

**MINUTES  
CITY OF DELAWARE CITY  
MAYOR AND COUNCIL MEETING  
MONTHLY MEETING  
Monday, June 21, 2021 at 6:30 p.m.  
DELAWARE CITY FIRE COMPANY  
815 FIFTH STREET**

**MONTHLY MEETING OF MAYOR & COUNCIL**

**CALL TO ORDER**

Mayor Johnson called the May 17, 2021 meeting to order at 6:35 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Johnson led the Pledge of Allegiance

Mayor Johnson led a Moment of Silence for Finance Manager Graham's Father-In-Law who recently passed

**ROLL CALL**

In addition to Mayor Johnson, Vice Mayor Malinowski, Council Members Jackson, Konkus, Barrett and Saunders were present. City Manager Baylor, Finance Manager Graham, Chief of Police Kurten, City Solicitor Rhodunda and City Secretary White were also present.

**BOARD OF APPEALS ANNUAL FY22 TAX ASSESSMENT**

**ACTION UPON MINUTES**

Council Member Barrett made the motion to accept the Minutes as written. The motion was seconded by Council Member Saunders. A vote was taken, all members were in favor. Minutes were accepted as written.

Chief Kurten - Good evening, I am Chief Kurten. The first thing I would like to do is introduce the newest member of our police department, sitting to my left is Lieutenant Michael Henderson. He just recently retired from the New Castle County Police after 22 years and he just started with us a week ago today. We are super proud to have him as part of the family and now I will let him say a few words.

Lieutenant Henderson - Hello, as a New Castle County resident I have watched the development of this City from afar and I am just pleased and excited to be here to be a part of the growth and the future.

**POLICE REPORT**

Police Chief Kurten offered the following police report for the month:

<b>APRIL 2021</b>	<b>YTD 2021</b>
39	218
<b>APRIL 2020</b>	<b>YTD 2020</b>
39	256
<b>% CHANGE</b>	<b>% CHANGE</b>
0%	-15%

**Significant Events:**

**1. Assault Arrest** - An 18 year old female assaulted a juvenile female at 5th and Hamilton St. on 04/11/21 with a knife. The assailant was quickly identified and warrants were signed the same day. The wanted subject turned herself in to the New Castle County Police Department (she was also wanted by them) on 04/13/21. The assailant was initially committed to the Delores Baylor Women’s Prison in lieu of posting \$26,000 secured bail. She subsequently posted bail and was released. She does have a “No Contact” order in place to safeguard the victim in this incident.

**Charges:** Assault 2nd and Terroristic Threatening

**2. Theft of Catalytic Converters** - State of Delaware Surplus Center (Fort DuPont) - unknown suspects removed several catalytic converters from vehicles set for auction at the above location. The incident was reported on Tues. 04/27/21, but occurred between Thurs. 04/22/21. There is no suspect information available at this time.

## CITY MANAGER'S REPORT

City Manager Baylor gave the following report:

- **Delaware City Community Center** – During the April Mayor and Council meeting, due to falling slates from the roof of the Community Center and the inherent danger that they pose, we will begin the first phase of installing a new roof. However, after feedback from the meeting, I decided to appear before the Historic Preservation Commission to make sure that we are in compliance with the City code regarding the installation of the new roof. We are scheduled to appear before the HPC on the June agenda and after that meeting we hope to proceed forward with getting bids for the new roof and making that repair.
- **Meeting between City Officials, Fort DuPont Management and State Elected Officials** - a meeting involving Delaware City Officials, Fort DuPont Management and Senator Nicole Poore took place Tuesday, April 27th in the conference room at the Delaware City Community Center. In attendance Mayor Johnson, Council Member Barrett, City Solicitor Rhodunda and myself for the city. In attendance for the Fort Corporation were Mr. Jeff Randall, Brian Short Chair of the Board and Mr. Max Walton their legal council. Several items were discussed during that meeting and it was decided that a Memorandum of Understanding(MOU) regarding future projects would be presented to both entities and a draft of the MOU has been presented to council for their consideration and review, council is to give that information back to me and I will get that to our Solicitor. In turn, I believe the Fort Corp. is doing the same thing and it should be taken up for consideration at the June Mayor and Council meeting.
- **Delaware City Library Lease** - Our Solicitor continues to work through the proposed lease with the library's attorney. We have received a counter offer from the library and we are working on responding to that.
- **Harbor Street Pump Removal Project** - Last month Mr. Steven Lewandowski of Duffield Associates and I met with Mr. Robert Scoglietti who is the Deputy Controller for the State of Delaware regarding the continued use of State funds for the Harbor Street Project including tide gate replacement and the canal outfall on the Harbor Street alternative. Mr. Scoglietti reviewed the project with us and approved continued use of state funds for the project. The next phase of this will be replacing the outfalls and I believe I included in this attachment the agreement with Duffield Associates for the cost, which is about \$20,000.00.

Council Member Saunders asked regarding the outfalls, will they be looking at all the outfalls or just the ones that they said were faulty.

City Manager Baylor responded they are tying it in with the Harbor Street Project so they are looking at the outfalls that are right where the Fort Delaware offices are and it goes around toward the Birding Association and the fire boats. So, they are looking at those outfalls to replace first because those outfalls directly impact the flooding on Clinton Street which also comes right out to the Post Office and leads down to Crabby Dick's.

Council Member Saunders asked ok because I know that there is one outfall that is out toward the river in between where the state park building is and Clinton Street and there is a lot of sand in it.

City Manager Baylor responded yes and it is our goal to look at that, but we wanted to address this first as a direct tyin. We may have some other funds that we could use for other areas. We also have some flooding issues on Canal Street that we hope to be able to use some other funds to address those issues too.

### **CITY SOLICITOR'S REPORT**

William Rhodunda gave the following report:

#### **-Library Lease**

I have had discussions with the attorney for the library, Ted Rosenthal, and we have discussed the initial offer that was made by the city and the counter offer. At this point, my understanding is that the library representatives are going to explore some other funding opportunities. The City lease that was proposed is actually substantially below market, but the lease rent amount isn't really rented the way we look at it because of the repairs required for the building on an annual basis. So, the amount of the proposed rent of \$18,000.00 per year doesn't cover a fraction of the expenses incurred to maintain the building. We did receive a counter offer that was very low, but we are working because it seems that this other gap should be covered by other funding sources and I am hoping that working with the library's attorney, perhaps we can get that resolved with either the County or State funding.

#### **-Memorandum of Understanding (MOU)**

This was distributed to all of you, if you would not mind taking a look at that and sending your comments back to the City Manager so that we can get back to the Fort and let them know what our thoughts are about the MOU. The goal is to consider the MOU and the 2 Ordinances (The Buffer Ordinance and the HPR Zoning Ordinance) at the June meeting.

### **ACTION UPON FINANCE REPORT**

Finance Manager Graham presented the financial report as of April 30, 2021 to Council.

(Full report is available)

#### **Questions/Comments from Council**

Council Member Konkus asked if we had a status on the grants that the prior Chief said he had in the works. Finance Manager Graham said I do not have a status on those.

City Manager Baylor said he went back and researched them after we had our meeting and there were no grants applied for by the Chief. So, the grants we have are the grants that were applied for when I was the Chief and unfortunately, we have missed the window and we left a lot of money on the table.

Mayor Johnson asked City Manager Baylor any idea when they will come open again. City Manager Baylor said not until September of the coming year. By my calculation, we probably missed out on \$35,000.00 to \$40,000.00.

Council Member Saunders asked about the amount of money you are trying to request from FEMA, can you remind us again how much you were requesting. Finance Manager Graham said I think the Hurricane Isaias portion of the expenditures were at \$5,900.00. We will only get 75% of that.

Council Member Konkus made a motion to accept the finance report subject to audit; the motion was seconded by Council Member Jackson. The Finance report was accepted.

### **APPOINTMENTS**

#### **Board of Health Member - 2 year term**

No resumes have been received

#### **Board of Adjustments - 3 year term**

Paul Parets - Council Member Barrett made the motion, seconded by Vice Mayor Malinowski, all were in favor, motion passed.

Council Member Konkus - Aye

Council Member Barrett - Aye

Council Member Jackson - Aye

Council Member Saunders - Aye

Vice Mayor Malinowski - Aye

The Motion to appoint Paul Parets was approved.

### **ANNOUNCEMENTS/COMMUNICATIONS**

None

### **REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS**

#### *Tracy representative from the PAL*

Explained that since the Pandemic hit they have been doing virtual schooling with the kids, they open at 7am the kids get breakfast and the school is done around 3pm and the kids go home. The PAL will be reopening on June 21st with an action packed summer for children ages 8 and up. They are going to be using some of the resources in town for activities. The space will be limited right now for the amount of children they will be allowed to take. Applications are required to join.

#### *Tim Dilliplane representative for the Planning Committee*

At the May 3, 2021 Planning Committee meeting we returned a unanimous no recommendation for the 2 Ordinances brought before us and we also returned a unanimous approval of Battery Lane subdivision.

## OLD BUSINESS

None

## NEW BUSINESS

1. **A House of Representatives Memoriam to be read by Representative Longhurst.**  
Representative Longhurst was not able to attend.
2. **Rivertown Ride Festival - Permission to Serve Alcohol**  
*Vice Mayor Malinowski made a motion to approve and the motion was seconded by Council Member Saunders. All were in favor.*
  
3. **70 Clinton Street - Whittaker Brothers - Minor Subdivision and Variance(s) Request.**  
Kevin Whittaker, owner of 70 Clinton Street - that property is one of the rare properties downtown that go from Clinton Street through to Washington Street, so it is a 40 ft. wide lot. He wants this minor subdivision so that he can build a structure that will face Washington Street. He would like to start to develop on Washington Street and get some energy over on that street. This will be a single family dwelling on its own parcel and once it is built it will be sold.  
*Council Member Barrett made a motion to approve and the motion was seconded by Council Member Konkus. All were in favor.*
  
4. **Minor Subdivision Plan - Old Follow up presentation by Mr. Steve Lewandowski of Duffield regarding Harbor Street pump removal.**  
City Manager Baylor said to table until the next meeting.

## MAYOR & COUNCIL COMMENTS

**Council Member Konkus - None**

**Council Member Jackson - None**

**Council Member Barrett** - I am a little bit concerned with the library, evidently it hasn't been opened. The City Manager responded that he emailed the library today and I did hear from Ms. Monroe and they are providing services. I am not sure to what extent, but I know they are providing services.

**Council Member Saunders** - I have given every member of council a list of potential residential zoning changes to discuss at a future meeting, it is not on the agenda for today so it is not for discussion.

**Vice Mayor Malinowski** - I attended the monthly Fort Corp zoom meeting. And something else I would like to mention, the Board of Adjustments is operating under an Emergency Order at this time which expires in June, so that needs to be addressed.

**Mayor Johnson** responded just to remind Council, the Charter calls for 5 members and the Emergency Order allows them to operate with 3 members so we are either going to have to extend that in June or find 2 people to fill those spots.

**Mayor Paul Johnson -**

- I am still working with the State to get the dock dredged.
- Vegetation control along Canal Street, cutting back some of the phragmitis and spraying so you have a clear view down to the water line.
- New bench was put in along the promenade at 2nd and Canal to match the one at 3rd Canal and it is made out of recycled plastic.
- We partnered with New Castle County and tried an outdoor movie night at the Community Center and it was pretty successful. We are going to continue that through June, July and August. We are also looking to partner with New Castle County to do some other summer camps to more utilize that field over there. We are also exploring a possible car show, flea market, farmer's market in that field to get people out and doing more activities in the town.
- We are going to try and do a Delaware City Day, the tentative date is for September 11th. We are working on putting a committee together.
- I asked our City Manager to work with our City Solicitor on, as Council remembers, we are actually leasing Jefferson Street to PSC and it is like \$300 per month. I asked our City Manager to work with our City Solicitor and PSC and in lieu of the \$300 see if we could work out some type of arrangement where the City could use the lot on 5th Street to take some of the pressure off of downtown parking on the weekends when the bikers come in town we would have a lot right there where they could jump on the trail instead of tying up downtown and blocking parking for the residents. Hopefully that will be presented to Council next month for consideration.

**CITIZENS COMMENTS**

Gail Smith/ 201 Jefferson St. – She asked about the lot between 2 buildings down the end of town and wanted to know if it was for people to use if they bring food to the park. Council Member Jackson responded that it is a paint night set up for the Art Gallery. She called town hall and the Chief of police voicemail needs to be updated because it is still the old Chief. She asked about the pothole again that the snow plows caused. City Manager Baylor said he has contacted them and he will continue to stay on them until it gets fixed.

Lynn Dilliplane - Asked about the porta potty in the park and could it be moved somewhere else.

Craig O'Donnell/Washington St. - Steve called and said he would not be able to make it to speak.

**ADJOURNMENT**

Mayor Johnson asked for a Motion to adjourn. Vice Mayor Malinowski made the motion, Council Member Saunders seconded the motion, and all were in favor. Mayor Johnson adjourned the meeting at 8:07 p.m.

Respectfully submitted,  
***Valerie White***  
City Secretary