

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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Delaware City, Delaware 19706

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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
PUBLIC HEARING 6:00 p.m.
MONTHLY MEETING 6:30 p.m.
January 28, 2019
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER – PUBLIC HEARING

Mayor Green welcomes two guests, Boy Scout Garrett and Boy Scout Jason from Troop 123, St. Georges. They are observing the Mayor & Council Meeting this evening for their citizenship badge requirements.

Board of Appeal – Third Quarter Supplemental Assessment FY19

Mayor Green asks if anyone is present who would like to present an appeal on their tax assessment for 2019. No one came forward.

The Honorable Mayor Green opens the Public Hearing at 6:07 p.m. He reads the items being presented:

- 1. Second Reading & Possible Adoption of Ordinance 18-1119-01 to Amend City Code, Chapter 7 Sections 7-3 and 7-6, Relating to Trash Containers & Penalties for Violations**

City Solicitor Walton reminded Mayor & Council that this is the second public hearing on this ordinance. Vice Mayor Malinowski asked to amend the appeal process at the December's meeting from Mayor & Council to City Manager and if not resolved proceed to the Board of Adjustment. City Solicitor Walton added it is his understanding there is a listing at City Hall for VIN's of each resident's trash can. There were no questions or comments.

Mayor Green once again asked if anyone was present who wished to make an appeal on their tax assessment. No one came forward.

2. Second Reading & Possible Adoption Ordinance 18-1217-01 Relating to Updating Chapter 46-147 Schedule of Fees

City Solicitor Walton said he was not involved with the preparation of this schedule. It had been suggested by the former City Manager based on review of costs.

Discussion about the considerable cost difference between new construction permits and remodeling permits began. Council Member Titus thought a typographical error may have been made on the 2.5% and the decimal point should be before the 2. Council Member Titus believes this will be a discouragement to home owners to remodel. As her point of reference she referred to her husband's 30 years in the construction field and these fees were outrageous according to his experience. Council Member Titus explained inspectors spend more time on site doing inspections for new construction than for remodeling. City Solicitor Walton said the schedule could be changed to be all the same. The fees were based on models from Bethany Beach and Newark.

Mayor Green suggested a meeting with Mr. Titus may be beneficial to get examples so when this ordinance is revisited we could have a better understanding. Council Member Konkus suggested reviewing the fees and come up with a plan before going back to City Solicitor Walton. She doesn't believe new construction should be cheaper than remodeling. We want our homes on this side to look as nice as over there.

City Solicitor said this was a quick update with the form on their computer. (The rest of his comment was inaudible).

Mayor Green once again asked if anyone was present who wished to make an appeal on their tax assessment. No one came forward.

PUBLIC HEARING COMMENTS

Ordinance 18-1119-01 Relating to Trash Containers:

Tim Dilliplane, 118 Clinton Street: expressed his concern over requiring someone to wait the 7 to 10 days to go on the agenda for their appeal. He believes the appeal process should be done as soon as possible. City Solicitor Walton explained the time period and also added the Board of Adjustment meets on as needed basis.

Council Member Konkus asked for clarification that this pertains to trash cans only and not dumpsters. Answer was yes.

John Buchheit, 210 Clinton Street: asked if residents were able to access online what their trash container numbers are. Finance Manager McGinn replied he would look into it. Suggestions were made on how to access the numbers by residents and how the Code Enforcement Officer would get verification of ownership.

Finance Manager McGinn and Mayor Green discussed procedures to verify ownership. Mayor Green believes a warning should be given before a violation. Interim City Manager Baylor was in agreement.

Mr. Dilliplane followed up with by asking how can residents verify their numbers. Finance Manager McGinn said the only time the numbers would come into play would be when a violation needs to be issued. Interim City Manager Baylor believes it is necessary for both resident and City Hall is aware of the numbers. Both Mayor and Interim City Manager believe a warning should be issued first and if ignored by the resident then the violation issued.

Council Member Konkus does not believe this ordinance is necessary. Council Member Titus added the issue is more prevalent in the downtown business district than town-wide which Vice Mayor Malinowski disagreed. He said there are residents who are storing their trash cans by their front doors. Mayor Green told Council they are permitted to make changes they see necessary.

Ordinance 18-1217-01 Relating to Schedule of Fees

Tim Konkus, 302 Canal Street: Main Street has been very concerned with maintaining the historic business district. When it comes to fees there or for any historic homeowner, the National Registry requires them to go to HPC for a review of plans. It is his recommendation to Council that if the homeowner or historic business owner follows the HPC's letter of appropriateness in its entirety a lesser fee be charged. Mr. Konkus believes this would give HPC more authority, elevating their credibility; helps to develop the downtown district; and provides small amount of help to the historic homeowners interested in remodeling.

John Buchheit, 210 Clinton Street: in conjunction with Mr. Konkus' statement, Mr. Buchheit believes the City is penalizing him for doing things correctly with permit fees. He would like to see City work with us instead.

MONTHLY MEETING OF MAYOR & COUNCIL

CALL TO ORDER

Mayor Green calls the January 2019 meeting to order at 6:34 p.m.

PLEDGE OF ALLEGIANCE

Scouts Garrett and Jason led the Pledge of Allegiance

ROLL CALL

In addition to Mayor Green, Vice Mayor Malinowski, Council Members Titus, Renoll, and Konkus were present. Interim City Manager Baylor, Finance Manager McGinn, City Solicitor Walton and City Secretary Hanna were also present. Council Member Barrett was absent and Council Member Renoll arrived later.

AUDIT FY18

Mr. Vince Barbone of Whisman & Giordano discussed the preliminary draft of the fiscal year 2018 audit. The audit resulted in an unmodified opinion (statements are presented accurately and fairly).

Mayor Green asked if there were any questions or more detail for Mr. Barbone. There were none. Mayor Green agrees it was a good deal of information to take in at once. Mr. Barbone said he would be available to sit down with Council and go through it. He asked Finance Manager McGinn to arrange a time for that meeting.

Mayor Green acknowledges that the Honorable John Buchheit, DCFD Chief Paul Johnson, Tim Konkus, President of Main Street and Ms. Lisa Lindsey of the Delaware City Refinery were in attendance.

STATE OF THE CITY ADDRESS

Mayor Green focused on the City of Delaware City's imperative need for a strict budgetary discipline. For this reason, Mr. Ross McGinn was hired to oversee the financial reporting and budgetary controls.

On the path forward, Mr. McGinn will establish strict budgetary controls; identification of cost saving opportunities; identification of new revenue streams; transparency of City's financial position and seeking out grant revenue with the utilization of free consultants for assistance.

A budget workshop will be conducted to cultivate ideas from Council Members for their thoughts and suggestions for improving our financial condition.

PRESENTATION OF LEADERSHIP PROCLAMATIONS

Mayor Green presented leadership proclamations to Vice Mayor Malinowski, Council Members Barrett, Titus, Renoll and Konkus. These proclamations are offered out of respect and gratitude for the time and devotion our Council Members give not just for serving on Council but also for the ways they volunteer their time for the benefit of Delaware City's residents.

PRESENTATION OF COMMUNITY SERVICE AWARDS

With deep respect Mayor Green presented Ms. Jill Walton Snow and Mr. Paul Parets with Community Service awards for their many years of contributing to the enrichment of life in Delaware City through many avenues of their public and charitable service.

ACTION UPON FINANCE REPORT

Finance Manager McGinn walked Council through highlights of the internal (unaudited) income and expense statement and check register for the first half of the fiscal year ending December 31, 2018. With the Completion of the FY2018 audit, a more thorough analysis of the City's financial situation can be provided.

Of the information learned so far, early indications are showing there is a structural deficiency in the City's finances that Council has taken the first steps into improving with the increases in the City's tax and water rates. A lack of operating reserve and plan to address the funding of the City's capital infrastructure exposes us to a higher risk of not being able to meet our citizenry's needs.

There were no questions or comments for Finance Manager McGinn. Council Member Titus made the motion to accept the finance report. It was seconded by Council Member Konkus. A vote was taken and all members were in favor. Finance Report was accepted.

ACTION UPON MINUTES

Council Member Titus made the motion to accept the December 17, 2018 minutes as written. The motion was seconded by Council Member Konkus. A vote was taken, all members were in favor. Minutes were accepted as written.

POLICE REPORT

Police Chief Baylor offered the following police report for the month of December 2018:

- Total Part I Offenses are down by more than half
- Total Part II and Part III Offenses are down
- Summary of All Crime Categories are down by 102 from last year.
- 230 Traffic Citations issued for the year
- 120 Traffic Warnings issued for the year

Crime Information

There have been thefts of items left in cars. Chief Baylor urges everyone to remove valuable items and lock their cars.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- Completed and sent out all postings for the City Manager position as directed by Council in the resolution passed at the last meeting.
- Made additions to the ordinances on the agenda this evening that were requested at the last meeting.
- Prepared the resolutions requested by the Mayor which are on the agenda for new business.
- Prepared a draft revision to the sign code that will be introduced for a first reading and sent to the Planning Commission for review at the direction of the Vice Mayor.
- Assisted City staff with two (2) FOIA request responses.
- Had a call with Interim City Manager Baylor on January 22 answering several questions on the status of several pending issues.
- Assisted with a code enforcement issue.
- Attempted to resolve the Officer Palier issue on his contract now waiting for a counter offer.
- A reminder to Council: there are three upcoming Board of Adjustment hearings to be held in February.

Council Member Titus asked if the position for City Manager was published in the News-Journal. City Solicitor Walton replied posting was done on an online service, in the City Manager Association's publication and with the League of Local Government.

CITY MANAGER'S REPORT

Interim City Manager Baylor offered the following highlights of his report:

- New Town Hall Hours are 8:30 a.m. to 4:30 p.m. Monday through Friday to better serve the citizens
- Along with Mayor Green, Vice Mayor Malinowski and Finance Manager McGinn, a meeting with Mr. Jones of Jerry's Paving took place addressing

- several concerns over the recent paving job preformed. Mr. Jones agreed several areas need addressing and will be providing the city with a written document and plan of action to address these concerns and plans for the repairs to done in the spring.
- Spoke with Mrs. Sandy Malinowski of the Tree Commission about having quarterly meetings to ensure areas of concern are monitored.
 - Attended the Board of Directors meeting of the African Union Cemetery updating them on the meeting with the management of DCMHP allowing access to the cemetery
 - Also met with management of DCMHP to reestablish police patrols in the mobile home park. A letter was given addressing what would be needed from them to reinstate police patrols.

After giving his report, Interim City Manager Baylor announced his resignation as Police Chief of Delaware City. The announcement was met with great sadness from everyone.

Mayor Green pays tribute to Chief Baylor for his service and his approach to police work and said Chief Baylor will be greatly missed not only as Chief but also as friend. An active search for a new Police Chief is underway.

APPOINTMENT ANNOUCMENTS/COMMUNICATIONS

In accordance with the Delaware City Charter, Mayor Green offers the following for appointment:

| | | | |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------|
| <u>Board of Ethics:</u> Tim Konkus | <u>Motion By:</u> Vice Mayor Malinowski Council Member Konkus recused herself from voting | <u>Seconded</u> Council Member Titus | <u>Vote</u> All Ayes |
| <u>Election Board Members:</u> Christopher McKinley Brenda Parker Tim Dilliplane | Council Member Titus Council Member Konkus Council Member Titus | Council Member Konkus. Council Member Titus Vice Mayor Malinowski | All Ayes All Ayes All Ayes |
| <u>Election Officers:</u> Virginia Monroe Jean Bonner Connie Howard Mary Kate O'Donnell | Council Member Konkus Council Member Titus Vice Mayor Malinowski Council Member Titus | Council Member Renoll Council Member Konkus Council Member Titus Council Member Konkus | All Ayes All Ayes All Ayes All Ayes |
| <u>Tax Assessor:</u> Tom Reynolds | Vice Mayor Malinowski | Council Member Renoll | All Ayes |
| <u>Delaware City Day Chairperson:</u> Madonna Malinowski | Council Member Konkus | Vice Mayor Malinowski | All Ayes |
| <u>Fort DuPont Board of Directors:</u> Tim Dilliplane | Vice Mayor Malinowski | Council Member Titus | All Ayes |

ANNOUNCEMENTS/COMMUNICATIONS

Mayor Green stated Mr. Herb Netch submitted his resignation from the Fort DuPont Redevelopment & Preservation Commission Board of Directors but will stay on until a replacement is found.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Mr. Tim Konkus, President

- Coastal Zone Regulatory Open House on February 26, 2019 from 5 p.m. to 8 p.m. A continuous loop of information will be shown
- Mr. Konkus offered his best wishes to Police Chief Baylor

DCFC – Mr. Paul Johnson, President

- January 5, 2019 the annual awards banquet was held and Chief Baylor was voted an honorary member
- DCFC is helping with the Mayors' Charity Ball
- A part-time position is available for an ad. min. assistant, Please contact Mr. Johnson

Mr. Johnson stated the Fire Company is also in the same position after the annual audit and they are looking for ways of improvement.

DCFC – Mr. Wally Poppe, Chief personally thanked Chief Baylor for all his assistance extended to the fire department. He believes the city will suffer with his leaving. Chief Poppe went on to pay tribute to Chief Baylor and thanked him for all he has done.

OLD BUSINESS

1. Second Reading & Possible Adoption of Ordinance 18-1119-01 to Amend City Code, Chapter 7 Sections 7-3 and 7-6, Relating to Trash Containers & Penalties for Violations

City Solicitor Walton summarizes his remarks from the Public Hearing. A motion to accept the ordinance was made by Vice Mayor Malinowski. It was seconded by Council Member Titus.

Council Member Konkus opened the discussion on whether or not this ordinance was really necessary. The issue seems to be a problem in the business district and not throughout city. She believes it should be amended for the Historic District or not at all. Council Member Titus agrees. However, Vice Mayor Malinowski disagreed and it can be seen in other areas of the city.

It was City Solicitor's recommendation if Council wants to limit this to just the historic business district to not adopt the ordinance at all.

It was offered that this ordinance would actually be a moot point without a code enforcement officer to follow through. Interim City Manager Baylor advised Council he is looking into ways to make the position more beneficial to the City then what is currently in place.

Mayor Green asked for a roll call vote on accepting Ordinance 18-1119-01 to Amend City Code, Chapter 7 Sections 7-3 and 7-6, Relating to Trash Containers & Penalties for Violations. The vote was as follows: Vice Mayor Malinowski, aye; Council Member Titus, nay; Council Member Renoll, nay; and Council Member Konkus, nay. The ordinance has been defeated.

1. Second Reading & Possible Adoption Ordinance 18-1217-01 Relating to Updating Chapter 46-147 Schedule of Fees

Mayor Green asked for a motion. Council Member Konkus made the motion to accept the ordinance. It was seconded by Vice Mayor Malinowski. Council Member Konkus asked to have this ordinance tabled until it could be worked on. City Solicitor Walton advised her to first withdraw her motion to accept then make the motion to table. Council Member Titus seconded the withdrawal motion and the table motion. A roll call vote was taken resulting in all ayes to table the ordinance for future reference.

NEW BUSINESS

2. Resolution 19-0128-02 to Create a Working Group with Fort DuPont Redevelopment & Preservation Corporation on a Connector Between Downtown Delaware City and the Fort DuPont Property.

Mayor Green asked for a motion to appoint Mr. Dale Slotter to chair this committee. Council Member Konkus made the motion. It was seconded by Council Member Titus. City Solicitor Walton clarifies appointees to this committee will be appointed by the Mayor and will be approved by Council at the next meeting. Roll call vote was taken resulting in all ayes. Resolution was accepted.

3. Introduction & First Reading of Ordinance 19-0128-01 to Amend & Modify Chapter 46, Article X "Sign & Outdoor Advertising Regulations"

A motion to accept Ordinance 19-0128-01 for introduction & first reading was made by Vice Mayor Malinowski. It was seconded by Council Member Titus. Council Member Konkus asked for clarification on the meaning residential and commercial. Vice Mayor Malinowski replied they represent proposed use for that parcel. A roll call vote was taken resulting in all ayes. The ordinance was accepted in abstract and title only. It will go to the Planning Commission for review before returning to the next meeting of Mayor & Council.

4. **Resolution 19-0128-01 to Appoint Individuals to Serve on the City Manager Search Committee**

Mayor Green said he appreciates Council's agreement to form a search committee for a new City Manager. At this time he is asking if they would agree to rescind this resolution and agree that under Delaware City Charter 3-03 permit him to make the selection from the resumes assisted by City Solicitor Walton and present candidate to Council for approval. The candidate of his choosing would share the same goals and objectives he sees necessary for the realistic growth and development of Delaware City.

City Solicitor Walton advises Mayor Green to ask for the rescinding of Resolution 18-1217-02 establishing a City Manager Search Committee. Council Member Titus made the motion to rescind the prior Resolution 18-1217-02 establishing a City Manager Search Committee. Council Member Konkus seconded the motion. A roll call vote was taken resulting in all ayes. Resolution 18-1217-02 was rescinded.

MAYOR & COUNCIL COMMENTS

Council Member Barrett – absent

Vice Mayor Malinowski – none

Council Member Titus – expressed disappointment in Chief Baylor's resignation

Council Member Renoll – none

Council Member Konkus expressed disappointment in Chief Baylor's resignation

Mayor Green

- Has been working on fundraising efforts for the Mayors' Charity Ball.
- Will continue to look into the vacant housing issue with the next City Manager.
- Will review cost of operating City Hall
- Review cost of leasing out gym on weekends without conflict with PAL and Reedy Point Players

CITIZENS COMMENTS

Tim Dilliplane, 118 Clinton Street complimented Chief Baylor as one of the finest police officers he ever met and considers him a friend.

Mike McMichael, 129 Washington Street also extended his feelings about Chief Baylor

John Buchheit, 210 Clinton Street said Delaware is an "at will" state. He doesn't believe in contracts and feels a good employee will stay with you. Also, he believes Chief's leaving is a big loss for the city.

ADJOURNMENT

Council Member Titus made the motion to adjourn Mayor & Council Meeting. It was seconded by Vice Mayor Malinowski. Meeting was adjourned at 8 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary