

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
Monday, September 18, 2017
Paul H. Morrill, Jr. Community Center
6:30 p.m.**

CALL TO ORDER – MAYOR AND COUNCIL MEETING

The Honorable Mayor Green called to order the September 18, 2017 Mayor & Council Meeting at 6:30 pm.

PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance to the Flag.

ROLL CALL

Present were The Honorable Mayor Green, Vice Mayor Malinowski, Council Members Greene, Fitzwater, Titus, and Barrett. Also in attendance were City Manager Houck, Assistant City Clerk Clifton, City Secretary Hanna, Police Chief Baylor, and City Solicitor Walton

IN HONOR OF CONSTANCE B. GREEN

Mayor Green expressed his heartfelt thanks and sincere appreciation for the outpouring of sympathy and support extended to him and his family at the passing of his beloved wife, Connie. The members of Delaware's General Assembly extended their condolences to Mayor Green by each issuing a special memoriam paying tribute to Connie's life and memory.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING(s)

The motion was made by Council Member Barrett to accept the minutes as written from the August 21, 2017 meeting. Council Member Greene seconded the motion. There were no comments, the motion carried. Council Member Titus requested on page 5 of the September 5, 2017 minutes to have each Council Members' vote recorded. Council Member Titus made the motion to accept the minutes with revision. Council Member Fitzwater seconded the motion. There were no further comments. The motion carried.

POLICE REPORT

Police Chief Baylor gave the statistics for the month and reported the following:

- Chief has spoken with a representative from the dump truck company about the drivers speeding through town. Enforcement of the speed limit is being enforced.
- Surveillance cameras have been installed at the Community Center through the State Aid To Local Law Enforcement (SLEEP). This is a multi use facility and the safety of those using it is important. More cameras will be set up throughout the town in time.
- Officers' schedules have been adjusted to accommodate the increased visitor activity going on in town.
- Highway Safety money was procured for a drink and drive and other violations campaign. This will allow extra patrols to be on duty.
- The Officers have received additional training to understand and identify mental health issues. This training and awareness will make the officers more effective in handling situations that arise as well as be in a position to seek help for the individual and his/her family.

CITY SOLICITOR'S REPORT

City Solicitor Walton has been working on the issues from September's Special Meeting with City Manager Houck and Council. Also, prepared a confidential memo that was handed to Council Members at this meeting regarding several legal matters.

CITY MANAGER'S REPORT

City Manager Houck reported the following:

Washington Street Flood Mitigation Project Update:

- FEMA requested resubmission of budget information in their preferred format.
- Discussion with Terry Deputy will take place to assist with how FEMA can receive greater level of assurance regarding our receipt of revolving loan funds for the completion of the project
- To date there is no information about approval of the extension

Continue to engage with Edmonds to facilitate into the new financial system.

- City Auditor hopefully will attend the October Mayor & Council Meeting to report his evaluations on the Treasurer's reports recent errors.

Will have more to share about the meeting with the Downtown Development Task Force after the meeting on September 27.

River Towns Ride & Festival Update:

- Chief Baylor, Delaware City Main Street and City Manager will meet to evaluate the event.

Council Member Greene asked the name of the forensic auditor. City Manager replied one has not yet been hired. The annual audit was done with the addition of scope to look into the errors in the treasurer's reports. The City Auditor will make a recommendation if he feels its necessary to spend the funds for a forensic audit as well as identify what areas it needs to be channeled.

APPOINTMENTS, ANNOUNCEMENTS/COMMUNICATIONS

Mayor Green places the following before Council for a vote:

Historic Preservation Commission:

- Bonnie Lynn Hanna: Vice Mayor Malinowski made the motion to appoint for another three (3) year term. Council Member Titus seconded the motion. All were in favor, motion carried.
- Laura Lynn: Council Member Barrett made the motion to appoint for another three (3) year term. Vice Mayor Malinowski seconded the motion. All in favor, motion carried.

Planning Commission:

- Jill Snow: Council Member Greene made the motion to appoint for another three (3) year term. Council Member Titus seconded the motion. All in favor, motion carried.
- Christopher McKinley: Vice Mayor Malinowski made the motion to appoint for another (3) year term. Council Member Greene seconded the motion. All in favor, motion carried.

Fort DuPont Advisory Board:

- The Honorable Richard Cathcart: Council Member Fitzwater made the motion to appoint for Chairman of the Advisory Board. There was no second on the motion. Motion was removed from the table.
- Paul Parets: Council Member Greene made the motion to appoint for another three (3) year term. Vice Mayor Malinowski seconded. All in favor, motion carried.

Delaware City Days 2018:

- Peggy Thomas for Chairman: Vice Mayor Malinowski made the motion to appoint for the year 2018. Council Member Greene seconded. All in favor, motion carried.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street - Tim Konkus, 302 Canal Street

- River Towns Festival. Mr. Konkus extended a thank you to the 22 volunteers who gave 90 hours of their time to help with the festival. He was also pleased that both the Delaware City Heritage Society and the Delaware City Lions Club were there and hopefully took in new members.
- Beth Konkus was the delegate from Delaware City to the Place Making Conference. Involvement in this organization will allow Delaware City to be eligible to apply for grants to continue in improving, restoring and refreshing the beauty of the town.
- Kerry Rhodes of Forged Creations donated his sculpture of a cyclist for the new bike rack by the American Birding Association.

Mayor Green thanks Mr. Ray Fruytier for donating the bike rack. Mayor Green said this is how things get done in a small town when people give from their heart.

- 14 consecutive weeks of the Farmers' Market. There are six (6) weeks left and a bounty of fall produce is being offered from 8 a.m. to 1 p.m.

Library Committee

- September is National Library Card Signup month. There will be promotions to encourage new members such as Wheel of Fortune to spin to see what percentage you can take to reduce your library fines.
- Raffle for everyone for a chance at a custom gift basket.
- Costume Contest
- Brandywine Valley SPCA will give a program on caring for pets

For a full schedule of events and times, check the Library's website.

<http://delawarecity.lib.de.us>

Delaware City Fire Department - Mr. Paul Johnson, President.

- Offers condolences to Mayor Green and his family on behalf of the entire department.
- Open House October 14, 2017 10 a.m. to 2 p.m. Tours of the fire station, food, kids games, demonstrations as well as an opportunity for recruitment. Eligible ages are 14 years and up.

Mr. Johnson answered Council Member Barrett's question that yes smoke detectors and batteries were going to be given away again this year. The station will also visit any elderly to check detectors and replace batteries for them.

OLD BUSINESS

Discussion and possible vote relating to suspension of complaints to the Board of Ethics:

Mayor Green asks City Solicitor Walton to address this issue.

- It is City Solicitor's advice that Council should rescind the suspension of the authority of the Board of Ethics.
- Council Member Fitzwater had made that motion at the last meeting only to stop the flow of frivolous complaints that cost the town money.
- Council Member Titus adds all Council Members signed the Code of Ethics and it is imperative each member lives up to it both publicly and privately. The code is the law of the city and the state. Taking the oath means you uphold the law.

Council Member Fitzwater made the motion to recommend to Council to rescind the suspension of the authority of the Board of Ethics. Roll call was taken and Council voted as follows:

Council Member Barrett - Aye; Vice Mayor Malinowski - Aye;
Council Member Titus - Aye; Council Member Fitzwater - Aye;
Council Member Greene - Aye

Mayor Green thanks Council and adds as Council Members we are held to a higher standard to act differently because the residents put their trust in us to run the city.

NEW BUSINESS

Certification of 2nd Quarter Supplemental Tax Assessment FY18

A motion was made by Council Member Titus to accept the tax assessment. Vice Mayor Malinowski seconded the motion. All were in favor, motion carried.

Discussion and Possible Vote - Eating establishments having public restrooms

Council Member Titus sees a need for more establishments to open their restrooms to the public. Council Member Fitzwater says it is a state law. Council Member Barrett injects only if the establishment provides seating for customers. Take-out is exempt. Discussion continued as different scenarios for procuring restroom facilities were mentioned. After a lengthy discussion the following was agreed upon:

- Additional facilities are definitely needed
- Should not depend on local businesses
- Probability of utilizing the Fort DuPont Ferry Office's restrooms after the season is over for the ferry.
- Taking on the maintenance cost of those restrooms in the off season
- Are funds available in the budget to add new facilities?
- City Solicitor may be able to update City's code.

Mayor Green asked City Manager to reach out to the Delaware River Bay Authority about the possibility of accessing their facilities.

Discussion and Possible Vote - No Parking on Clinton Street on the Birders' Side of the Street

Council Members Titus and Barrett agreed that parking along Clinton Street is problematic. Two different areas were defined: in front of the Birders' and after the bump out.

- Mayor Green made the suggestion of forming a committee with residents and business owners to do a study on what can be done. He suggests beginning with baby steps such as No Parking signs.
- Council Member Titus recalled at one time the Refinery offered additional land along Washington Street that could be used for parking.
- City Solicitor Walton was asked about the number of members to be on the committee. An odd number was suggested as best. Mayor Green suggested seven (7) members.

A motion to form an Ad/Hoc committee to include seven (7) members from the business and residential communities to study the parking issues was made by Council Member Titus. Vice Mayor Malinowski seconded the motion. A vote was taken. All members voted Aye. Motion carried.

Council Member Fitzwater offered making a motion and voting on handicap signs and time limits at the post office should be addressed first.

Discussion & Possible Vote - Handicap Parking Signs & Time Limits in Front of Post Office

It is agreed that time limits on the signs is good. Council Member Titus reminds once a handicap sign is posted it cannot be taken away. Council Member Fitzwater offers putting time limits on the current signs. Mayor Green asked Chief Baylor to weigh in on the subject. Chief Baylor explained bikers and visitors come into town on the weekends and if they have a handicap sticker they can't be prevented from parking in the designated handicap areas.

Council Member Fitzwater makes a motion to add a time limit of 30 minutes on the current handicap signs at the post office. Vice Mayor Malinowski seconded the motion. Roll call vote was taken and all Council Members voted Aye. Motion passed

MEMBERS OF COUNCIL COMMENTS

Council Member Barrett - Asked City Solicitor Walton to draft an ordinance to disband the Board of Ethics and allow the Public Integrity Committee (PIC) to take its place. City

Solicitor Walton responded the code cannot be changed only the charter. He asked for arguments to prepared for consideration.

Vice Mayor Malinowski - Attended the Fort DuPont Board meeting

Council Member Fitzwater - isn't sure if the code can be changed. He believes the current board is satisfactory. However, perhaps the Mayor could look into Council Member Barrett's proposal but asked why not keep our own involvement. Everyone is different and we should accept those differences. Valid complaints only should be put before the Board of Ethics.

Council Member Titus - agrees with Council Member Fitzwater a new process should be designed. Every time a complaint is presented it cost the City money.

CITIZENS COMMENTS

Toby Williams - 403 Hamilton Street: recently had surveillance cameras installed at his home and wanted Chief Baylor to know the police department could access them as needed. Since both he and his wife use the handicap areas he is thankful for the time limits being assigned. Mr. Williams also offered Mayor Green his condolences for Mrs. Green's passing.

Ralph Lopez - 96 Clinton Street: asked if parking meters are installed would residents along Clinton Street be issued stickers to be eliminated from having to pay the meters? Mayor Green suggested if Mr. Lopez has any interest in serving on the Ad/Hoc committee to contact City Hall with his name.

Sandy Malinowski - 304 Bayard Street: suggests plans for a small playground to be built at the park so children have a place to play when visiting town instead of using the gazebo. Mayor Green responded the park belongs to the Delaware Bay Authority not Delaware City and asked City Manager Houck to see what can be worked out.

Helene Malgiero - 311 Monroe Street: is very concerned about unattended children playing by the water and asks if a park could be established at the end of Monroe Street. She offers Mayor her condolences. Before leaving the podium, Ms. Malgiero she asked the community to come together with love and not anger or bipartisanship and to think of the welfare and safety of all neighbors.

John Buchheit - 210 Clinton Street: Exhorts Council and especially Council Member Greene to read the town charter. Everyone has right to free speech but not slander and liableness behavior. Mr. Buchheit recites the various attacks on him by Council Member Greene and again asks Council to take sanctions against her instead of disbanding the Board of Ethics. As for the business community, Mr. Buchheit reports all business properties are currently occupied. On a personal note he said Mayor Green's commitment to Delaware City is exceptional.

Na Stewart - 111 Clinton Street: Would like to volunteer to be on the Ad/Hoc committee for the parking study.

Kerry Rhodes - 124 Clinton Street: Would like to see the parking issue be solved with small steps at a time i.e. parking signs directing to parking area, etc.

ADJOURNMENT

Council Member Titus made a motion to adjourn the Mayor and Council Meeting. All members were in favor. Meeting adjourned at 8:18 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary