

"A Historic Past"



"A Bright Future"

THE CITY OF DELAWARE CITY

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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
MONTHLY MEETING
Monday, June 1, 2020 at 6:30 p.m.
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER - BOARD OF APPEALS - FY21 TAX ASSESSMENT

NO ONE WAS PRESENT TO APPEAL THEIR TAXES.

Mayor Johnson Recessed the Board of Appeals.

CALL TO ORDER

Mayor Johnson called the June 1, 2020 meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Johnson led the Pledge of Allegiance

Mayor Johnson explained the Social Distance and Safety measures the City is taking at tonight's meeting.

He also announced the Retirement of Kathy Clifton, a City employee. He then announced that we have hired a new Chief of Police.

City Manager Baylor Introduced the New Chief of Police – Lieutenant Colonial David Winch

ROLL CALL

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

Chris Griffiths was present in place of City Solicitor Walton.

City Assessor Tom Reynolds was present for the Board of Appeals.

ACTION UPON MINUTES

Council Member Konkus made the motion to accept the February, 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.*

POLICE REPORT

Police Chief Baylor offered the following police report:

General Information

- On Wednesday, May 6, 2020, DCPD responded to the Delaware City Mobile Home Park to investigate a verbal dispute. During the investigation, it was learned that a 26 year old resident of the mobile home park threatened, "to shoot" another resident of the mobile home park. DCPD apprehended John S. Harker and charged him with one count of terroristic threatening.
- On Wednesday, May 27, 2020, Officers from the Delaware State Fire Marshalts Office, the New Castle County Police Department and the Delaware City Police Department responded to the fire scene at 139 Clinton Street. The fire resulted in the death of a 19-year-old Wilmington man and the hospitalization of a 69-year-old resident of the property. There is still an active investigation into how the fire started.
- The Delaware City Police would also like to remind residents it is illegal to park a vehicle on a public street that is not legally registered or its registration has expired.
- On Sunday, May 31, 2020, Delaware City Police Officers responded with New Castle City Police Officers to assist the Middletown Police Department. The Middletown Police Department had received information of possible protest action in their city.

CITY MANAGER'S REPORT

City Manager Baylor offered the following City Managers Report:

- The City continues to operate daily and provide City services with some minor modifications.

- To ensure that we are following the safe distance guidelines, there is one staff member working in town hall daily. We are currently operating in shifts where, one staff member is doing the morning shift and another staff member is doing an afternoon shift. When the staff is not in Town Hall, they are working from their residence. This system is working well and we are still able to provide services to our residents and business partners.
- We will continue this system of operation until the state moves to Phase II of opening under the Governor's Executive Order.
- Drop Box - A secured drop box has been installed at Town Hall. We will accept payments or any other correspondence. The drop box is checked several times daily.
- Building Permits - We are continuing to issue permits as applications are submitted to Town Hall.
- Virtual Inspections - Our City Inspectors are continuing to conduct virtual inspections. We are making every effort not to hold up any projects that have been approved or are in need of approval.
- It is anticipated that all activities at the Delaware City Community Center (Library, PAL Center and Senior Center) will begin to re-open, operating under Phase I of the Governor's Executive order on June 1, 2020.

The sale of the Delaware City Water System will be presented to you at the Mayor and Council meeting.

- I would like to announce the retirement of Town Hall Staff Member Kathy Clifton. Kathy's last date of work was Friday, May 15, 2020. Her Official retirement date will be June 4, 2020. Kathy provided the City with 16 years of service. We will officially recognize Kathy for her service at a future Mayor and Council meeting.
- I am pleased to announce after an exhaustive selection process in which five outstanding candidates were interviewed, the City has selected Lieutenant Colonel David Winch of the Delaware River and Bay Authority Police Department to become the next Police Chief. His official start date will be June 15, 2020.
- Finance Manager and I have begun working on the FY-21 budget and will schedule the budget workshop. It is our intent to schedule a budget workshop very soon

CITY SOLICITOR'S REPORT

Chris Griffiths gave the Solicitors Report.

- 3 bills to the general assembly to amend the charter
 - working on the sale of the Water System
 - handled a memo regarding fencing at the refinery
 - lighting provisions in the code
 - FMLA question
 - elections
 - scheduling meeting and how to conduct them with covid-19
- Ordinance to define trash and debris
Board of Adjustments will meet at the end of the month.

ACTION UPON FINANCE REPORT

Finance Manager Graham presented the financial report as of April 30, 2020 to Council. (Full report is attached)

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.*

APPOINTMENTS

There were no Appointments this month.

ANNOUNCEMENTS/COMMUNICATIONS

None

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

There were no reports this month.

OLD BUSINESS

Sale of the Delaware City Water System

Council Member Konkus asked about the amounts needed to pay off the bonds. Finance Manager Graham said she can email them to her. Council Woman Konkus said she would like to know the bottom line,

Council member Buchheit asked how we arrived at the purchase price and was there any evaluations done to arrive at that number. City Manager Baylor suggested he direct that question to Artesian. He also explained that the Consultant we used did not give an answer as to the value. They looked at the offers and that's where they decided the Artesian offer was the best.

Council Member Malinowski said after the rate transition period the senior citizen discount goes away and he is not in favor of that because seniors are going to be hit with a rate increase and loss of discount. A representative from Artesian, Ken Branner, said it has been discussed to be kept in perpetuity beyond 6 years. He said tonight you should approve it and then go into negotiations about it.

Suez Representative said negotiations are always open. He said he feels like discussions have taken place outside of the public process. He doesn't recall some of this discussion taking place while Suez was present.

Council Member Buchheit said he is very uncomfortable selling one of our biggest assets without any type of appraisal. He thinks with there being an offer of 2 million and 3.5 million we should get another appraisal and put more thought into it.

Council Member Konkus asked what Artesian's original offer was. Council Member Titus said 2 Million. Council Member Konkus stated then we didn't negotiate any more money from the initial offer from Artesian.

City Manager Baylor said that with everything being on the table and both companies cards being laid out, he doesn't think we are going to get any more of an offer.

Council Member Titus said that through the public forums she feels she's heard repeatedly that people don't want the water from Suez. She also feels there is only a few companies that buy this type of asset and she feels she's thought a lot about this and has listened to the citizens.

Council Member Buchheit said he feels they, as Council, have a responsibility to the citizens of Delaware City to get a proper appraisal because they have an offer of 2 million and an offer of 3.5 million and they are taking the 2 million dollar offer. Council Member Titus said she feels money only goes so far when it comes to something like water and it's important to consider where it comes from.

Council Member Buchheit said they have a responsibility to the city to make sure they are taking the best deal and he doesn't feel like they are doing that.

City Assessor Tom Reynolds explained that what John is asking for needs to be a Business Evaluation not an Appraisal.

Mayor Johnson pointed out that the third option would be to keep in and they city cannot afford to do that. He also doesn't feel like more negotiations will change anything.

Mayor Johnson explained to Suez that there were no closed door conversations.

Conway agreed that a Business Evaluation would be very helpful but ultimately the value of an asset is what the buyer and seller agree to.

Mayor Johnson asked Chris Griffiths if the next step is to go into negotiations. Chris explained that the deal is drafted. What you are deciding on now is a resolution to allow the mayor to sell the water agreement to artesian with the senior discount changed to in perpetuity.

Council Member Konkus said if artesian offered 2 million originally, did we ask for more at negotiations. City Manager Baylor said we did but that was their offer.

Council Member Buchheit asked what our counter offer was. City Manager Baylor said that with the presentation from the consultant he had no leverage to negotiate from.

Council Member Titus says we are in this situation because previous Mayor and Councils did not have money put away for the water system.

Council Member Buchheit said that he is not talking about should we sell or not sell but are we getting the best deal.

Matina Starrett said she recalled that there was supposed to be a committee to do all the work and look more into the sale of the water. She said she put her name in for a committee but was never contacted.

Suez said they have been at every single meeting and have not been asked one question about ownership of assets which was just said incorrectly, senior discounts, and their rates vs. Artesian's rates. City Manager Baylor said he does recall that they said they were not using out assets. Suez said they understand that some of this is from follow ups with Artesian but he feels Suez should have had those same follow ups.

Council Member Titus said residents told her they do not want water from the river and don't want it piped it. She said the representative from Suez first said they were keeping our assets then said they were and she felt it was wishy washy.

Council Member Buchheit suggested we ask artesian to come up with an additional 750,000. Council agreed to ask for more but will accept 2 million.

Vice Mayor made a motion to approve Resolution 20-0601-01 with the addition of the Senior exemption in perpetuity. Council Member Titus seconded the motion. A roll call vote was taken that resulted in 4 aye and 1 nay, motion passed.

NEW BUSINESS

There was no New Business on tonight agenda.

MAYOR & COUNCIL COMMENTS

Council Member Renoll

None

Council Member Konkus-

None

Council Member Titus

None

Vice Mayor Malinowski

None

Council Member Buchheit

None

Mayor Paul Johnson

CITIZENS COMMENTS

Tim Dilliplane / 118 Clinton- Asked if we are on track to have the Election at the end of the month. Mayor Johnson said yes. He said there are 4 Candidates running for 3 Seats and the Election Date is June 30th.

Mayor Johnson reopened the Board of Appeals.

No Comments

Mayor Johnson closed the Board of Appeals.

ADJOURNMENT

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

Respectfully submitted,

Britney Loveland

City Secretary