

"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.
February 25, 2019
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER – PUBLIC HEARING

1. Second Reading & Possible Adoption of Ordinance 19-0128-01 to Amend & Modify Chapter 46, Article X "Sign & Outdoor Advertising Regulations"

In the absence of the Honorable Mayor Green, Vice Mayor Malinowski called the public hearing to order at 6:03 p.m. City Solicitor Walton addresses Council with a summation of the Ordinance stating the purpose is to bring the districts and sub districts of the HPR; allowing flexibility in mixed use districts to be the same as in Delaware City.

Vice Mayor Malinowski and Mr. Jeff Randol, Director of the Fort DuPont Redevelopment & Preservation Corporation worked together on this Ordinance to have Delaware City's and Fort DuPont's sign codes co-exist as one entity.

At this time there were no questions or comments from Council or the audience. Vice Mayor Malinowski adjourns the Public Hearing at 6:06 p.m.

Reconvene the Public Hearing

The Honorable Mayor Green reconvenes the Public Hearing at 6:25 p.m.

City Solicitor Walton again summarizes the Ordinance. Mayor Green asks again if anyone wished to comment or ask questions. No one came forward, therefore, Mayor Green asks for a motion to adjourn the Public Hearing. Council Member Barrett makes the motion and it is seconded by Vice Mayor Malinowski. All were in favor the Public Hearing was adjourned at 6:28 p.m.

MONTHLY MEETING OF MAYOR & COUNCIL

CALL TO ORDER

Mayor Green calls the February 25, 2019 meeting to order at 6:28 p.m.

PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance

ROLL CALL

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

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 seven months of the fiscal year.

Finance Manager McGinn told Council at this time of the year all the tax revenues due have been received which will whittle down over the months ahead. We try to forecast out remaining activities of FY19. We are projecting without any adjustments being made to transfer from the water fund, that we will end the year at -\$63,443.41.

Finance Manager McGinn said the balance sheet information is being analyzed, some adjustments may be necessary to correct prior misstatements. While all known adjustments are being taken into account thus far, more may be needed as City staff is able to build the subsidiary ledgers used to accurately track balance sheet items.

It is important to note that the financial performance so far this year has been helped by a number of one-time benefits: the absence of the salary and benefits for a City Manager over the course of a couple months so far, one recruit in the Police Academy in place of the two that were potentially going, recognition of

some residual unearned revenues on the balance sheet, the transition from a full-time customer service representative to only one of two planned part-time customer service representatives and the transition from a full-time code enforcement officer to an outsourced firm.

Considering that those actions stated above are not likely to occur again, during preparation of the FY2020 budget, ensuring a balance budget may prove to be challenging while continuing to provide the current level of services to the community.

Finance Manager McGinn also presented Mayor & Council with a proposed Budget Amendment Draft for their consideration of what types of changes will be coming.

Mayor Green asked Finance Manager McGinn if there are any last minute invoices on the Washington Street Project to come in. They discussed the final billing and payment of such. Mayor Green asked to be informed if there are any change orders.

Mayor Green thanked Finance Manager McGinn for the work he is doing and the help he had been in the preparation of the State of the City address last month.

ACTION UPON MINUTES

Council Member Konkus made the motion to accept the January 28, 2019 minutes as written. The motion was seconded by Council Member Barrett. 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 January 2019:

- The incident report is consistent for this time of the year.
- 32 traffic citations were issued for January
- 12 traffic warnings were issued for January

Crime Information

Saturday, January 12th the DCPD responded to the DCMHP to investigate a domestic in progress. The individual involved fled on foot and after an extensive search of the area he was apprehended and charged with resisting arrest and for the outstanding court capias.

Saturday, January 19th an unknown subject was found inside a boat in the storage yard at the Delaware City Marina. Subject fled on foot prior to the arrival of police.

Thursday, January 31st a home invasion by two individuals forcing their way into a trailer in the DCMHP. Preliminary investigation leads us to believe it was drug related. The incident remains under investigation.

General Information

The DCPD recently completed the installation of in-car camera system in four of the department's patrol fleet. The in-car camera system was paid through a grant from the Delaware Department of Justice.

There were no questions or comments for Chief Baylor.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported there was nothing to report.

CITY MANAGER'S REPORT

Interim City Manager Baylor offered the following:

- Washington Street Flood Mitigation Project's start-up testing has been delayed due to waiting for a piece of equipment to complete the installation process. It is expected to arrive in the next 7 to 10 days. Once installed, the testing of the storm water pump will take place to ensure full operation prior to the completion of the project which is on schedule and is anticipated to be completed on or before April 2019.
- Comprehensive Plan Update: Results of the revisions made by the Planning Commission (PC) have been submitted to the UD IPA for updating the maps. Mr. Sean O'Neill will be attending the March PC meeting to work on the next steps before making a presentation for Mayor & Council's consideration in the next couple of months.
- Water System RFP (Request for Proposal): Several water utilities have submitted proposals for consideration. They are currently being reviewed by our consultant. Recommendations should be available for the March Mayor & Council meeting.
- African Union Church Cemetery: after a meeting with members of the Board of Directors to address a flooding issue that has developed, a meeting with Mayor and Vice Mayor will be planned to determine how to address this issue.

Interim City Manager Baylor listed the meetings he had attended on behalf of Delaware City from the end of January to February 22nd.

Interim City Manager Baylor presented a recommendation to Mayor & Council to:

- To establish a \$5,000.00 spending limit for the City Manager. Any expenditure that exceeds that must receive approval from City Council.

- To establish a requirement for the City Manager to obtain a competitive bid for any project where the expenditure will exceed an amount to be determined by City Council.

