

CALL TO ORDER - MAYOR & COUNCIL MEETING

Mayor Green calls the November 19, 2018 meeting of Mayor & Council to order at 6:28 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. Also attending were City Manager Houck, Police Chief Baylor, City Solicitor Walton, Finance Manager McGinn, and City Secretary Hanna.

ACTION UPON FINANCE REPORT

Finance Manager McGinn addresses on the Council on the October 31, 2018 financial report. He calls attention to an error on the second page; we are discussing 4 periods not 5 periods and we are running in line with the budget if not slightly higher in the General Fund and still operating at a slight operating deficit in the Water Fund.

Finance Manager McGinn pointed out the notable changes to the General Ledger moving forward:

- In accord to Ch. 16 §1601(c), Real Estate Transfer Taxes will no longer appear as part of General Fund Revenue.
 - A special revenue fund has been set up in compliance with the section.
 - Revenue will be transferred to the General Fund from this fund not as a direct line of General Fund.
- Community Center – prior accounting practices were underreporting revenues and expenditures related to rent payments by the Library. Corrective action has been taken in compliance with best practices in the industry.
- Public Safety Extra Duty Revenue and Expenditure Recognition will be recorded in compliance with best practices.

Forthcoming Changes: Prior accounting practices separated the Operating & Capital Grants into sub-funds of the General Fund. For transparency purposes and to ease internal tracking they will now be budgeted and recorded directly within the General Fund.

- This will be evident with the revenues and expenditures for Washington Street Flood Mitigation Project and the approved FY19 Road Maintenance Program in next month's report.
- A couple new departments and changes in budget are forthcoming.

Finance Manager McGinn has offered the reconciled balances of the bank accounts as of October 31, 2019 with comparison to prior month balances. The check register for the month of October is also offered.

Council Member Konkus asked if there is still money to come out of the \$38,000 showing in the Mayors' Ball or will it be forwarded to the 2019 Mayors' Ball. Mayor Green replied \$8,000 will carry over for seed money for the next Mayors' Ball. The remainder of the funds will be dedicated to whatever the previous committee decides what they want to do with it.

Mayor Green asked Finance Manager McGinn if his objective is to streamline reporting and book things against line item where they are supposed to be and if there is any change in funding necessary it will be shown and able to reconcile at the end of the month for forecasting.

Finance Manager McGinn replied his effort is to bring Delaware City's accounts up to the Government Accounting Standards Board protocol. Mayor Green asked if that will be possible within the next few months. Finance Manager McGinn answered that he is very close to it and waiting on the accountants for the balance from last year.

There were no further questions or comments. Mayor Green asked for a motion to accept the Financial Report for October. Council Member Konkus made the motion and it was seconded by Vice Mayor Malinowski. The Financial Report was accepted.

ACTION UPON THE MINUTES

Before moving on, City Manager Houck said she would like to clear up any misunderstanding on the statement she made on page 9 of the October 15th minutes regarding the new water rates. She explains the water rate increase was brought to Council in June and went into effect when passed in July. However, since the quarter had already started, the new rate would not be reflected on the quarterly bills until the October to December billing. This corrected her statement to Mr. Dilliplane that the new rate was reflected in his October bill.

Mayor Green asked for a motion to accept the minutes of October 15, 2018. Council Member Titus made the motion. It was seconded by Council Member Konkus. All were in favor; the minutes were accepted as written.

Vice Mayor Malinowski made the motion to accept the minutes from the October 29, 2018 Special Meeting. Council Member Titus seconded the motion. The minutes were accepted with the request for a correction* on page 6 by Council Member Konkus.

*Council Member Konkus questioned the accuracy of recording her comments on page 6. City Secretary Hanna checked the voice recording of that meeting the following day and found the transcription to be correct.

POLICE REPORT

Police Chief Baylor reported the following:

- The reported incidents for October continue to decline as compared to the year-to-date.
- 185 traffic citations were issued; 80 traffic warnings issued January to October 2018.

Crime Incidents

- October 14th Theft Report of lawn equipment items stolen from truck bed on the 300 block of Nowland Drive.
- October 19th responded to an assault complaint in the Delaware City Mobile Home Park. Two (2) people were charged with assault in the 3rd. degree.
- October 21st. DCPD responded to a drug overdose from illegal drugs on the 900 block of Solomon Place. Individual was transported to Christiana Hospital. Further investigation proved the individual was not a resident of Delaware City.
- October 24th incident of criminal mischief. A car was keyed on both doors while parked on the 100 block of Clinton Street.
- October 29th a trespassing incident occurred on the 900 block of Solomon Place. At the time of the check there was no one inside. Further investigation revealed a Claymont DE man was living there without the owner's consent or knowledge.
- October 30th a trespassing incident was reported again on the 900 block of Solomon Place. The officers apprehended two (2) individuals hiding on the 3rd floor. Charged with trespassing were a man from Newark and a woman from

New Castle. A warrant was obtained for the Claymont man who was involved in the October 29th trespassing incident. He was later apprehended by Middletown Police and turn over to DCPD.

Announcements

- Reminding all residents to drive cautiously coming into and out of town during dusk to dawn. There has been an increase in the number of deer and vehicle accidents in the area.
- Street sweeping throughout the town will be December 11th and December 12th.

Grants

- DCPD was awarded \$3,537.43 from a SALLE grant (State Aid to Local Law Enforcement) to be used for overtime for investigative related matters, community policing, public education programs for kids, and to pay for the State Police Chief's Conference in Dover.
- DCPD was awarded \$3,210.00 from an EDI grant (Emergency Illegal Drug Activity) to purchase CCTV camera equipment to be installed in strategic areas of the city to detect and deter illegal drug activity. This is part of the DCPD's strategic plan to place CCTV's throughout the city.

Chief Baylor urges all residents and business owners to sign up for CODE RED alerts. This is valuable to reach everyone for weather related, emergency, etc. notifications.

Council Member Titus said she was surprised to hear at another meeting that the DCPD was not allowed to patrol the mobile home park. Chief Baylor said under state law they are required to answer all 911 calls in their jurisdiction. The mobile home park is private property and as such has chosen to not allow the DCPD to do pro-active patrols.

Council Member Titus also asked if the situation on Solomon Place is ongoing. Chief Baylor said this is a rental property and the owner is very cooperative and is currently going through an eviction process.

Mayor Green recognizes the Honorable Buchheit, President of Main Street Tim Konkus, President of the DCFC Paul Johnson and Ms. Lisa Lindsey from the Delaware City Refinery and thanks them for attending.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- Assisted City Manager Houck and staff in preparing the ordinances on the agenda.
- Also assisted on the Memorandum of Understanding on the agenda.
- Working on the letter from former DCPD officer who believes he does not have to repay DCPD. Further information will be forthcoming at December's meeting of Mayor & Council.

- Verizon franchise is up for renewal. Have not been able to reach them so report will be forthcoming at December's meeting of Mayor & Council.

Mayor Green asked City Solicitor Walton if the former officer feels he should not have to repay. City Solicitor affirmed such and said he needs additional information on the signed agreement with the officer.

Mayor Green asked City Solicitor Walton to explain to Council the process when an officer leaves. City Solicitor Walton said it is a common practice for municipalities to have a contract with an officer. The municipality pays for the officer to attend the academy, uniforms, equipment, etc. therefore if he is to leave within 'x' amount of time he is required to repay the municipality those expenses. In general the repayment is if he leaves in 1-year he pays 100%; 2-years he pays 50%; 3-years he pays 25%.

Chief Baylor added the contract in Delaware City states within the first 3-years if the officer leaves to go to another law enforcement agency he repays 100%; within 4-years he pays 50%; within 5-years he pays 25%. If he leaves law enforcement entirely it's null and void.

Mayor Green asked if litigation happens and Delaware City wins does the former officer pay the legal fees. City Solicitor Walton said he will be better able to comment next month after looking over all the information and the contract.

CITY MANAGER'S REPORT

City Manager Houck reported the following:

- FY2018 audit is near completion and have the expectation to present the report at the December's meeting.
- Historic Lock in Battery Park: have shared information with a structural engineer, Gary Gredell of Gredell & Associates who is familiar with the lock. He has provided a detailed report and cost for conducting a field review. This will enable Delaware City to know the condition of the lock and obtain cost estimates for the work. This is not a budgeted item for FY19 therefore we will explore grant opportunities and or attempt to include the effort in the FY20 budget.
- Comprehensive Plan Update: continues with the members of the Planning Commission. Members of the PC will be confirming the current zoning of properties and submitting the results to the UD IPA who will update our maps that will be included in the November 2019 update.
- Water System RFP: Finance Manager McGinn and I are working with a consultant to finalize the RFP that should provide multiple options for our consideration by our community.
- Community Environmental Project Fund: After attending DNREC's workshop about how the grant funding application works, City Manager's intention is to submit an application for the necessary work for outfall #2 adjacent to Harbor Street. This does fall within the requirements of the grant. DNREC was

favorable towards this being a good fit for this project. If approved maximum funding could be up to \$20,000.

- Street Paving: The paving continues with a few interruptions due to request of business owners on Clinton Street on Saturday to stop and weather related issues. One of the hot mix plants has shut down necessitating the paving contractor to put more trucks on the job to bring hot mix up from Dover. This however, is not at the city's expense. Every effort is being made to complete the project while the current mobilization is underway and temperatures are favorable. If paving has to halt and resume in the spring it will result in additional costs to the city.
- Washington Street Flood Mitigation continues. Update on the progress is:
 - Underground piping and electrical conduit including storm sewer improvements are installed.
 - Improvements to Outfall #1, including new outfall pipe and tide check valve are installed.
 - Storm water system on Washington Street is functioning again by gravity drainage.
 - Restoration ongoing – new curbing and sidewalk at intersection of Harbor Street and Washington Street.
 - Paving restoration on Harbor and Refinery entrance expected by November 30th.
 - Control cabinets for storm water pump station and pumps and piping to be installed in December.
 - Start-up testing of storm water pump station scheduled for early January.
 - Completion dates: deadline January 17, 2019 and final completion is February 16, 2019. The project is on schedule.
- PAL: The planned open house to showcase the renovations to the PAL rooms, entrance and restrooms had to be rescheduled due to heating issues that could not be resolved in time. Funding for this project was from 2019 Bond & Capital Improvement Act (House Bill 475) totaling \$18,000.
- Rental Agreement: The agreements for the Library and Reedy Point Players need to be finalized. It is my intent to place them on the December' Mayor & Council Agenda with staff suggestions for changes for your consideration.
- Audit – Community Transportation Funds: Effort took place to pull details related to past Community Transportation Fund projects to satisfy a State audit. The success of this effort has Delaware City fully caught up from 2005 with this audit requirement.
- Facility Maintenance: a roofing company was called to address leak issues at the Community Center and Town Hall. There are additional concerns about the roof at Town Hall and now waiting for a detailed report from the inspection.
 - A compressor was replaced at the Community Center that is connected with the fire alarm system. Heat was out on the PAL side last week. The rooftop unit was repaired but I was made aware the unit is old and in need of replacement.

- Some successful in-house repairs were made to a leak at the Community Center. Leak was coming from a cut in the membrane under the solar panels. It was fortunate the leak was located and continues to be monitored.
- A new concrete slab will be placed near the Library entrance to accommodate the Library's purchase of a new bike rack. The concrete placement will be funded by the Mayors' Ball.
- Environmental Study of Town Hall was conducted by Sussex Environmental due to complaints by several employees. The report has been received and will be reviewing it with the firm to determine steps we may need to take in weeks ahead.

City Manager Houck listed the meetings she had attended for the month of October 16 to November 16.

Council Member Titus asked if the funds from the Community Environmental Project Fund will be enough to cover the cost of the repairs to Outfall #2. City Manager Houck replied since the condition of the pipe is not known she can't say for sure. There will be permitting costs, but there is hope it can be an add-on under the current permit. City Manager continues to explain how the fund works and when it could be available. This is the only project she currently is aware of to apply for support of and the deadline is January 2019.

There was extensive discussion over the paving project regarding schedule, potential added costs, weather related set-backs and notification to residents to remove their cars for the paving without risk of towing. Both Chief Baylor and City Manager Houck explained the extensive notification process being done to keep everyone updated; all social media, Code Red, and knocking on doors. City Solicitor Walton entered the discussion regarding any possible overage costs due to delays saying who is responsible is very factually dependent so trying to speculate who is responsible for what is based on facts and circumstances which have not happened yet. We can go back and analyze later for future endeavors. Mayor Green said Council has the right to know what's going on to make sure we are going in the right direction for our citizens. City Manager Houck noted all efforts at our disposal have been used to make Council and residents aware. Each Council Member is taking this very seriously and they should. Council Member Konkus thanks Chief Baylor for his efforts in knocking on doors.

There were no further comments or questions.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Mayor Green recommends the following individuals to Council for appointments of the following:

Historic Preservation Commission:

- Dale Slotter to a 3-year term. Council Member Titus made the motion to accept the appointment. Council Member Konkus seconds the motion. There were no comments or questions. The roll call vote was all ayes.
- Lynn Dilliplane to a 3-year term. Council Member Konkus made the motion to accept the appointment. Vice Mayor Malinowski seconds the motion. There were no comments or questions. The roll call vote was all ayes.

Planning Commission:

- Dan Saunders to a 3-year term. Council Member Titus makes the motion. Vice Mayor Malinowski seconds the motion. There were no comments or questions. The roll call vote was all ayes.
- Patricia Wilkinson to a 3-year term. Council Member Barrett makes the motion to accept the appointment. Vice Mayor Malinowski seconds the motion. There were no comments or questions. The roll call vote was all ayes.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Delaware City Fire Company

City Manager Houck tells Mayor & Council a communication was sent to the Mayor's office from DCFC President Paul Johnson explaining they have an opportunity for grant funding for an all-terrain ambulance which needs a third-party sponsor. City Manager Houck recommends we act as third-party sponsor and process it through our purchasing rules. In turn, have an agreement with DCFC to provide the vehicle to them. Mayor Green asked President Johnson to take the podium and explain how the vehicle will be used. President Johnson describes the vehicle as a fully equipped enclosed ambulance that allows first responders to get to a person on the Mike Castle Trail to begin triage and transport to the proper facility. There is no need for a motion from Council.

Main Street Delaware City, Mr. Tim Konkus, President

- Small Business Saturday will be held November 24 as well as the annual Christmas Tree lighting and arrival of Santa Claus. Mr. Konkus gave the details and times for these events and announced the first ever lighted boat parade will also take place. Thanks all the contributors who have helped with this event.
- Public Open House Tuesday, November 28th at the Library for the Continued Application of the Main Street 2006 Eco Tourism Plan for bike trails. Mr. Konkus explains the funding that had supported this effort. DeIDot and DNREC to design a trail around the boundary of Fort DuPont.
- Coastal Zone Meeting, open to the public. Very important impacts jobs and the environment.
- Holiday Parade December 15th the staging area may be at 4th Street, safer, quieter at 5 p.m. Step off at 4th & Clinton at 6 p.m.

OLD BUSINESS

- **Second Reading & Possible Adoption Ordinance 18-1015-01 to Amend City Code Section 46-31 to Change the Dimensional Requirements in the HPR District for Quartermaster Place**

Public Hearing was held at 6 p.m. this evening. Mayor Green asked if there were any questions or comments. There were none. He then asked for a motion to adopt *Ordinance 18-1015-01 to Amend City Code Section 46-31 to Change the Dimensional Requirements in the HPR District for Quartermaster Place*.

Council Member Titus made the motion. Council Member Konkus second the motion. A roll call vote taken was all ayes. Mayor Green said let the record reflect the Ordinance has been accepted.

NEW BUSINESS

- **Memorandum of Understanding between the City of Delaware City and the Colonial School District for the Purpose of Achieving the Various Aims and Objectives Relating to Short-term Shelter in the Event of Evacuations – Chief Baylor**

Chief Baylor takes the podium to address Mayor & Council on this memorandum. He explains the Colonial School District is asking for assistance from Delaware City in the event of an active shooter incident at either of the schools (Southern Elementary and/or Gunning Bedford) to provide a safe evacuation place for students who then can be united with their parents.

Mayor Green and Chief Baylor discussed the methods and preparations the DCPD will provide. Chief Baylor explained all State, County and Municipal Police Departments have gone through active shooter training and there is a mutual aid agreement for response by all Police Departments in the County. A command post would be set up and the school not involved in the shooting would be on lockdown.

Council Member Barrett made the motion to accept the memorandum. It was seconded by Vice Mayor Malinowski. The roll call vote was all ayes. Mayor Green announces the *Memorandum of Understanding between the City of Delaware City and the Colonial School District for the Purpose of Achieving the Various Aims and Objectives Relating to Short-term Shelter in the Event of Evacuations* was accepted.

- **Introduction & First Reading Ordinance 18-1119-01 to Amend the City of Delaware City Code, Chapter 7, Sections 7-3 and 7-6, Relating to Trash Containers & Penalties for Violations**

City Solicitor Walton explains this section of the code was not well worded and had been brought to the attention of some Council Members by City Manager Houck. It is to state trash containers are to be put out 15 hours before pickup and removed within 15

hours after pickup. Council Member Titus asked about the time and also added this means businesses have to put them out of sight in the 15 hour time span. There were no further questions or comments. Vice Mayor Malinowski made the motion to accept the introduction and first reading. Council Member Titus seconded the motion. The roll call vote was all ayes.

Mayor Green said the record reflects the Introduction & First Reading of Ordinance 18-1119-01 to Amend the City of Delaware City Code, Chapter 7, Sections 7-3 and 7-6, Relating to Trash Containers & Penalties for Violations has been accepted in title and abstract only. A Public Hearing will be scheduled for the December meeting of Mayor & Council.

MAYOR & COUNCIL COMMENTS

Council Member Barrett: No comments

Vice Mayor Malinowski: No Comments

Council Member Titus: No Comments

Council Member Renoll:

- Attended a seminar on invasive Spotted Lantern Fly and how to get rid of it and will be advising the Tree Commission.
- Re: parking signs asked to have the physical notices out earlier. Concerned that they are paper and subject to weather and hung on phone poles. He believes they need to be more noticeable for the community.

Council Member Konkus: The Southern Elementary coat drive was so successful we had enough funds to give to Gunning Bedford's closet. Council Member Konkus offered her many thanks to all who contributed.

Mayor Green:

- Thanks City Manager Houck and staff for their efforts to bring attention to Ovarian Cancer Awareness by putting the ribbons out.
- Support of Arbor Day Foundation that we have done before.
- Attended a seminar with Senator Koons on how our community and the United States can help fund countries overseas foundations for food and housing, etc.
- Have spoken with the Secretary of DNREC about setting up a meeting between them, Chief Baylor and Chief Poppe and President Johnson regarding notification of events along the Mike Castle Trail.
- Parking along Clinton Street will be looking at that again. Meeting with the Chief and want to get feedback from our residents and Council before doing anything.
- In December will be presenting the State of the City address where we are at the end of December and the forecast going into 2019 that we are on sound ground and know what's coming in. Will be working with City Manager and Finance Manager to put the facts together. Also look at a 2-year forecast to know we are on solid ground.
- Also work on the vacant house problems with City Solicitor to be sure we can move in a positive direction in legal and sound way for putting onus on the owners and banks to get the properties sold.
- Meeting with County Executive Myers on initiatives for the City.

CITIZENS COMMENTS

Tim Dilliplane, 118 Clinton Street

- Hoping the paving gets done tomorrow because the paving paper is very vulnerable to tearing with the cars turning.
- With the expectation of 400 plus people attending the Saturday event, he hopes port-o-potties will be available.
- He also asked if there is a rain date. Mr. Konkus replied, Sunday.

Paul Johnson, President DCFC

- December 22 memorial for Michelle Smith at the Fire Company; a brief ceremony followed by refreshments.
- Smoke alarms are available and asks to let the DCFC know of anyone who needs one. Would appreciate any ideas on how to insure each home has one.
- DCFC meeting this evening in regards to the end of their fiscal year. Considering adding 2 more career staff and a part time admin person to also be a liaison to daily needs.
- Volunteers are down so trying to think outside the box and be proactive. Considering merging with Port Penn so both communities can be better served.

Mayor Green suggested putting smoke alarms in the food baskets that will be handed out at Christmas.

Lisa Lindsey, Delaware City Refinery

- Update on the 3 contractors who were injured on October 31st. The refinery is helping them. They were treated and are at home. The news media misquoted, there was no explosion and no one was in critical condition. She encourages anyone who has questions to please reach out to her at any time regarding happenings at the refinery.
- The Hydrogen Plant's grand opening will be November 26. The governor and other dignitaries will be in attendance.

John Buchheit, 30 Clinton Street.

- Thanks Council Members Konkus and Titus for averting the paving on Saturday. He states how important Saturdays are to the businesses in town since some of them are only open that day. He applauds Mayor Green and Chief Baylor for making sure all the businesses are being taken care of.
- The 2019 Mayors' Ball will be February 23, 2019. A planning meeting will follow this meeting at Crabby Dick's. Anyone interested in being a part of the planning is welcome to join them.
- Mr. Buchheit expressed concern over the businesses who are landlocked as to how they can get their trash cans put away under the proposed amendment to the ordinance.

Dave Veasey, 400 Adams Street

- Thought there was an ordinance about trash cans. City Solicitor Walton explains there is and this is to put more clarity in the language. Mr. Veasey expressed concern for people who do 12-hour shift work may not be able to remove the cans within the 15-hours.

ADJOURNMENT

Mayor Green asked if there was no further business could he have a motion to adjourn. Vice Mayor Malinowski made the motion to adjourn Mayor & Council Meeting. Council Member Konkus seconded, all were in favor. The meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary