

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
PUBLIC HEARING
MONTHLY MEETING
Monday, January 27, 2020 at 6:00 p.m.
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER – PUBLIC HEARING

Mayor Johnson called the Public Hearing to order at 6:00 p.m.

Mayor Johnson opened the floor for the Board of Appeals at 6:00 p.m.

Chris Griffiths asked to give some background on the Two Ordinances that were up for Public Hearing at tonight's meeting.

He explained that Ordinance 19-1216-01 is being put in place just to make sure that the cost of all new Development is on the Developer. He then explained that Ordinance 19-1216-02 is to ensure the City gets paid for doing inspections. The City is currently doing the inspections without being paid for it.

COUNCIL COMMENTS

Council Member Konkus asked to exempt the DDD from the Impact Fee Ordinance. Chris Griffiths said that he thinks this should be brought up again under Old Business and tabled to be redrafted and then reintroduce it.

Council Member Renoll wants to know why Road Construction is not included in that Ordinance. Chris Griffiths said he would look into it. Council Member Konkus said that they can approve it as is and then add to it down the road.

Council Member Renoll said his family's business has to re-inspect yearly and it is not through the City. City Manager Baylor said there has been an increase in development and there have been a few re-inspections, the City should not be responsible for those costs. Chris Griffiths said this is for Sprinkler Inspections and Re-inspections, not just Sprinkler Re-inspections. Council Member Renoll would like it to say on New Construction.

Mayor Johnson Recessed the Public Hearing at 6:15 p.m.

Mayor Johnson Reconvened the Public Hearing at 6:30 and asked if anyone is here for the Board of Appeals or to discuss either Ordinance that was discussed tonight.

Mayor Johnson asked for a motion to adjourn the Public Hearing.

Vice Mayor Malinowski made the motion that was seconded by Council Member Konkus. All were in favor; *the Public Hearing was adjourned at 6:31 p.m.*

MONTHLY MEETING OF MAYOR & COUNCIL

CALL TO ORDER

Mayor Johnson called the January 27, 2020 meeting to order at 6:31 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, Renoll and Konkus were present. City Manager Baylor, Finance Manager Graham, and City Secretary Loveland were also present.

Council Member Buchheit was not present.

City Solicitor Walton was not present; Chris Griffiths was present in his place.

ACTION UPON MINUTES

Council Member Titus made the motion to accept the January 9, 2020 Special Meeting 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.*

Council Member Konkus made the motion to accept the December 16, 2020 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.*

Mayor Johnson allowed Kyler Murray from the Delaware City PAL to give his report at this time due to short staffing at the PAL center and him needing to get back there.

Kyler Murray told everyone that the PAL kids attended a Basketball game with the PAL where they were allowed to spend time on the courts playing ball. He also updated everyone on the boys and girls groups and the success they are feeling in those programs. He said they pushed out a promotional video in the beginning of January and that has helped bring in more kids. He said for the month of February they will be doing various activities focusing on Black History Month.

POLICE REPORT

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

General Information

- ✓ A review of the crime statistics for 2019 compared to 2018 showed that overall reduction in crime of all categories by 4%.
- ✓ We did see an increase in Part I crimes by 61%. The increase was primarily in the areas of theft and burglary. The thefts showed an increase of 60%. A review of the data indicates a rash of thefts from vehicles in early 2019. The increase in burglaries were 36% during 2019.
- ✓ We did see a reduction in Part II crimes by 11%.
- ✓ There was a reduction in Part III Crimes by 1%.
- ✓ In 2020 we are moving towards a full-time police department, which means around the clock coverage of the city.

Council Member Renoll asked how the Police Station coverage stands now. City Manager Baylor said right now their coverage goes up to about midnight. He says it will take two more officers to have 24/7 full time police coverage.

Council Member Titus asked if we will be sticking to the schedules and plans the consultant set forward. City Manager Baylor said no, that plan was flawed and the Consultant did not take into consideration busy times. City Manager Baylor said he will be posting for the Chief of Police position in February and the Chief will also need to patrol, this will help with getting full time coverage. There is activity between 2 to 3 A.M. because people don't believe the police are there, they need to change that.

CITY MANAGER'S REPORT

City Manager's Report for January 2020

- I have distributed correspondence regarding the Blue Water Development proposal for Fort DuPont. Attached you will see my letter dated today advising their representative the request they submitted last Friday, January 24, 2020, was not ready to be reviewed by the Planning Commission during the February Planning Commission meeting due to additional information the City's Engineers will need to complete their review.
- Since the last Mayor and Council meeting, we have installed two more Eco-Friendly benches in Battery Park. In addition, three benches have been removed from the park in which, either the cement foundation was falling apart, or the benches themselves were rotted to the point they were unsafe.
- At Town Hall, we have begun the transition in which Kathy Clifton has been training Britney Loveland to learn her duties and responsibilities in preparation of Kathy's retirement in May/June of this year.
- Shane Miller, our new Code Enforcement Officer is operational. Part of his duties and responsibilities is to utilize the Edmunds system to ensure that we are properly capturing all appropriate fees and fines and they are recorded correctly to ensure timely notifications and collections.
- Finance Director Graham and I met with Mr. Vince Barbone and Mr. Nicholas Baccino of Wishman, Giordano Associates, and our auditors regarding the FY-2019 audit. The results of the audit and their report will be presented to you this evening.
- Mayor Johnson and I met with Mr. David Carpenter, Jr., of the New Castle County office of Emergency Preparedness regarding the All Hazard Mitigation Plan Capability Review for the City. Results of that meeting will be presented later for formal adoption by Mayor and Council.
- On Friday, January 11, 2019, I attended the Citizens Advisory Panel Meeting at the Delaware City Refinery.
- We are in the process of coordinating with the City Solicitor's Office to schedule a training with the members of the Board of Adjustments for next month.
- I will be posting the Chief of Police Position the beginning of February.

Mayor Johnson asked if the Comp Plan will come before Council next month. City Manager Baylor said probably March.

City Manager Baylor added that he along with Mayor Johnson and Vice Mayor Malinowski met with Jeff Randol about the entrance to Ft. DuPont. City Manager Baylor said he is not convinced the roundabout is the best choice in terms of safety.

CITY SOLICITOR'S REPORT

Chris Griffiths recommends tabling the site plan review on the agenda tonight

- Site Plan Ordinance
- Water System Update
- Blue Water
- A resolution regarding the power to tax RV Park that's on the agenda

ACTION UPON FINANCE REPORT

Finance Manager Graham presented the financial report as of December 31st, 2019 to Council. (Full report is attached)

Vice Mayor Malinowski made a motion to accept the finance report subject to audit; the motion was seconded by Council Member Titus. *The Finance report was accepted.*

Questions/Comments from Council

Council Member Konkus asked why we were way over budget under Drainage. Finance Manager Graham said that the Washington Street Flood Mitigation is a lot of that.

APPOINTMENTS

Board of Ethics

Linda Price

Mayor Johnson asked for a motion to appoint Linda Price to the Board of Ethics

Council Member Titus made the motion that was seconded by Vice Mayor Malinowski. A roll call vote was taken; all were in favor, *the motion passed.*

- *Council Member Konkus* asked if she's on both boards will she have to recuse herself, the Mayor said yes.

Board of Adjustment

Linda Price

Mayor Johnson asked for a motion to appoint Linda Price to the Board of Adjustment for a 3 year term.

Council Member Konkus made the motion that was seconded by Council Member Titus. A roll call vote was taken; all were in favor, *the motion passed.*

Board of Elections

April DeBenedictis -

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

Mike McMichael-

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

Tim Dilliplane-

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

Election Officers

Virginia Monroe-

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

Connie Howard-

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

Madonna Malinowski-

Council Member Konkus made the motion, seconded by Council Member Renoll, all were in favor, *motion passed.*

Jonna Yetter-

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

Delaware City Day Committee

Madonna Malinowski-

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

Bonnie Hanna-

Council Member Titus made the motion, seconded by Council Member Renoll, all were in favor, *motion passed.*

Council Member Konkus asked what the date is for Delaware City Day. Mayor Johnson said he believes it will be on Sept 19th, a one day event.

ANNOUNCEMENTS/COMMUNICATIONS

None

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Tim Konkus / Main Street -

Next Major Event is the Town Wide Yard Sale, April 25th & 26th. The yard sale coincides with the opening of Fort Delaware. He also said he had a meeting with the DDD and City Manager; he will be sharing the information with the Historic District. He also pointed out that there is only one vacant storefront in the business district, all others are occupied.

Lisa Lindsey/ Delaware City Refinery-

The Refinery will be holding Basic Operator Recruitment on February 3rd. There will be 12 to 15 positions available. This is the first time in 2 years the refinery is conducting testing.

OLD BUSINESS

Second Reading and Possible Adoption of Ordinance 19-1216-01 Relating to Implementation of Impact Fees on New Construction

Chris Griffiths explained the Ordinances again. He said Council Member Renoll recommended looking into infrastructure. He says you can approve this tonight then go back and add to it in the future.

Council Member Renoll asked if this is constitutional. Chris Griffiths said yes, this is something they looked into and they are covered.

Citizen Tim Dilliplane asked if this will affect the cost of new housing. Chris Griffiths said this is for any new development and it will affect new development costs.

Council Member Titus made the motion to pass Ordinance 19-1216-01 that was seconded by Council Member Konkus.

Council Member Konkus asked to exempt the DDD from this. Chris Griffiths said that they may want to look into this and amend it later. It is too large of an area to amend on the floor.

Council Member Titus made the motion to pass Ordinance 19-1216-01 that was seconded by Council Member Konkus, *all were in favor; motion passed*

Second Reading & Possible Adoption of Ordinance 19-1216-02 Relating to Implementation of Sprinkler/ Re-Inspection Fees

Chris Griffith explained that this is for inspections in the City since the City has been doing this without pay. He said we can make a floor amendment to change this to new construction. This is also to cover re-inspections fees because the city is having to go out repeatedly and should be paid for that.

Council Member Konkus made the motion to pass Ordinance 19-1216-02 that was seconded by Council Member Titus.

Council Member Renoll made a motion to amend the motion to apply to only new sprinkler systems seconded by Council Member Titus. A roll call vote was taken on the amendment, *all were in favor, motion passed.*

A roll call vote was taken on the Ordinance; *all were in favor, the motion passed.*

NEW BUISNESS

Introduction and First Reading Ordinance 20-0127-01 Relating to Site Plan Review

Council Member Titus made a motion to table this item; it was seconded by Council Member Konkus. *All were in favor, motion passed.*

Mayor Johnson asked to take the Agenda out of Order to discuss item number 3 on the agenda before the Audit presentation which is item number 2 on the agenda.

Resolution 20-0127-01 Relating to Charter Change Regarding Power to Raise Revenue - RV Park Tax

Council Member Titus made the motion to accept that was seconded by Vice Mayor Malinowski

Council Member Renoll asked why we submit only one Charter change at a time. Chris Griffiths said doing them individually saves you from doing them all over aging if they find one thing wrong.

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

Audit- FY20- Vince Barbone

Nick Baccino introduced himself as the lead Auditor on the Audit along with Vince Barbone, his partner at Whisman & Giordano. He corrected an error on the agenda, this Audit was for FY19 but the agenda says FY20

Nick Baccino gave a breakdown of the Audit report. *The full Audit report is available.*

Mayor Johnson asked why the changes between 2018 and 2019 were so large. Nick Baccino said it's primarily the capital outlays for the projects. Those were the Flood Mitigation and street improvement that were recognized in 2019. He said there were some granting and a loan fund to pay those things.

Council Member Titus asked what equipment sold and how much was it sold for. Nick Baccino deferred to Vince Barbone. Mr. Barbone said it was the Police boat, anytime you sell a Federal asset that proceeds are greater than 5,000 you have to get permission from the agency that provided you the funds and that was not done, that goes back a few years ago. The federal agency was consolidated with another and they have made multiple attempts to refund the money but not had any luck. Mr. Barbone said he recommended keeping that showing for a few years and if the federal government does not take the steps to retrieve the money, it's the City's.

Council Member Konkus asked where they get the numbers from, is it only Edmunds. Nick Baccino said yes they get the information from Edmunds and they apply their audit procedures to the amounts and propose adjustments as necessary. She asked if they get the documents to match what's in Edmunds. He said yes they get supporting documents, minutes, cancelled checks, etc., not just information from Edmunds.

City Manager Baylor pointed out that the report right now is a draft and it will become official once it's approved by Council.

Mayor Johnson asked if they are under any time constraints for approving this. Finance Manager Graham said she has a few lending institutions already looking for the Audit report.

Council Member Titus made the motion to accept the FY19 Audit report that was seconded by Vice Mayor Malinowski, A roll call vote was taken, *all were in favor, motion passed.*

MAYOR & COUNCIL COMMENTS

Council Member Renoll

None

Council Member Konkus-

None

Council Member Titus

None

Vice Mayor Malinowski

Met with the City Manager, Mayor and Jeff Randol regarding the Roundabout

Council Member Buchheit

Absent.

Mayor Paul Johnson

1. Attended the Delaware League of Local Governments meeting
2. Met with Jill Snow to review needed items for the Mayors Ball
3. Received official notification we received the 150k grant from DNREC
4. Sent a letter to the refinery about controlling the deer population
5. Attended Planning 101 through the Institute for Public Administration
6. Attended the Delaware Decision Makers Luncheon
7. Followed up with Valerie and Nicole in reference to the sluice gate at dragon run
8. March will start Budget Hearings

Council Member Titus asked if there is any money left over from the DNREC grant could it go towards the Community Garden. Mayor Johnson said yes.

CITIZENS COMMENTS

Ray Fruiter / 909 Fifth Street- Asked if we have any people in town that are behind in taxes and what are we doing about it. City Manager Baylor said he met with the Solicitors office about being more aggressive going after the monies owed.

Tim Dilliplane / 118 Clinton- He says that he has hit a deer on Route 9 and he appreciates the move to control the deer population.

He also asked City Manager Baylor, to have 24/7 police, we would have to hire 2 more officers, will the Chief be one of the two. City Manager Baylor said yes.

Erica Lindsey / 905A Fifth Street- She said the Bluewater review is being delayed to the Planning Commission until March. She asked City Manager Baylor if the Grassdale property has been sold to the Blue Water Corporation. City Manager Baylor said to his knowledge it has not. At the December meeting the Ft. Dumont Board gave them the authorization to proceed with that sale but he is not sure where they are with it. It is an agreement to sell not lease.

ADJOURNMENT

Mayor Johnson asked for a Motion to adjourn. Council Member Konkus made the motion, Vice Mayor Malinowski seconded the motion, and all were in favor. *Mayor Johnson adjourned the meeting at 7:58 p.m.*

*Respectfully submitted,
Britney Loveland
City Secretary*