Council Member Konkus asked if the temporary pump would be removed when the Washington Street Project is completed to which he answered yes.

Discussion about an amendment for a spending limit was discussed which resulted in City Solicitor Walton and Interim City Manager Baylor agreeing to work together to present one at the next Mayor & Council meeting.

APPOINTMENT ANNOUCEMENTS/COMMUNICATIONS

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

<u>Board of Ethics:</u>	<u>Motion By:</u>	<u>Seconded</u>	<u>Vote</u>
Paul Starrett 3-year term	Vice Mayor Malinowski	Council Member Konkus	All Ayes

<u>Fort DuPont Board of Directors:</u>			
Paul Parets	Council Member Konkus	Vice Mayor Malinowski	All Ayes
(to serve the remainder of Herb Netch’s term – September 2019)			

Nominees for the Working Group on the Connector between Downtown Delaware City and Fort DuPont

Tabled until next meeting of Mayor & Council

ANNOUNCEMENTS/COMMUNICATIONS

The position of City Treasurer is open.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

DCFC – Mr. Paul Johnson, President said 8 members of the DCFD will be recognized at the County level for CPR saves in the next few weeks. He noted one member had successfully resuscitated one individual on two different occasions.

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 emphasized the importance of attending this meeting to understand what impact this industrial development will have on Delaware City and the environment.

Mayor Green and Mr. Konkus discussed out of the 14 sites planned, 7 of them are located along Route 9’s River Road except for one. They also discussed the one company’s site that is already a pollutant and what affect is possible. Mr. Konkus ended his comments with a very thought provoking comment: “How many smoke stacks for jobs are your willing to have?”

- Mr. Konkus thanked everyone involved with the planning and executing of the very successful Mayors' Charity Ball.

At this time, Mayor Green recognizes the Honorable John Buchheit, Mr. Paul Johnson, President of the DCFD, Mr. Tim Konkus, President of Main Street Delaware City and Mr. Mike McMichael past President of the DCFD as being in attendance.

It was also mentioned that Council Member Konkus had asked for a representative from Fort DuPont be present at meetings of Mayor & Council.

The Honorable John Buchheit

- Thanked Mayor Green for continuing the Annual Delaware Mayors' Charity Ball. He was pleased with outcome of the evening but would have liked to have sold-out. He also offered that no money was involved in the Casino night; it was for the enjoyment of the guests.
- Delaware City Day 2019 will be a 2-day event. The traditional parade and vendors will be the third Saturday of July. The fireworks will be September 22nd with no vending.

OLD BUSINESS

1. Second Reading & Possible Adoption of Ordinance 19-0128-01 to Amend & Modify Chapter 46, Article X "Sign & Outdoor Advertising Regulations"

Mayor Green asked if there is a motion to accept this Ordinance. Vice Mayor Malinowski made the motion to accept the adoption of Ordinance 19-0128-01 to amend and modify chapter 46, article X "sign and outdoor advertising regulations". The motion was seconded by Council Member Barrett. Mayor Green asked if there were any questions or comments and there were none. A roll call vote was taken resulting in all ayes. The record reflects passage of Ordinance 19-0128-01.

2. Acceptance of Fiscal Year 2018 Audit as Presented by Whisman & Giordano

Mayor Green asked for a motion to accept the audit. Council Member Barrett makes the motion to accept the Fiscal Year 2018 Audit as presented by Whisman & Girodano. Council Member Konkus seconded the motion. There were no questions or comments. A roll call vote was taken resulting in all ayes. The audit was accepted.

NEW BUSINESS

1. Resolution 19-0225-01 For Usage Fees

Interim City Manager Baylor said this resolution will be ready for the March Mayor & Council Meeting. The purpose of it is to re-align the fees charged for park usage to cover the cost of replenishing the properties and not have the monies come from the general fund. They are looking at the fee schedules of other municipalities as reference.

MAYOR & COUNCIL COMMENTS

Council Member Barrett – none

Vice Mayor Malinowski – attended Planning Commission Meeting and the Fort DuPont Redevelopment & Preservation Board meeting.

Council Member Titus – absent

Council Member Renol – none

Council Member Konkus – none

Mayor Green – special thanks to Tim Konkus for the casino night and his comical antics as auctioneer. Special thanks to the ladies' auxiliary, Jimmy Johnson, and everyone involved in making the Mayors' Charity Ball successful.

CITIZENS COMMENTS

John Buchheit, 210 Clinton Street: Questioned why Fort DuPont does not get approval from Mayor & Council when they hold events that serve alcohol. He also is not pleased with the outcome of the Board of Adjustment's decision on allowing the new church 25 parking spaces. He believes this will be a hardship on the residents living along Clinton Street not being able to park in front of their homes. He also mentioned he believed there were misrepresentations in the information given to the Board of Adjustment by the church's representatives.

Mike McMichael, 129 Washington Street: Thanks to Chief Baylor for staying in Delaware City and thanks for making the decision to hold the fireworks in September.

Cheryl Baxter, 200 Clinton Street: is in total agreement with Mr. Buchheit on the impact of resident's ability to park on Clinton Street.

These comments on the Board of Adjustment's decision led to a discussion between Council Member Konkus asking City Solicitor Walton if there is any way to rescind the decision of the Board of Adjustment. City Solicitor Walton informed Council Member Konkus the next step would be to appeal to the Superior Court. There was some discussion that not all the evidence was entered. City Solicitor Walton encouraged Council Member Konkus to read the final decision made by the Board of Adjustment. It is available at Town Hall.

ADJOURNMENT

Council Member Barrett made the motion to adjourn Mayor & Council Meeting. It was seconded by Vice Mayor Malinowski. Meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary