

"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 6:30 p.m.
Monday, November 18, 2019
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER

Acting Mayor Malinowski calls the November 18, 2019 meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Acting Mayor Malinowski led the Pledge of Allegiance

ROLL CALL

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

Finance Manager Graham was not present.

ACTION UPON MINUTES

Council Member Konkus made the motion to accept the October 2019 minutes as written. The motion was seconded by Council Member Titus. A vote was taken, all members were in favor. *Minutes were accepted as written.*

ACTION UPON FINANCE REPORT

Vice Mayor Malinowski made the motion to accept the Finance report subject to Audit, it was seconded by Council Member Konkus. *The Finance report was accepted.* Finance Manager Graham presented the financial report as of October 31, 2019 to Council.

(Full report is attached)

Questions/Comments from Council

- City Manager Baylor asked Council to send any questions regarding the Finance Report to the Finance Managers Email and she will reply to their questions when she returns from Vacation.
- Council Member Titus asked the City Manager to have the I.T Company come in to help Council with their new City Emails. City Manager Baylor said he will take care of that.
- City Manager Baylor let Council know that there was a leak in a Water Main on Clinton Street today, but the issue is now resolved. Vice Mayor Malinowski asked who will be responsible for that bill, City Manager Baylor said he believes the City will be responsible.

POLICE REPORT

Police Chief Baylor offered the following police report for the month of November 2019:

➤ General Information

- ✓ The Delaware City Police Department has recently received a total \$20,071.71 in grants from the state of Delaware. Below are the listed grants and their amounts:
 - Funds to Combat Violent Crimes - \$12,974.20
 - State Aid to Local Law Enforcement - \$ 3,723.73
 - Emergency Illegal Drug Enforcement - \$ 3,373.78
- ✓ The Delaware City Police Department would like to remind our residents to develop a plan for packages delivered to your homes this holiday season. Unfortunately, "Porch Pirates" are active and are looking to steal your packages delivered this holiday season. Do not become a victim, have a plan!
- Council Member Buchheit recommended people look into getting Ring Doorbells, he says they have been used lately to help catch thieves. Chief Baylor agreed that a Ring doorbell would be a good investment.

CITY MANAGER'S REPORT

City Manager's Report for October 2019

- I met with the Blue Water Development Team regarding a status update on their proposed campground development plan for the Grass Dale site. They are moving forward through the approval process in preparation for submitting plans to the Ft. DuPont Redevelopment Board Corporation and the City for consideration.
- The staff at Town Hall and members of the Delaware City Police Department held a "Trunk or Treat" event in the parking lot of Town Hall on Wednesday, October 30th. The event was well attended with more than 300 children, parents and various participants in attendance. I would like to thank all of those involved that helped make this event a success.
- Finance Director Michelle Graham and I met with city officials in New Castle City regarding obtaining ideas and strategies to address the outstanding taxes, fines and fees owed to the city. We are currently working with our Solicitor regarding this issue and I will update Mayor and Council regarding the progress.
- I am working on identifying and hiring a part-time person to do the Code Enforcement duties for the city.
- Met with Mr. Kelly of ECO Plastic Products, a plastic recycling company regarding the purchase of park benches made of recycled plastic materials for our parks and playgrounds.

Announcements

- I would like to remind everyone prior to placing any items or displays on city property they must receive approval from Town Hall. Any items displayed on city property without approval will be removed.
 - Small Business Saturday will be on Saturday, November 30, 2019. There will be an event hosted by Main Street and Mr. Konkus will provide more information regarding this event.
 - This Wednesday, November 20, 2019, I will be meeting with the State of Delaware Planning Commission as part of the approval process regarding the City's Comprehensive Plan.
- *Council Member Buchheit* asked if there was any update on the temporary pump on Harbor Street. City Manager Baylor said he understands there is money from the General Assembly earmarked for this and he will be looking into bids.

- *Council Member Buchheit* asked if we can make the Business License process simpler, he says Delaware City's process is the most difficult. City Manager Baylor said he would work with the staff on this.
- *Council Member Buchheit* asked if there was any update on the lights for the Fifth Street Bridge, Council Member Titus asked if we could use Solar Lights. City Manager Baylor said he will look into that, it will be an investment and he's not sure what that investment will be but he will look into it. Council Member Buchheit asked if Fort DuPont would split the cost.
- *Council Member Buchheit* said it was discussed at the last meeting that there are outstanding Tax balances and in the past those were published in the City Newsletter. He wants to know if that will be done again as it was effective in the past. City Manager Baylor said he would like to give the Residents an opportunity to make good on it first, so he plans to send out notices and in the notice it will mention that names will be published.
- *Council Member Titus* asked if anything was resolved with the bus company. She made multiple complaints about the Dart bus idling near the park and filling the area with a Diesel smell. City Manager Baylor said he did get in touch with an Operations Manager and he was going to address it. Council Member Titus suggested a sign that says "No Idle Zone". Chief said he will look into that but he would suggest if they do that, to establish an Ordinance.

CITY SOLICITOR'S REPORT

- **Resolutions.** Prepared two (2) Resolutions
 - The Resolutions will be presented at the next Council meeting and then sent to the General Assembly in January, if approved by Council:
 - Resolution to charge tax on income generated from RV Parks
 - Resolution to charge tax on income generated from apartment rentals
- **Impact Fee Ordinance.** Asked to create charges for impact fees on new developments
 - The concept is on the agenda for discussion purposes only - not for introduction or first reading
- **Inspection Fees Ordinance.** Prepared a draft ordinance to charge fees for sprinkler inspections and re-inspections
 - This ordinance will be on the agenda for the next council meeting
- **Tax Monitions.** Worked with the City Manager on his initiative to tackle tax monitions/collections. We intend to implement our plan next month.

- Site Plan Ordinance. Continue to work on a draft site plan ordinance. I have met with council members, the City manager, and have received comments from the City Engineer. Thereafter, we will submit to Council for review, comment, questions, and/or modifications.
 - Antenna Lease Agreement.
 - Community Center Use.
 - Code Interpretation.
- *Council Member Buchheit* asked if when an Ordinance is drafted, who puts it on the Agenda. City Solicitor Walton said usually the City Manager or a Council Member asks the City Manager. Council Member Buchheit asked that when someone asks to have something put on the agenda they put a sponsor next to that item. City Solicitor Walton said that is fine with him. Mayor Johnson asked to bring that up under New Business.

APPOINTMENTS

There were no Appointments at this month's meeting.

ANNOUNCEMENTS/COMMUNICATIONS

- Mayor Johnson Informed everyone that Sandy Malinowski has resigned from the Delaware City Tree Commission after being a Member for 30 years. He plans to recognize her at next month's meeting.
- He asked if anyone knows of anyone interested in joining the Tree Commission, he would like to fill that open spot.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street Delaware City- Tim Konkus-

- Attended a meeting in Dover for all the Main Street Organizations and they are under new leadership.
- Small Business Saturday will be in conjunction with the Tree Lighting Ceremony and the arrival of Santa Clause by Boat. Children will receive free photos with Santa. New this year, there will be a "Passport" that you will get stamped at each Delaware City Business you visit and those stamps will move you to the front of the photography line.

Tim Dilliplane asked if people will be able to get a photo without the passport. Tim Konkus said yes, the passport just moves you to the front of the line.

OLD BUSINESS

Approval for the Mayor to Appoint a Panel to Negotiate with Either Artesian or Suez Water on the Water System Proposal

Mayor Johnson explained that he asked for this to be put on the Agenda as this has been a topic for the last few months. He said he has reserved his opinion during this whole process but he does feel like we should not be in the Water business, we don't have the staff, funds or expertise. He would like Council to narrow it down and to make a decision to move forward with negotiation with one of the companies and he would like to create a Committee to do the negotiations.

Vice Mayor Malinowski said he thought we had to have another Public Hearing. Mayor Johnson said he thinks we did have the Public Hearing. Council Members Buchheit and Konkus agreed that we did not have a Public hearing to discuss Selling. They both feel like it needs to go to Public Hearing to discuss Selling, Leasing or keeping.

City Solicitor Walton said that the Agenda item does not allow making a decision; it only allows nominating a Committee.

Mayor Johnson asked for a motion to make a Committee to go into negotiations if they decide to Sell, the members will be announced at the next meeting.

Council Member Titus made the motion that was seconded by Council Member Konkus. A vote was taken, Vice Mayor Malinowski, Council Members Titus, Konkus and Renoll were all in favor, and Council Member Buchheit was opposed. *Motion Passed.*

Discussion of Max Walton Representing Fort DuPont Corporation and Delaware City

Council Woman Konkus explained that our Solicitor is also Representing Fort DuPont and DNREC. She wanted this on the Agenda to discuss how the City will know if it's getting 100% of the Solicitors attention and advice.

City Solicitor Walton said that the Fort was intended to be a partnership with Delaware City and DNREC, and previous City Manager Cathcart asked him to put his name in to represent the Fort. He said he has said before if this poses any issue, that he is ok with that and the City can put out an RFP. He said his track record will show that he's given his full attention to the best of his ability to Delaware City.

Council Member Konkus said she feels like it needs to be discussed.

Mayor Johnson said the Solicitor reached out to him as soon as he was sworn in and made him aware of his connection to both entities. The Mayor said he personally sees no issue with this situation and feels like it's an advantage for the city to have him

representing both. He expressed that Ft. DuPont meetings are open to the Public and he trusts Max Walton's judgement and ethics to recuse himself if necessary.

Council Member Buchheit said it's not a question of his ethics, but he would like to have a different point of view, rather than have one person making all the decisions. Mayor Johnson said the Board makes the decisions.

Council Woman Titus stated that if an issue arises between the City and the Fort, he can't answer either of them. He said he can, and he does that by referring back to the Code and following that. He also said he doesn't feel like there has been an issue with this. He reminded them again that they can put out an RFP for a new Solicitor. He says he enjoys representing both but he is open to whatever Council chooses.

Mayor Johnson asked for further discussion. *No Further discussion.*

NEW BUISNESS

Discussion on Mayor's Ball Funds

Mayor Johnson explained that Council Member Buchheit asked how the Mayor's Ball funds became City funds. He said he's done a lot of research and the way the Mayors Ball is set up as of now is that it's a Committee of the City, The City EIN number has been given out for donations, the City Staff manages the phone calls and the funds. If the Council wants to completely separate the Mayor's Ball from the City it will need to be set up as a 501c3 and they will need to have their own Officers, Elections and Minutes. He is concerned if we set it up that way we won't be able to fulfil all the obligations and the ball will just go away.

Council Member Buchheit said the Mayors Ball was set up by him. He said originally it was set up that the City would manage funds but no money would come from the City or Tax payers and the Committee would designate where the money would go. He doesn't feel like what was supposed to be done with the money was done.

Mayor Johnson said that if it stays with the City the City would need to set Policies and Procedures on how the money would be handled. He pointed out that they are working on the Gazebo in the park, which was part of the Beautification Project. They are also planning to start upgrading the signs and putting new benches in the park.

Council Member Buchheit said that at one point there was motion to use the Mayors Ball money to fix the Water Well, that's when he became concerned. Mayor Johnson said that was brainstorming in an emergency and luckily it was paid for by the State,

Council Member Titus said they need to decide one way or another. If the Staff is handling parts of it, then they City should have say to. If they don't want the City to have a say then they need to take it out of the City altogether.

Council Member Konkus said that all the money went into the City, the Playground the Community Center, Etc. She said that just because the Staff is doing minor paperwork that doesn't make it a City thing. The City got over 300 Thousand Dollars from the Event. Council Member Titus said she's not saying the money didn't benefit the City, she's just saying they need to make a decision one way or the other, there needs to be procedures.

Mayor Johnson said he just wants to make sure we are doing it the Legal way.

City Manager Baylor said that if this is a City Event it exposes us from a Liability point of view. Also, we are subject to situations like we are in now with accusations that it's not being handled right because there is no Policy or Procedure.

Mayor Johnson said they will discuss at the next meeting where the 2020 funds will go.

Site Plan Review

City Solicitor Walton suggested a Workshop in the future that goes over how the Code works and to familiarize and educate Council on this.

Impact Fees

City Solicitor Walton said he was provided a list of potential fees.

City Manager Baylor said himself, Council Woman Konkus and Vice Mayor Malinowski have met a few times to establish Impact Fees to make sure people are paying their share for services that are demanded by the City when we bring in new projects. The Ordinance will be out to Council at the next Mayor and Council Meeting.

Council Woman Titus said additions are not normally included, only New Construction. She says she's not sure if Residential Square Footage or Commercial Space would require an Impact Fee. She doesn't think it would cost the City more. City Manager Baylor said he agrees with that.

MAYOR & COUNCIL COMMENTS

Council Member Renoll

None

Council Member Konkus

1. Successful Coat drive, 90 coats were distributed to The PAL Center and Southern Elementary. PBF refinery collected more than half of those coats.

Council Member Titus

None

Council Member Buchheit

1. He would like a master Plan for the park so it's not being pieced together.
2. He also pointed out there is a new fence around the Canal that no one seems to know who approved it. He says it's not very Tourist friendly. He would like to make the park more Tourist friendly with the development at Ft. DuPont. He suggested allowing businesses or home owners to sponsor different beautification projects throughout the City.
3. Fundraiser at Crabby Dick's for the Delaware City Library Nov 19th.

Vice Mayor Malinowski

1. He attended the FDRC Board meeting.
2. Met with the City Manager and Solicitor to discuss the Site Plan Ordinance
3. Met with the City Manager and Council Woman Konkus to discuss Impact Fees.

Mayor Paul Johnson

1. Received a letter of resignation from Sandy Malinowski for the Tree Commission
2. Received a letter of resignation from Jim Brady for the Board of Adjustments
3. Blood Drive on Nov. 20th from 2-7pm
4. Work on Dragon Run Creek is complete
5. Thanks to everyone that assisted with the Trunk or Treat and Halloween parade.
6. Working with EcoPlastics on a plastic recycling initiative.
7. Will be implementing the asset management software this week.

CITIZENS COMMENTS

Tim Dilliplane-118 Clinton Street-

Today's Water emergency occurred in front of his house. It ended up being a Meter issue and will probably be the City's expense. He said prior to this event he was favoring Suez for the sale of the water but he was impressed with Artesian today. He recommended the City put out a survey to current Suez customers to get an idea of how they respond to water emergencies.

He also wanted to thank whoever replaced the Christmas Trees in the park. He was informed that Main Street provided them.

Paul Starrett- 116 Clinton Street -

He to, was part of the Water emergency today and he felt Artesian's response was outstanding and done in a very professional manner. He said he first liked Suez as well after hearing great reviews from a friend who is a City Engineer for Elkton, but he is concerned about the water coming from Red Clay Creek. He also doesn't feel that the City is capable of handling its own Water Company; he is in favor with Selling. He appreciated Artesian's response and what they have done in the past.

Dale Slotter- 210 Clinton street-

He asked the City Manager if they City will now be taking responsibility of Holiday Décor in the City, the Business District always took care of that in the past. City Manager Baylor responded no, they will not be and that that he would just like to be notified first.

The Street Pole Banners are all dilapidated and faded, he would like us to replace them or remove them. Council Member Titus asked if they can be painted.

Craig O'Donnell-109 Washington-

He is upset about the sudden stop to the delivery of the City News and would like to know why. City Manager Baylor said that it is very expensive to produce the City News and a lot are discarded in the recycle bins in town. He asked if he could have the cost to produce, City Manager Baylor said he does not have exact costs.

City Manager Baylor said if he would like to receive a paper copy, they will still be available but it will be upon request. Mr. O'Donnell asked to revisit this in the future to see how people feel.

Kate O'Donnell- 109 Washington Street-

She felt the same way her husband did and feels not everyone is online and will have access to this now. She feels that mailing the City News protects the City Council if something were to come up in the future that was put out in the News. She would like the Council to take their feelings into consideration. She also felt tonight was the first meeting where she felt there was a nice tone among Council and said she takes her hat off to Mayor Johnson.

Matina Starrett- 116 Clinton Street-

She would like the City to be more like Smyrna or more like a "Hallmark" Town. She would like the visuals in town to be a little nicer. She would like to do more and get more involved but doesn't feel it's very clear how to do so. She also feel's there is no Committee for Beautification. Mayor Johnson asked for her contact information.

Tim Konkus- 302 Canal Street-

He is unsure of the decision for item number 1 under Old Business but says it sounded to him like a decision to sell has been made. He thinks if we sell the one and only true Asset this City owns, we will lose an Asset. He said he's never heard a single person tell him how many thousands of Gallons of water are sold. He never heard how many dollars are lost because we don't watch the Water System, he feels like we're just going to give it away. He says the Water Companies know the value of this system and we are scraping by because we can't afford to send a newsletter.

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 7:47 p.m

Respectfully submitted,
Britney Loveland
City Secretary