

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
PUBLIC HEARING 6 p.m.
BOARD OF APPEALS 6:30 p.m.
MONTHLY MEETING 7 p.m.
January 22, 2018**

CALL TO ORDER – PUBLIC HEARING

The Honorable Mayor Green called to order the Public Hearing at 6:00 p.m. Present were Vice Mayor Malinowski, Council Members Barrett, Titus and Greene. Also present were City Manager Houck, City Secretary Hanna, Police Chief Baylor and City Solicitor Walton. Absent was Council Member Fitzwater.

ORDINANCE 17-1218-01 Relating to Amending Chapter 46 Section 46-28 of the City Code relating to Subdivision Amenities in HPR District

Mayor Green describes the Ordinance and turns the floor over to City Solicitor Walton who began with a point of clarification explaining the Ordinance does not deal with just historic properties but applies across the board to the Historic Preservation Redevelopment District.

Mayor Green describes how the Fort DuPont Redevelopment Corporation (FDRC) was set up; seven (7) members appointed by the Governor and four (4) members by the Mayor. In response to Council Member Greene's question about when does FDRC take ownership, City Solicitor Walton answers if Council chooses to pass the Ordinance it is the intent that FDRC will own it in perpetuity. Once it is setup with the deed restrictions they have to own it.

Mayor Green adds that contractors will do the development. Delaware City taxes will not be raised as it was agreed on before the vote for annexation took place. Delaware City will not be responsible for home development, streets, snow removal, etc. it will be the responsibility of the FDRC.

Resident, Andrew Lancaster of 115 5th Street, asks if Fort DuPont will become a private community or still be open the public? City Solicitor responds it will be both. There are private residential areas as well as public areas.

Mayor Green asks for a motion to accept Ordinance 17-1218-01 to amend Chapter 46 Section 46-28 of the City Code relating to Subdivision Amenities in HPR District. Motion was made by Council Member Barrett and seconded by Council Member Titus. A roll call vote was taken, all were in favor, and the Ordinance was passed.

ADJOURN PUBLIC HEARING

Mayor Green adjourns the Public Hearing and moves into the Mayor and Council Meeting.

CALL TO ORDER – MAYOR AND COUNCIL MEETING

The Honorable Mayor Green called to order the regular Meeting of the Mayor and Council 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 and Council Members Barrett, Titus and Greene. City Manager Houck, Police Chief Baylor, City Secretary Hanna and City Solicitor Walton were also in attendance. Absent was Council Member Fitzwater.

BOARD OF APPEALS - 3RD QUARTER SUPPLEMENTAL TAX ASSESSEMNT FY18

Mayor Green asked if anyone was present who wished to appeal. There was no response. Mayor Green continued on with the agenda.

ACTION UPON THE TREASURER'S REPORT

City Manager Houck told Council they are still unable to submit a Finance Report. The completion of the FY17 audit provided the much-needed insight and they now have a trial balance they are confident in. Additional corrective effort is to take place to align the bank statements and reports, which is necessary to allow for a smooth transition into the new finance reporting system.

Mayor Green asks City Manager Houck to inform Council on Maggie Rzucidlo's resignation. Ms. Rzucidlo began working as Finance Manager full time late in November but has given her two-week resignation effective February 2, 2018. Her resignation will have an impact on when we can reach our mutual goals related to the financial reporting. City Manager Houck has been researching the options and making

contacts to fill the position. Mayor Green assures Council that this decision of Ms. Rzucidlo's was because she preferred part-time employment and had been offered such somewhere else. The position will be filled in due diligence and assistance is coming in the meantime.

Mayor Green noted that Council Member Fitzwater had arrived.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

There were no questions or comments on the minutes from December 18, 2017. The motion to accept the minutes as written was made by Council Member Barrett and seconded by Vice Mayor Malinowski. All members were in favor and the minutes were accepted.

POLICE REPORT

Police Chief Baylor reported the following is a compilation of the entire year of 2017 and is compared to the year 2016. These are final numbers for the year and have been approved and verified by the State Bureau of Identification:

- The most serious crimes that usually make media attention are down by 14%. i.e. burglary down 26%; theft down 31%
- Summary of all crimes are up by 17.8% due to disorderly contact and trespassing up 175%
- Alarms up 48% and are false alarms. Most of the alarm calls are coming from the Community Center. Chief Baylor and City Manager Houck will discuss this and come up with a plan of action with the alarm company.
- Officer Earl McCloskey has accepted a position as Executive Director at Delaware Justice Information System which will begin February 1, 2018
- An indictment was handed down by the New Castle County Grand Jury for Kevin Magaw on two counts of unlawful sexual contact with a child. Mr. Magaw is currently a fugitive. The indictment authorizes Delaware City Police to extradite him from anywhere. Currently we are working with the State Police and FBI and will hopefully have him in custody soon.
- The Delaware City Police Department received funding from the Delaware Office of Highway Safety for overtime for seat belt violations and speed enforcement. The program will begin on January 23rd and end February 26th.
- The City of Delaware City has eight (8) registered sex offenders. The Police Department and State Police are monitoring them. Their identities are a matter of public record and can be found on the State's website or by asking at the Delaware City Police Department.

Council Member Greene asked if a replacement for Officer McCloskey would be hired. Chief Baylor posted notice today that a full-time position is open.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- Worked with the Town Engineer on several floodplain related issues and interpretations.
- Prepared the pair of attorney client privileged memorandums that were sent to Council

- Answered questions of City staff on code interpretations issue (Code Enforcement and Chief Baylor)
- Worked on the resolution that is before Council this evening (re: the public hearing)

CITY MANAGER'S REPORT

City Manager Houck reported the following:

- The second meeting of the Parking Task Force was held on January 9th. Much discussion ensued on varied topics. The next meeting date has not been confirmed. Hopefully we can narrow down the focus for this initial effort to ensure we're able to make solid recommendations.
- Washington Street Request for Period of Performance Extension has been approved by FEMA Region III Headquarters through April of 2018. The formal letter has not been received as of yet. Once that is in hand I will issue a notice to proceed with the Phase 1, which we have funding for.
- Mayors' Charity Ball - will be held Saturday, February 24th in the Grand Ballroom of the Delaware City Fire Company. Planning is well underway and tickets are on sale at Town Hall.
- Delaware City Day - Effort is underway to appoint members to various positions on the committee and will be announced at February's Mayor & Council Meeting.
- Finance Report Update and Maggie Rzucidlo was given under the Treasurer's Report

General Meetings & Events Attended

- HPC Meeting
- Mayors' Ball meeting(s)
- League of Local Governments Legislative Committee Meeting
- Water Quality Improvement Plan meeting with New Castle County
- Parking Task Force Meeting
- Initial meeting with City Treasurer, Debra Sellers
- CD CARE meeting at Refinery
- Various visits to the Library regarding heating issues with Berry Refrigeration

Before moving forward on the agenda, Mayor Green went to the podium to address Council and the audience. First, he gave a brief overview of what he had done this month:

- Attended the State of the State meeting at Legislative Hall with Governor Carney. Found it very interesting. Discussion was about funds and where the State stands as well as the direction it should be moving in.
- Worked on fund raising for the Mayors' Ball. He views the initiatives for the town are important to continue and wants to insure the continued integrity of them.

Mayor Green recognizes Lisa Lindsay from the Refinery, Mr. McMichael from the Delaware City Fire Company are present at the meeting.

- Valerie Longhurst, Majority Leader of the State's House of Representatives, has been appointed as Executive Director to PAL. This is the first time someone other than a Police Officer has held this position. Mayor Green applauds this

forward thinking of Pal Board to engage outside people who can help in raising money and to bring in new ideas and thoughts.

- Mayor Green and City Manager Houck continue to meet regularly to go over what's going on in the City, with finances being a big part of the meetings as well as the projects and direction the City should and is taking.

Mayor Green announced two (2) deaths have occurred in Delaware City: Suzanne Portieus, wife of Toby Williams, lost her battle with cancer. She and the Mayor's wife, Connie had become friends and supported one another in their battle with this disease. The second death was of a former Council Member and Vice Mayor Ron Graham.

Mayor Green proceeded to read a tribute to Mr. Graham and the impact his life had on the Mayor personally. Mayor Green felt fortunate to have served on Council with Mr. Graham because he showed the Mayor what an honest, productive and respectful legislator is all about by his example of how to set aside personal feelings in order to represent all citizens and at all times be a gentleman. At the conclusion of the Mayor's tribute he asked for a moment of silent in the honor of Ron Graham's memory and respect to his family.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Delaware City Day: Committee Members will be announced at the next Mayor & Council Meeting

Board of Elections:

- For Chairperson: Christopher McKinley. Vice Mayor Malinowski made the motion to accept Mr. McKinley as Chairperson to the Board of Elections. Council Member Titus seconded the motion. All members voted aye.
- Brenda Parker: Council Member Titus made the motion to accept Ms. Parker as member of the Board of Elections. Council Member Barrett seconded the motion and all members voted aye.

Election Officers:

- Virginia Monroe - Council Member Barrett made the motion to accept Ms. Monroe and Vice Mayor Malinowski seconded. The vote was all ayes.
- Jean Bonner as Inspector - Council Member Titus made the motion to accept Ms. Bonner and Vice Mayor Malinowski seconded. The vote was all ayes.
- Connie Howard - Council Member Barrett made the motion to accept Ms. Howard and Council Member Titus seconded. The vote was all ayes.
- Bonnie Hanna - Council Member Titus made the motion to accept Ms. Hanna and Vice Mayor Malinowski seconded. The vote was all ayes.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

There were none

OLD BUSINESS

1. Second Reading and Adoption - Ordinance 17-1218-01 Relating to Amending Chapter 46 Section 46-28 of the City Code relating to Subdivision Amenities in HPR District

There were no questions or discussion regarding this Ordinance. Mayor Green asks for a motion to accept. Council Member Titus made the motion and Council Member

Greene seconded it. A roll call vote was taken and the motion passed with Council Members all in favor.

NEW BUSINESS

1. Introduction & First Reading Ordinance 18-0122-01 Changing Chapter 48 Floodplain Variances

City Solicitor Walton advised Council the floodplain ordinance that was given prior had an inherent conflict. He is asking Council to approve this Ordinance for first reading as relating to historic structures and once that is introduced for first reading it can be taken to FEMA to discuss. It is doubtful a second reading will be necessary.

Council Member Fitzwater made the motion and was seconded by Council Member Greene. City Solicitor added a correction before the motion was voted on. The agenda had the chapter correct on the Ordinance but it is incorrect on the printed copy. It should read Chapter 48 Section 21. Council Member Fitzwater amended his motion to include that correction and Council Member Greene seconded it. The roll call vote was unanimous to accept the Ordinance for introduction and first reading in abstract and title only. A public hearing will be held during March's Mayor and Council Meeting.

2. Resolution 18-0122-01 Relating to the 15-Day Notification of Public Hearing for Flood Mitigation Special Assessment

Solicitor explains this Resolution relates to an ordinance from last month's meeting for a small tax increase and a special assessment. It is his recommendation Council give a 15-day notice based on case law he provided to Council in a confidential memo.

The issue is whether or not Council wants to set a public hearing for this resolution if passed. If so, a date for a special meeting which he suggested a 17-day notice to allow time to notify by mail everyone who will be impacted by this special assessment.

Discussion followed with Mayor Green asking what the impact would be to Council and the people of Delaware City if the Resolution were passed. City Solicitor answered, none. It is providing more notice for a public hearing than is normally given because of the special assessment proceeding.

There was confusion about Council being given two (2) options: 1. Being to affect those living in the floodplain and 2. Spread out over the entire town. Would this require two (2) separate hearings? City Solicitor explained he did not know what the feelings of Council would be and therefore gave the options for Council and the public to debate.

Confusion continued regarding the options. Mayor Green attempts to clarify the intent by explaining if the Resolution is passed it opens the door for the public hearing and gives more advance notice than normal which will allow the residents and Council to have notice to be present. City Solicitor added that the public hearing would involve the special assessment and the tax increase on the same date.

Council Member Fitzwater made the motion to accept Resolution 18-0122-01 relating to the 15-day notification of Public Hearing for Flood Mitigation Special Assessment. Council Member Titus seconded the motion. Before roll call was taken, City Solicitor advised the date had been left blank in the Resolution for Council to decide. He answered Mayor Green's question about a certain time frame required because it relates to time pressure of the State Revolving Loan Funds to have approvals by the end of the month.

The date for the public hearing was set for February 19, 2018 by Council Member Titus and seconded by Council Member Fitzwater. A roll call vote was taken and Council unanimously passed the Resolution.

Before moving on with the agenda, City Solicitor suggests the possibility before the public hearing to see what options are available for outside funds. City Manager Houck explains that she recently found a penalty fund associated with the Refinery and had begun to investigate that possibility.

Discussion between Mayor Green and City Solicitor began. The loan amount that had been approved is not to exceed \$790,000. Under the current charter it is spread out over 10 years however, Council requested the General Assembly to change the charter to 20 years. City Manager states there is money to cover Phase 1 but fall short on Phase 2. Bids will go out on it when Phase 1 begins.

Mayor Green asked if there were any further questions and since there were none, a roll call vote on the motion took place. All members were in favor. The record reflects the Resolution 18-0122-01 passed and the public hearing was set for February 19, 2018 at 6:30 p.m.

3. Manager's Intent to Engage Kash Srvinivasan Group, LLC to Evaluation and Recommendation of Delaware City Water Utility

City Manager Houck addresses Mayor & Council. She states that this is an advisement to Mayor & Council regarding her enlistment of Kash Srvinivasan Group LLC to evaluate the water system. The cost will not exceed \$5,000. The sustainability report from last year has been completed. We were recently offered a State Revolving Loan to fund the purchase and installation of smart water meters in all our residences homes. All this will help us to fully vet the opportunity that the cost of \$600,000 to the sustainability of the utility.

Regarding the credentials of Mr. Srvinivasan, he was the former Public Works Director for the City Of Wilmington, has extensive experience and an excellent reputation with the State. His understanding of our utility is why she engaged him to gather all the information needed before making any decisions. The General Fund has been subsidizing the water utility in recent years and that is not typical.

Mayor Green asked City Manger what she was looking for from Council. She replied nothing. She was keeping Mayor & Council up-to-date on the ongoing discussion with Mr. Srvinivason. Mr. Srvinivason will be available for discussion and questions when its time for recommendations.

Council Member Fitzwater asked if the bidding for water utility is ever outsourced. City Manager replied Delaware City has a long-standing contract with Artesian. With the utility being subsidized not every resident is paying for the water they are actually using. The discussion continued between Council Member Fitzwater and City Manager about whether or not homeowners could receive a better rate for water and sewer work that is necessary in their homes since Fort DuPont was new endeavor. City Manager informed him the rights to the water was given up by the City to Fort DuPont and sold to United.

City Manager agrees looking at options is necessary and believes this is where Mr. Srvinivason's expertise will be helpful in making the best decision.

MAYOR & COUNCIL COMMENTS

Council Member Greene: had no comments at the time she was called upon but later asked to share about the Throwback Party being held on January 27 at the Dragon Run for anyone growing up in Delaware City from the 60's to the 80's.

Council Member Fitzwater:

- Apologizes for his tardiness to Council Meeting

- Asked if in the future the newsletter would list the dates and times the alarm would be tested. It was unnerving because he did not know it was a test.
- Drew attention to the yearly schedule of the Mayor & Council meetings that December 18 is a Tuesday. City Manager took note and will make the change.
- Deadline for filing to run for Council is March 5th. He wanted to know when filing could begin. City Manager Houck said it is open to register now.
- Applauded the active presence of the Delaware City Police around town.

Council Member Titus: No comments

Vice Mayor Malinowski: Attended the Parking Task Force Meeting

Council Member Barrett: No comments

CITIZENS COMMENTS

Michael Mariano, 115 5th Street #89: was asking about the 100-year lease on the water that was established last year. City Solicitor Walton injected that the City made the purchase 2-years ago and does not recall a 100-year lease being involved. Mayor Green asked City Manager Houck to look into this and let Mr. Mariano know her findings and she agreed.

Debra Sellers, 400 Clinton Street: Was confused as how residents will be notified of the public hearing on the tax assessment and the tax increase. City Solicitor Walton explained residents involved in the special assessment would receive a direct mailing with the notification of the Public Hearing. All residents who will be subject to the tax increase will receive their notice by posting it in the specific parts of town as all Public Hearings on Ordinances is done.

ADJOURNMENT

The motion to adjourn was made by Vice Mayor Malinowski and seconded by Council Member Titus. All were in favor. Council was adjourned at 7:10 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary