

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
MONDAY, April 16, 2018
PAUL H. MORRILL, JR. COMMUNITY CENTER
250 FIFTH STREET**

CALL TO ORDER

The Honorable Mayor Green called to order the Regular Meeting of the Mayor and Council at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance to the Flag.

ROLL CALL

Present were Mayor Green, Vice Mayor Malinowski, Council Members Barrett, Titus, Fitzwater, City Manager Houck, City Secretary Hanna, Assistant City Clerk Clifton, Police Chief Baylor and in the absence of City Solicitor Walton was City Solicitor Thompson. Absent also was Council Member Greene.

Mayor Green advises the agenda can be changed anytime at his discretion. Therefore the following agenda items would not be discussed during the meeting:

Under Old Business:

- Second Reading & Possible Adoption of Ordinance 18-0122-01 Relating to Modifying Chapter 48, Section 21 of the City Code relating to Floodplain Amenities in the Historic District.

Under New Business:

- Parking Task Force Recommendations Regarding Pilot Project – Trail Parking

FINANCIAL REPORT UPDATE

City Manager Houck was pleased to report she is able to give an updated financial report for the first time in nearly 11 months. The time however has been productive with outsourcing the bookkeeping to a firm who is familiar with governmental finances and in doing so has enabled us to complete the FY17 audit. The firm, By the Books, is also correcting our bookkeeping in the current software program. It is expected we will be moving into the government friendly software program this summer and be able to deliver the FY19 Operating Budget. City Manager told Council she appreciates their patience during this time.

City Manager introduces Tara Berkheiser from By the Books who will update everyone on the efforts that have been taken to get the accounts in order. Ms. Berkheiser began working while Maggie was still Finance Manager. Ms. Berkheiser gave detailed description of how her company analyses every detail of every aspect of the finances. Ms. Berkheiser reports the beginning balance is tidy and is a good starting point. The goal is by next Council meeting to be able to provide a financial statement and balance sheet for Council's review. The line by line approach will continue in order to be certain it is accurate when the numbers are entered into the new Edmonds program by July 1st.

Mayor Green thanks Ms. Berkheiser for her work. There was no motion made to accept the report.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Council Member Titus made the motion to accept the minutes of March 19, 2018 as written. Council Member Barrett seconded the motion. A vote was taken, all ayes, motion carried.

CERTIFICATION OF ELECTION

Christopher McKinley, 405 Hamilton Street, serves as Chairperson of the Election Board reads the certification letter. A total of 273 citizens' votes were cast. The results are as follows:

- Paul (Bud) Fitzwater III 145 votes
- Elizabeth (Beth) Konkus 184 votes*
- Andrew Lancaster II 47 votes
- Chase Renoll 170 votes*
- Margaret (Megan) Titus 157 votes*

The results were carefully reviewed to be sure every vote was counted and no missed votes by Mr. McKinley, Ms. Brenda Parker and Ms. Debra Sellers also members of the Election Board.

There were no questions regarding the certification. Mayor Green presented Mr. McKinley with a certificate of appreciation for his service.

SWEARING IN OF COUNCIL MEMBERS

Mayor Green administered the Oath of Office to each Council Member individually. They in turned signed their Oath of Office and took their seats at the Council table.

ELECTION OF VICE MAYOR

Mayor Green opens the floor for Council to elect a Vice Mayor. Council Member Barrett made the motion to re-elect Robert Malinowski as Vice Mayor. The motion was seconded by Council Member Konkus. The vote was taken, all ayes. The motion was carried. Vice-Mayor then took the oath of office with his wife, Sandra at his side holding the bible.

Mayor Green takes the podium and calls Council Members, Fitzwater, Greene (absent), Barrett, Titus and Vice Mayor Malinowski to the podium. Each was presented certificates of appreciation for their service to the City of Delaware City as Council Members.

Mayor Green then calls the Honorable John Buchheit forward. Mayor explains there is a new initiative to recognize all past members of Council and Mayors. The Honorable Buchheit is the first Mayoral recipient.

POLICE REPORT

Police Chief Baylor reported the crime numbers are dropping. Be able to measure better as the year goes on. The following are the significant events for the month:

- On March 5, the Police Department responded to a criminal nuisance complaint in an apartment in the 100 block of Clinton Street was being infiltrated with the smell of marijuana.
- On March 14, the Police Department conducted a burglary investigation in the 200 block of Jefferson Street. Two firearms were taken in that burglary. The investigation is active and working with the State Police and the Bureau of Alcohol Tobacco and Firearms.
- On March 16, the Police Department and the Delaware Department of Justice opened an investigation on an alleged sexual assault of a child under the age of 16 and is moving forward resolution.
- On March 29, the Police Department responded to a disorderly subject in the lobby of the Post Office. The investigation resulted in disorderly conduct charges being placed against a 43 year old local resident.

Chief Baylor also made a few announcements:

- The drug take back program is continuing through April 28. The box in the Police Department will be sealed and turned over to the DEA.
- Chief request everyone be mindful of the rules and regulations of the road during the Annual Yard Sale on Saturday.

Council Member Barrett asked if the full time officer position had been filled yet that had been placed in the budget. As of now, no one to date has been found to be suitable. The position has been reposted.

Council Member Titus asked what would be a peak management force? Chief Baylor replied, 3 full time and 1 part time as of now. One part time officer is out due to injury awaiting surgery and should be back on the force in June. To be at peak, 5 to 6 full time and 2 part time positions.

CITY SOLICITOR'S REPORT

City Solicitor Thompson reported she did not know everything Solicitor Walton had been working on the last month but was sure 99% of it is on the agenda for the evening. She will provide information as needed as each item comes up on the agenda.

CITY MANAGER'S REPORT

City Manager Houck reported the following:

- Delaware City Day - Information and application packets will be going out to parade participants, food and non-food vendors later in the week. Applications are due back by June 25 so by July 2nd advance space notices can be sent out. It's our desire to be more proactively prepared this year. Some changes will be a new venue for the stage with grass seating for the visitors and improved circulation for vendor parking and departing the event. Additional changes may be made to improve the experience and will be shared in the next community wide newsletter.

- Comprehensive Planning for Delaware City – KCI was engaged at the sum not to exceed \$1,000 to assist in the quick effort to position our community for success. They prepared draft letters to the Pre-plus Comprehensive Plan Review Team that I took to address them about our plan and get an idea of what they are looking for. I'm waiting on their written recommendations on the areas of our plan they recommend we focus on. KCI also prepared a draft to submit to the State's planning cabinet for a one-year extension of the November 2018 date and it was granted. We have until November 2019 (19 months) to accomplish the task.

City Manager listed the meetings she attended from March 19th to April 13th. This concluded her report. There were no questions.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Mayor Green mentioned an upcoming event in New Castle that he will bring more information on.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Tim Konkus

- The two-day yard sale is April 28th and 29th from 8 a.m. to 4 p.m. Please have sidewalks cleared by 5 p.m.

Mr. Konkus replied to Council Member Titus's question that yes large item trash pickup will be Monday the 30th. In response to Council Member Barrett's question, the Farmer's Market will continue to be at Veteran's Point until more vendors join.

Library

- The Third Annual Egg Hunt held on March 31st with 172 in attendance. Much larger response than in the past 2-years.
- Children's upcoming event will be "Write Your Own Book". Children will be encouraged to write their own story and have it made into a book.
- Summer Lunch Program will continue for its 3rd year. School aged children will be served lunch and participate in an activity.

Delaware City Fire Company

Mr. Mike McMichael

- Car wash to be held during Town Wide Yard Sale
- Members of the Fire Company will be going to Washington DC to see Federal representatives about more funding for staffing.

OLD BUSINESS

1. NPDES Storm water Annual Permit:

Council Member Titus made the motion that City Manager be allowed to sign and send the NPDES Storm water Permit. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, the motion carried.

Council Member Konkus asked if the extra money would be in the form of a loan. She was told this was not the same as the flood mitigation project.

2. Item 2 was tabled in the beginning of the meeting
3. Recommendations to Award Phase 2 of the Washington Street Flood Mitigation Project to Kuhn Construction Co.

City Manager Houck addressed the Council with an update on progress to date on Phase 1. Currently the work is in a black out period required for the fish migration and spawning. Work is expected to resume by July 1, 2018.

Phase II contract was advertised and a pre-bid meeting was held on March 15, 2018. Five (5) contractors purchased contract documents during the bidding phase. Tuesday, April 3, 2018 two (2) sealed, lump sum bids were received and publicly opened.

- Kuhn Construction Company of Hockessin DE Lump Sum Bid: \$1,138,000
 - J.J.I.D. Incorporated of Bear DE Lump Sum Bid: \$1,260,000
- No exceptions were taken by either bidder.

Duffield Associates, Inc. evaluated the bid documents and advised that the bid from Kuhn Construction, the apparent low bidder, was complete in all respects. However, unfortunately it does exceed the engineer's pre-bid estimate of \$885,125 which was based on Kuhn's original bid for the entire project received in July, 2017 before funding delays caused a lapse in project momentum. Duffield confirmed that Kuhn bid the project with state prevailing wage rates which are required in association with the State Revolving Loan portion of Phase II funding

Review of Budget

- Original Funding Estimate (going into bidding for Phase I): \$1,055,281
- New Funding Requirement (after bidding Phase II) \$1,287,600
- Balance to Make Up (necessary from FY2019 Budget) \$ 232,319

Funding

Funds are/will be available for the completion of the project from the following sources pending Mayor and Council vote and State Revolving Loan Closing:

- Balance of Original Funding:
 - a. FEMA and NC Conservation District \$ 265,281
 - b. Proceeds pending on the closing of the State Revolving Loan \$ 790,000
 - Delaware City FY 2019 Budget Commitment
 - a. Delaware City Original Promised Share (not on budget or paid yet) \$ 40,000
 - b. Balance to fund Low Bid & new Contingency \$ 192,319
- } \$232.319
- ***TOTAL FUNDING AVAILABLE \$1,287,600

It is recommended that Mayor and Council authorize the City Manager to enter into a contract agreement and award Phase II of the Washington Street Flood Mitigation Project to Kuhn Construction Company for its Lump Sum Bid of \$1,138.00 conditioned upon approval by the DNREC Environmental Finance branch and General Assembly approval of our Charter Change for borrowing terms from 10 years to 20 years.

It is also recommended that Mayor and Council acknowledge and authorize the City Manager to include \$232,319 in the FY2019 Delaware City Budget to provide the necessary balance funding to complete the Washington Street Flood Mitigation Project.

Mr. Steve Lewindowski, Project Manager and Engineer from Duffield Associates took the podium at the request of Mayor Green to give a brief synopsis of the project. Mr. Lewindowski began working on the project in 2016. He explained why the project is necessary and how it would be engineered to alleviate the flooding problem on Washington Street as well as what Phase I has accomplished to date.

The project was split into two phases to align with the funding requirements of Delaware City, the grant from FEMA/DEMA, NC Conservation District and the State Revolving Fund. The State Revolving Fund is subject to the prevailing wage. Market conditions and sub-contractors caused Phase II to come in higher based on current materials cost.

Council Member Comments

Council Member Konkus asked what are the chances Kuhn Construction would come back at the end of the project requesting more money? Mr. Lewindowski replied it was a lump sum bid. There may be change orders but the \$50,000 contingency is there.

Council Member Titus stated her disappointment in the bid coming in higher and wanted the public to know that the project must continue. If not, the money to date would have to be refunded and the project would not be finished by the deadline of April 9, 2019

Mayor Green thanked Council Member Titus for her comments and added that he and Vice Mayor will be looking at the budget to see exactly where we can get money and sources outside of the budget to offset the cost. Due to our charter we are at our borrowing limit.

Mayor Green asked Mr. Lewindowski to explain what monitoring device will be used to ensure the integrity of the contingency monies. Mr. Lewindowski answered the engineers are the first line of defense. Inspections are required as a condition of the loan. Any changes by Kuhn will have to be made to Duffield for review for recommendation to Council whether it's necessary.

City Manager thanked Council for their consideration on the vote. She explained there is a time factor in ordering the pumps and a positive vote tonight will move the project forward.

Council Member Titus made the motion to have City Manager Houck enter into the contract with Kuhn Construction for Phase II of the Washington Street Flood Mitigation Project Phase II and further authorize City Manager in \$232.319 in the FY2019 budget to cover the shortfall.

Vice Mayor Malinowski seconded the motion. Roll call vote was taken, all members voted Aye. Mayor Green announced the record reflects the motion passed.

NEW BUSINESS

1. Introduction & First Reading of Ordinance 18-0416-01 to Amend the Delaware City Sign Code & Outdoor Advertising Regulations Chapter 46, Article X

Mayor Green asked for a motion to amend the ordinance for introduction and first reading in abstract and title only. Council Member Barrett made the motion. Vice Mayor Malinowski seconded the motion. A vote was taken, all ayes, motion carried. A public hearing will be held at the May meeting of Mayor & Council. City Manager Houck will send the ordinance to the Planning Commission

2. Introduction & First Reading of Ordinance 18-0416-02 to Amend the Delaware City Code Chapter 22 Residential Rental Property Inspections and Chapter 52 Relating to Property Maintenance.

Vice Mayor Malinowski made the motion to accept the ordinance for introduction and first reading in abstract and title only. Council Member Konkus seconded the motion. A vote was taken, all ayes, motion carried.

3. Set Meeting Date to Approve the FY19 Annual Tax Assessment Rolls & Set Meeting Date for the FY19 Annual Board of Appeals

City Manager Houck expects to have the figures to Council by the Budget Workshop. The dates will be sent to all Council Members.

MEMBERS OF COUNCIL COMMENTS

Council Member Barrett – no comments

Vice Mayor Malinowski – no comments

Council Member Titus – said she has been receiving complaints from the community about how rude the postal workers have been. She contacted the Post Master General about sending more amicable workers. The case has been opened and anyone with a complaint can file one.

Council Member Renoll – no comments

Council Member Konkus – Thanked everyone for voting for her.

Mayor Green

- Acknowledge the integral part Dale Slotter played in the coordination of the Mayors' Ball.
- Funds from the Ball will be set aside for new signs.
- The DE Senate will be meeting for Charter changes
- He will be working with Vice Mayor Malinowski to seek funding for it
- Have received many calls about how well the Police Officers are doing in meeting and greeting the towns-people and especially the children

- Adding to Council Member Titus' comment about the Post Office, you can contact the Postmaster in Philadelphia and present a petition to the Postmaster General. Chief Baylor urges everyone not to argue with the postal workers but call the Police Department so the incident can be documented.

CITIZENS' COMMENTS

- Ronnie Williams, 102 Pleasantville Court, New Castle. Announced he is running for the Colonial School District and why he believes he will be able to bring positive changes and effective leadership to the School District.
- Mike McMichaels, 129 Washington Street. Congratulated Council on the outcome of the election. Two concerns he shared that he would like Council to look into are motorized skate boards on the sidewalks are posing a hazard to walkers and motorcyclists coming through town with their radios blaring.
- Toby Williams, 403 Hamilton Street. Wanted to extend his thanks to Bud Fitzwater and Natalie Greene for their terms on Council and to welcome the new members.
- Bud Fitzwater, 136 Washington Street, thanked those who voted for him
- Liz Gordon, 93 Clinton Street. Was concerned about the post office dealing with the many packages that come to the Birders.
- Christopher McKinley, 401 Hamilton Street shared his deep concern about 80.3% of the eligible voters did not vote in the last election. He would appreciate Mayor & Council doing something to encourage increased voter turnout. Perhaps a "did you know" section in the newsletter.
- John Buchheit, 210 Clinton Street expressed his congratulations to past and present Council members and thanked them for serving. He also commented on what a good job the Library staff is doing to have activities and events. Their input in the community is excellent. Also mentioned was the continued effort and plans to restore the hotel to its original state and hopefully will be renting rooms by next year.

ADJOURNMENT

Council Member Barrett made the motion to adjourn. It was seconded by Vice Mayor Malinowski and all were in favor. Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Bonnie Lynn Hanna
City Secretary