

"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
MONTHLY MEETING
Monday, September 16, 2019 at 6:30 p.m.
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER

Mayor Johnson calls the September 16, 2019 meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Johnson led the Pledge of Allegiance

ROLL CALL

In addition to Mayor Johnson, Vice Mayor Malinowski, Council Members Titus, Konkus and Renoll were present. Acting City Manager and Police Chief Baylor, Finance Manager Graham, City Solicitor Walton, and City Secretary Loveland were also present.

ACTION UPON MINUTES

Council Member Titus made the motion to accept the August 19th, 2019 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.*

Mayor Johnson asked for a motion to accept the minutes from the September 5th Special Meeting. Council Member Titus made the motion that was seconded by Vice Mayor Malinowski. 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 August 2019:

Crime Information:

- Three Delaware City residents were arrested and each charged in connection with an assault that occurred in the Delaware City Mobile Home Park in the early morning hours on Sunday, July 14, 2019.

Arrested were Wesley N. McMormick, 44, Charlotte M. Foote, 33, and Randy Foote, 34, all residents of the mobile home park. They were each charged with assault in the second degree and conspiracy after an investigation revealed they were involved in the assault of a 54 year old man and resident of the mobile home park. All were arraigned and released on bail pending a trial at a later date.

- On Saturday, July 27, 2019, DCPD investigated a theft at the Sunset Market. During the investigation it was learned that Ruben E. Bautista, a 28 year old male from Wilmington, attempted to pass a counterfeit bill during a purchase at the market. Mr. Bautista was apprehended in the area. As the investigation unfolded, it was also learned that Mr. Bautista provided a false name and information, which revealed he was also an escapee from the Department of Corrections. He was charged with theft, criminal impersonation and being a fugitive. He was returned to the Department of Corrections.
- On July 5th and July 17th, the Delaware City Police Department responded to the unit block of Hamilton Place in reference to a burglary investigation. During both incidents, we were able to identify Timothy A. Marshall, 31, of the Delaware City Mobile Home Park as the suspect in each investigation. He has been arrested and charged with two counts of criminal trespassing in the first degree.
- In the early morning hours on Tuesday, July 30, 2019, New Castle County Police responded to the 300 block of Seventh Street to a burglary in progress complaint. During their investigation, they identified Michael C. Gardiner, 28, of the 100 block of Washington Street as the suspect involved in this incident. He was taken into custody and charged with burglary in the third degree and misdemeanor theft. He was arraigned and later released.
 - Later that afternoon, the DCPD responded to the DART bus stop on Washington Street behind the post office for a disorderly person. Upon arrival, we made contact with the person who was later identified as

Michael Gardiner. Following a brief struggle with officers, Mr. Gardiner was taken into custody and transported to State Police Troop 2. He was charged with public intoxication, terroristic threatening, two counts of resisting arrest and criminal mischief for damage to a Delaware City Police vehicle.

- Shortly after he was released from Troop 2, Mr. Gardiner, made contact with another Delaware City resident, where he harassed that individual. Delaware City Police investigated that incident and obtained arrest warrants for breach of release, terroristic threatening and harassment. The warrants were entered into warrant system. Mr. Gardiner was later apprehended by the Wilmington Police Department on a separate incident. He is currently in the Howard Young Correctional Facility awaiting trial.

➤ **General Information**

- ✓ Recently the Delaware City Police Department has received several complaints regarding golf carts and other unauthorized vehicles being operated on the sidewalks and streets throughout the city and Ft. DuPont. Golf carts and other non-approved motor vehicles are not permitted to be operated in the City. We are asking the owners/operators of such devices to refrain from operating them on the sidewalks or streets in the city. **We will be taking the appropriate enforcement action regarding such violations.**
- ✓ School is starting next week. Children and school buses will be in the city, please be careful and look out for children and when driving near or around school buses.
- ✓ Bicycle safety remains a key area of concern throughout the city. We are reminding all cyclists they are required to follow the rules of the road. Parents, please instruct your children on the safe and proper operation of their bicycles.

He also mentioned a shooting incident that occurred in the mobile home park. Where an individual came to a specific trailer looking for someone, when they could not reach the individual, they left and came back at 4 a.m. and that's when the shooting occurred. He will update as more information becomes available.

CITY MANAGER'S REPORT

- The entire Town Hall staff attended Active Shooter Training.
- Met with Joe Tharp and Mayor Johnson regarding the establishment of a Community Watch Program for the City. Sergeant Wysock has been identified as the coordinator of the program for the Police Department and is working with Mr. Tharp.
- August 14, 2019 – I was made aware of a potential water issue at Well #5 (located where the Cutting Edge shop is). Artesian Water Company informed me their system indicated the output for Well #5 is significantly less than what the normal output should be.
 - Further investigation revealed it may be associated with the pump. However, the only way to determine if it was the pump, was to extract it from the well. The pump was extracted by a Schulte, a company that specializes in well pumps. That examination revealed there was a couple of holes in the column that leads to the pump, as well as the pump itself was deficient.
 - The well is temporarily shut down until a new column and pump are installed. It is anticipated that repair will be completed by the first week in October.
 - The City is currently operating off of Well #4, which is located on Washington Street.
 - Water System Public Meeting will be on Wednesday evening at the Delaware City Fire Hall. The meeting will begin at 6:30 p.m.
- Meetings I attended
 - August 13, 2019 – Attended the Ft. DuPont Redevelopment Corporation Board Meeting.
 - August 14, 2019 – Attended the Historic Preservation Meeting.
 - August 15, 2019 – Attended the River Towns meeting.
 - August 19, 2019 – Attended the Downtown Development Designation Presentation at the Birding Association Building.

CITY SOLICITOR'S REPORT

1. Answered questions regarding whether City employees are required to be bonded.
2. Answered questions on unsubdividing lots.
3. Answered questions of the City Manager regarding taxes and fee proposals; I also had a meeting with the Vice Mayor and Councilperson Konkus on the same issue.
4. *This issue is on the agenda for this evening under new business #9. The Vice Mayor asked for this discussion. The Vice Mayor and I discussed it, and feel it would be better for us to put the information into an attorney client privileged memo instead of providing confidential legal advice in public.
5. I attended the planning commission meeting regarding the Comprehensive Plan and I worked with the UD consultants regarding the same.
6. My office drafted the ordinances on the agenda for this evening.
7. I would like to note that I spoke with the City Manager late last week regarding new business #2 – the site plan ordinance. I have a draft of that ordinance – but it is complicated and it needs more thought. So, we did not advance it for this evening. We are going to give it more thought, run it by the City engineers, and we will have it for review next month.
8. There is a special meeting scheduled for the 18th regarding the water system. I have known since the day that meeting was scheduled that I could not attend. My colleague, Lauren DeLuca, will cover in my absence.

ACTION UPON FINANCE REPORT

Council Member Konkus made a motion to accept the Finance Report subject to Audit, the motion was seconded by Vice Mayor Malinowski. *The Finance report was accepted.* Finance Manager Graham presented the financial report as of August 31st, 2019 to Council. (Full report is attached)

Questions/Comments from Council

- Council Member Konkus asked if they are doing anything to rectify the flooding that's still taking place on Washington Street. Finance Manager Graham said the last time they were there working on the pump was in early September but she will look into it.

APPOINTMENTS

Historic Preservation Commission:

3 year term- David Turley

Vice Mayor Malinowski made the motion that was seconded by Council Member Titus. All were in favor, Motion passed.

1 year term- Rebecca Keifer

Council Member Titus made e motion that was seconded by Council Member Konkus, all were in favor. Motion passed.

3 year term- Dale Slotter

Vice Mayor Malinowski made the motion that was seconded by Council Member Titus. All were in favor, Motion passed.

Planning Commission:

3 year term- Dana Renoll

Council Member Titus made the motion that was seconded by Vice Mayor Malinowski. All were in favor, Motion passed.

3 year term- Tom Dilliplane

Vice Mayor Malinowski made the motion that was seconded by Council Member Titus. All were in favor, Motion passed.

FDRPC Board

3 year term- Paul Parrets

Vice Mayor Malinowski made the motion that was seconded by Council Members Titus. All were in favor, Motion passed.

3 year term- Dale Slotter

Council Member Titus made the motion that was seconded by Council Member Konkus, all were in favor, Motion passed.

Board of Adjustments: Tabled to the next meeting due to introducing an Ordinance tonight to expand the number of members on the Board of Adjustments.

Board of Health:

Mike McMichael's-

Council Member Titus made the motion seconded by Vice Mayor Malinowski. All were in favor, Motion passed

Charter Committee:

Betty Barrett-

Council Member Konkus made the motion that was seconded by Council Member Titus, all were in favor, Motion passed.

Beth Konkus-

Council Member Titus made the motion that was seconded by Vice Mayor Malinowski. All were in favor, Motion passed.

Tom Wyatt-

Council Member Titus made the motion that was seconded by Council Member Konkus. All were in favor, Motion passed.

APPOINTMENT OF THE CITY MANAGER

Mayor Johnson asked for a motion to appoint the current Acting City Manager David Baylor as the new City Manager of Delaware City at a salary of \$90,000 a year for a Five year term and all benefits will remain the same.

Council Member Titus made the motion that was seconded by Vice Mayor Malinowski. All were in favor, *Motion passed.*

David Baylor took the Oath Of Office to become City Manager of Delaware City, Sworn in by Mayor Johnson.

ANNOUNCEMENTS/COMMUNICATIONS

Mayor Johnson announced that there will be a Public Forum on Wednesday, September 18, 2019 at the Delaware City Fire House from 6:30 to 8:30 to discuss the future of the Delaware City water system. Presentations will be given by the 3 water companies that responded to the RFP that was advertised. He encouraged everyone to be present for these presentations because we will inevitably experience a rate increase regardless of the route we take.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Board of adjustment- Paul Paretts

As a current member of the Board of Adjustments, he is looking forward to the Ordinance being passed to allow more members on the Board of Adjustments.

Main Street- Tim Konkus

River town festival- Saturday October 5th

Community Garage Sale- Oct 6th from 8-5. There is also the Open House for the Firehouse that day.

Planning Commission- Tim Dilliplane

He informed everyone that at the last Planning Commission meeting they updated and made corrections on the Comp Plan Maps. This all will probably reach Mayor and Council by January.

City a Manager Baylor- Ft. DuPont

He wanted to update our residents that the Campground at Ft. DuPont is just a proposal and there is no formal agreement in place just yet.

OLD BUISNESS

Selection of Storm Water Mapping Company - KCI or AECOM

Kathy Clifton came to the podium to give background on the relationships with both companies and give her opinions on both proposals as she works with these companies often working for the City.

Mayor Johnson asked for a motion to select KCI for our Storm Water Mapping. Council Member Konkus made the motion seconded by Council Woman Titus, all were in favor, *Motion passed.*

NEW BUISNESS

Introduction and First Reading of Ordinance 19-0916-01 Repealing Chapter 22 Section 6 and 10 E & F

Council Member Titus made the motion that was seconded by Vice Mayor Malinowski, all were in favor, *Motion passed.*

Introduction & First Reading Ordinance 19-0916-02 Creating A Site Plan Review

City Solicitor Walton asked to have this tabled to a future meeting.

Introduction and First Reading Ordinance 19-0916-03 Expanding the Number of Board Adjustment Members

Council Member Konkus made the motion that was seconded by Council Member Renoll. All were in favor, *Motion passed.*

Introduction and First Reading Ordinance 19-0916-04 Relating to Permit Fees for the DDD

Council Member Titus made the motion that was seconded by Council Member Konkus, all were in favor, *Motion passed.*

Introduction and First Reading Ordinance 19-0916-05 Relating to Tax Abatement for the DDD

Council Member Konkus made the motion that was seconded by Vice Mayor Malinowski, all were in favor, *Motion passed.*

Introduction and First Reading Ordinance 19-0916-06 Relating to a Lodging Tax

Vice Mayor Malinowski asked if the RV Park will have a Lodging Tax. City Solicitor Walton said he believes they will not but he will look into it further.

Council Member Titus made the motion that was seconded by Vice Mayor Malinowski. All were in favor, *Motion passed.*

Certification of the 2nd Quarter Supplemental Tax Assessment FY20

Council Member Titus made the motion that was seconded by Council Member Renoll. All were in favor, *Motion passed.*

Discussion of City Solicitor Representation of the City and the Ft. DuPont Redevelopment and Preservation Corporation

Council Member Konkus asked to have this item tabled to a future meeting.

Discussion of Impact Fees and Rental Tax

City Solicitor Walton asked to have this removed from the agenda as it will be handled in an Attorney Client Privileged Memo.

MAYOR & COUNCIL COMMENTS

Council Member Titus

She pointed out that the email they received from Erica Lindsey had some misinformation in it. Council was never presented any proposals from the Blue Water Group.

Council Member Konkus

- Met with the City Manager and the Mayor to discuss Franchise Fees, Lodging Fees, Impact Fees and potential Rental Tax.
- Attended the Community meeting at Wilbur Elementary School for the new North Point Development on Route 72. She has information if anyone is interested.
- Contacted Senator Poore and Representative Longhurst requesting funding for well #5 and they are going to pay for it so they City does not have to.
- Met with Representative Longhurst about funding needs and goals the City has.

Council Member Renoll

None

Vice Mayor Malinowski

- Attended the Ft DuPont Board Meeting
- Met with the Acting City Manager, Solicitor and Council Member Konkus to discuss way to get money for the City.

Mayor Paul Johnson

1. Attended at opioid crisis meeting at the Start Campus with Senator Coons.
2. Attended a community meeting at Wilbur Elementary School.
3. Met with Secretary Garvin from DNREC to discuss uses for the State penalty fund.
4. Attended a neighborhood watch program meeting with group members.
5. Attended a meeting with the State Health Department to secure funding to repair well #5.
6. Reviewed the water mapping and water system proposals to prepare for upcoming meetings.

7. Reviewed 7 resumes for the City Manager position.
8. Worked with Dave Tiberi on the Delaware Decision makers meeting on Sept. 19th.
9. Attended a brief staff meeting with city staff and discussed implementation of an asset management program in the near future.

CITIZENS COMMENTS

Toby Williams, 403 Hamilton Street

Thanked Mayor and Council for hearing his ideas at the last meeting. He thanked Chief Baylor of taking the position of City Manager.

Erica Lindsey, 905 A Fifth Street

She explained her concerns about the development of the campground at Ft. DuPont. She explained that she feels the community has been kept in the dark and not informed with the development that's taking place. She's concerned about the impacts to the city with the development happening at the fort and she does not want the State Park Land developed. She is reaching out to multiple government officials for help with this matter. She says she's wants the community to be more informed as many residents cannot make the 8:00 am Ft. DuPont meetings.

David Baylor, City Manager

He gave a thank you and appreciation speech to everyone in attendance tonight and to the City of Delaware City.

Kelly Patterson, New Castle De

She addressed all the Mayors efforts and transparency and believes the appreciation for that was reflected in tonight's attendance. She also thanked Chief Baylor for accepting the position as City Manager.

ADJOURNMENT

Mayor Johnson asked for a Motion to adjourn. Vice Mayor Malinowski made the motion, Council Member Konkus seconded the motion, and all were in favor. *Mayor Johnson adjourned the meeting at 7:30 p.m.*

Respectfully submitted,
Britney Loveland