

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**MINUTES
CITY OF DELAWARE CITY
SPECIAL MEETING OF
MAYOR AND COUNCIL
TUESDAY, NOVEMBER 27, 2018 at 6:00 p.m.
TOWN HALL – COUNCIL CHAMBERS
407 CLINTON STREET
DELAWARE CITY, DE 19706**

CALL TO ORDER

The Honorable Mayor Green called the Special Meeting of Mayor & Council to order at 6:00 pm.

ROLL CALL

Present were Mayor Green, Vice Mayor Malinowski, Council Members Barrett, Titus, Konkus and Renoll. Also attending were City Manager Houck, City Solicitor Walton, Finance Manager McGinn, and City Secretary Hanna.

PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance to the Flag

NEW BUSINESS

Council Member Discussion Regarding the Process for the Recruitment of a City Manager

Selection of Acting City Manager

Mayor Green leads the discussion by first reading aloud the memorandum letter he prepared on the qualifications for an Acting City Manager to serve until a new City Manager is hired. He defines 10-points he is predicating his recommendation on. Mayor Green recommends Police Chief David Baylor to be the Acting City Manager.

Council then follows along with Mayor Green's power-point presentation detailing his recommendation, the financial impact to Delaware City, and the forecasted savings on salaries.

The power-point begins with the Acting City Manager receiving compensation based on a pay scale of \$45 per hour which would adjust Chief Baylor's current salary from his hourly rate to the new one to be paid as a bonus per month calculated on a 40-hour week. Mayor Green notes that these are estimates and will not be fine tuned until he and Finance Manager McGinn have the opportunity to go over the figures.

Although there will be a save on salaries with Chief Baylor as Acting City Manager one must also recognize the need for an Acting Chief of Police. A \$5 per hour pay increase would be added to that candidate's current hourly rate to be paid as a monthly bonus and calculated on the same 40-hour week as Acting City Manager's rate.

Mayor Green's chart details the comparison in salaries and although these are forecasted amounts, the savings over a 4-month period could be just under \$28,000.

Mayor Green then asked Council for the following agreement:

- That Council extends a cover of protection to Chief Baylor for when a new City Manager is selected he returns to his position as Delaware City Chief of Police at his original pay scale.
- If Chief Baylor decides to apply for City Manager's position and not be selected, that he be returned to his Chief of Police position at the same yearly pay scale.

Mayor Green said he has spoken with Chief Baylor and his intentions are to serve the community in the capacity he is asked. Chief Baylor agrees to the pay scale and understands that the hourly number proposed could be worked to be a minus or a plus. Added as an aside, Mayor Green said Chief Baylor has no expectations to be selected as City Manager.

Search Committee

Mayor Green addresses his recommendations for the formation of a search committee. Although he did not like the process the last time because he allowed his emotions to get away for which he apologizes, he does still firmly believe in the process because

when you have citizens who are very sincere and serious of the direction of the City needs to take it is a solid process.

Mayor Green recommends Mr. Paul Parets to be the chair and says he is willing to serve again. There were no objections from Council on the selection of Mr. Parets. Mayor Green states neither he nor any Council Member will be on the search committee. He will however, interview the final three (3) the search committee selects and then present them to Council.

The following is the criteria Mayor Green laid out for the search committee:

- Search committee should be small in size; 5 to 6 members
- The other voting members should be residents of Delaware City
- Council may suggest potential members to Mayor Green who will pass them along to Mr. Parets.
- No City Council Members can be on the search committee.

This generated discussion when Council Member Konkus asked why. City Solicitor answered it wasn't done last time and there is express prohibition for it. He explains the committee makes the recommendation and Council has the final vote.

Council Member Konkus was concerned about the appropriate background in business of the committee members to qualify them to make the selection. There was expressed concern over making sound financial decisions regarding range of salary. City Solicitor said that was the concern of the previous committee as well. There had been no parameters set up on salary range. As the discussion continued it was recommended that a range of salary from high to low be set taking into consideration the education and experience level of the candidate to match the range.

The question was posed as to what is the range of salary for a City Manager. City Solicitor Walton said there is a listing of all salaries that can be used as reference from the City Manager Association. Mayor Green commends Council on their openness and ability to speak up.

Mayor Green acknowledges the concerns Council Member Konkus has expressed and suggested Council Members submit a list of what to watch out for in the search committee and he will share it with Mr. Parets.

Returning to the search committee criteria:

- City Manager Houck may make recommendations for candidates but will not be an advisor since it was not done in the past.
- Search committee will make its own procedures for advertising, reviewing applications and resumes, vetting and interviewing selected candidates and utilize the services of City Solicitor Walton as needed.

City Solicitor Walton said this worked well last time. The committee wanted to be able to maintain confidentiality. Resumes were sent to a dummy email address at his firm and then separated into two (2) binders: qualified and unqualified. The position was

advertised in City Manager publications, UD, LLG and SCAT. They learned Delaware Online was not a good source since anyone looking for a job applied.

- At the end of the search, three (3) finalists will be recommended to the Mayor. City Solicitor suggests at least two (2) and no more than four (4).
- Mayor will not select the finalist but bring the three (3) to Council.
- Mayor will inform Council on his choice after Council has had their interviews.

Council Members Konkus and Barrett are in agreement with these guidelines.

Mayor Green will sit down with Mr. Parets to make the changes and rewrite the points for the search committee to follow. City Solicitor Walton offers that the names of the candidates be kept anonymous when coming before Council. City Solicitor Walton explains further that the interviews with Council will be during Executive Session but when it comes to the public meeting, their names are not mentioned. City Solicitor Walton also asks Mayor Green to send him the changes so the search committee process can be put in resolution form even though this is an ad hoc committee it is still under FOIA rules.

Mayor Green posed the question to City Solicitor Walton does Chief Baylor have to take a leave of absence from his position as Chief of Police. City Solicitor Walton said he has no recollection that there is any prohibition. City Solicitor looks through the City Charter and read "Police Chief shall have other duties subject to Mayor & Council, therefore it appears to be no limitation on a dual function.

VOTE OF ACCEPTANCE

Mayor Green asks Council for their vote on the following:

1. To appoint Chief David Baylor as acting City Manager to begin on December 19, 2018.

Council Member Barrett made the motion and it was seconded by Vice Mayor Malinowski. A roll call vote was taken which resulted in all Ayes. It was approved that Chief David Baylor will be Acting City Manager beginning on December 19, 2018.

2. For Police Chief Baylor to receive compensation based on a pay scale of \$45 per hour to be paid as a bonus on a monthly basis.

Council Member Barrett makes the motion and it was seconded by Vice Mayor Malinowski. A roll call vote was taken which resulted in all Ayes. Police Chief Baylor's compensation was approved.

3. To approve the Acting Chief of Police to be paid an additional \$5 per hour paid as a monthly bonus.

Vice Mayor Malinowski made the motion and it was seconded by Council Member Titus. A roll call vote was taken which resulted in all Ayes. The Acting Chief of Police's compensation was approved.

4. That Council extend a cover of protection to Chief of Police Baylor that when a new City Manager is selected he returns to his job as the Delaware City Chief of Police.

Vice Mayor Malinowski made the motion and it was seconded by Council Member Konkus. A roll call vote was taken which resulted in all Ayes. The cover of protection for Chief of Police Baylor was approved.

Mayor Green reminds Council that the numbers presented are only forecasted. He and Finance Manager McGinn will sit down and go over them to insure the integrity of the numbers.

COUNCIL DISCUSSION

Council Member Renoll asked if Chief Baylor as City Manager would no longer be a police officer and be involved with ongoing police investigations. Mayor Green explained City Manager is in charge of the police department therefore Chief Baylor would still be involved, able to advise and give direction. His focus though would be as City Manager.

Council Member Titus asked how the Comprehensive Plan will get completed. City Manager Houck said she is working on updating the chapters. Deadline is November 2019. The expected date to be finished with the chapters was set as February 2019. After which the plan would be presented to Mayor & Council and have the necessary Public Hearings. City Solicitor Walton offers his help if needed.

Council Member Konkus asked who would be the Acting Police Chief and the police department being down one (1) officer. Mayor Green answered that was up to Chief Baylor to make the selection. During the months of January to March is a slow period. Mayor Green added there are currently candidates in the Police Academy to graduate in June.

City Solicitor Walton asked to have the following put together:

- Bullet point resolution
- Time frame for selection of City Manager to be accomplished
- Process for selecting the members of the search committee

Mayor Green addresses these points:

- Feedback from Council of who they would suggest to be on the search committee to be presented to Mr. Parets for his consideration. A committee of five (5) members and City Solicitor Walton to be completed in December with an organizational meeting by January, 2019
- Mayor Green suggests a 4-month time frame after posting the job

Discussion on the length of time the last search committee process took place. City Solicitor Walton said they will be able to move faster because of the experience from the prior search.

Council Member Titus asked if the candidates should be informed on the salary. City Solicitor Walton answered there are pros and cons on that. If setting a limit, you would also be limiting the number of applicants. You are no longer allowed to ask what a candidate is currently making but can ask what they are looking for in salary.

Council Members Konkus, Barrett and Titus discussed the salary question. It was determined that the budget had to be taken into consideration as well as education and experience and a look at what the States average is for the population of a town.

In summation, City Solicitor Walton said he will charge the search committee to make their selections within 4-months. Mayor Green asked Council to give him their recommendations and concerns to be given to Mr. Parets.

Mayor Green congratulates City Manager Houck on her new position and wishes her all the best. City Manager Houck's last day will be December 19, 2018. Chief Baylor will begin on December 17, 2018

ADJOURNMENT

Mayor Green adjourned the meeting at 6:59 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary