

"A Historic Past"

Mayor
Stanley E. Green
Vice Mayor
Robert Malinowski
Councilmembers
Betty Barrett
Elizabeth Konkus
Chase E. Renoll
Margaret C. Titus



"A Bright Future"

City Manager
Carol S. Houck
Police Chief
David Baylor
City Solicitor
Max Walton
City Treasurer
Deborah Sellers
City Secretary
Bonnie Hanna

THE CITY OF DELAWARE CITY

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MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
PUBLIC HEARING 6:00 p.m.
MONTHLY MEETING 6:30 p.m.
July 16, 2018
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET

CALL TO ORDER – PUBLIC HEARING

The Honorable Mayor Green opens the Public Hearing at 6:00 p.m. He reads the two (2) Ordinances being presented and calls on City Manager Houck to address Council on each Ordinance.

1. Ordinance 18-0618-01 Adopting New Water Rates for FY19

This Ordinance is brought forward to provide the necessary funding to begin to address needs of the utility and general fund and in association with an extensive evaluation of the water utility operations and its immediate and future infrastructure needs. The ordinance effectively increases water rates across the board by 15% beginning October 1, 2018. There is no change to the rate structure.

2. Ordinance 18-0618-03 To Create a New Article II of Ch. 51 of the Delaware City Code Creating a Contractor's License

The benefit of this Ordinance is to protect residents from fraudulent contractors upon notification of issues they encountered with a contractor. Many of our surrounding towns & cities have this in place.

There was a lengthy discussion that followed. Ms. Debra Sellers and her husband Mr. Michael Hendry addressed Council on questions and specific points they took issue with. City Solicitor Walton responded to their questions. The end

result was the removal of “*maintenance work*” in 51-21. Purpose. Under the heading of “Contractor”, the words “*and/or*” was inserted between “*remodeling and constructing*” as well as removing “*and or maintaining*” from the sentence. The last edit is under 51-23. License required the words “*or maintenance*” were removed. Council Member Titus shared this license is the normal process of doing business for contractors. The full context of Ms. Sellers address is attached to these minutes.

RECESS & ADJOURNMENT OF PUBLIC HEARING

Mayor Green briefly recessed the Public Hearing at 6:25 p.m. At 6:27 p.m. Mayor Green reconvenes the meeting and then adjourns the Public Hearing.

CALL TO ORDER

The Honorable Mayor Green calls the July 2018 Mayor & Council Meeting to order at 6:33 p.m. at the Delaware City Fire Company. Mayor Green acknowledges the presence of Mr. Paul Johnson, President of the DCFC, Mr. Mike McMichael, past President of the DCFC, retired Judge Edward Poling, Ms. Lisa Lindsey from the Delaware City Refinery and Mr. Tim Konkus, President of Main Street.

PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance

ROLL CALL

In attendance were Mayor Green, Vice Mayor Malinowski, and Council Members Barrett, Titus, and Konkus. Also present were City Manager Houck, City Secretary Hanna, Police Chief Baylor and City Solicitor Walton. Council Member Renoll arrived later.

Mayor Green made an adjustment in the agenda to allow the presentation of the Downtown Development District Plan to Council first.

Presentation – Downtown Development District Plan Draft

Mr. Chris Rogers of AECOM introduced his colleagues, Mr. Ryan Mulhenny and Ms. Jessica Molina then began the presentation. Mr. Rogers said in 2014 the General Assembly passed the DDD Act for the purpose of revitalizing downtown areas in various cities and towns in the state. The idea is to leverage state funds with private funds (which will be given a 20% refund from the state) to promote the development and redevelopment in areas where growth is needed. Mr. Rogers explains how the application process takes place and the criteria for consideration.

A task force, with a good cross section of Delaware City represented was formed to look at the needs and discuss the issues. A district boundary was designated based on crime rates, code violations, low home values, and vacancies which resulted in an 85 acre (400 parcels) district.

From the response to the Task Force's survey a vision statement was written. Objectives and strategies were drawn from the vision statement. Incentives as a means to achieving the visions, goals and objectives making Delaware City more attractive for investment and development were formed.

The plan with the incentives will be submitted to the State Cabinet Committee for review by August 31st. City Manager Houck said to date \$39,000 has been spent on preparing the plan. Reimbursement can be applied for as soon as Mayor & Council approve the conceptual plan. Before the final plan is sent, we will come back to Mayor & Council if we want to tweak our incentives. Mayor Green wanted to know if there is any penalty involved if the conceptual plan is not accepted by August 31. An extension had already been requested so City Manager is not sure how they would react.

Council Member Titus made the motion to accept the Downtown Development District Draft Conceptual Plan. The motion was seconded by Council Member Konkus. A roll call vote was taken resulting in five (5) ayes and 0 nays. The Record reflects the Conceptual Plan was accepted.

ACTION UPON FINANCE REPORT

Ms. Tara Berkheiser of By the Books Services addressed Mayor & Council on the progress to date and the July 2nd move to the new software. She described how the software is the mechanism by which the financial information, such as reporting and collections of taxes and water payments can be reported. It will also house all the information on capital grants, police and any funds that roll through the General Ledger. The FY19 budget has been loaded into the software and by the August meeting of Mayor & Council; the reports will present not only the budget but also the actuals. Training and troubleshooting of the software continues with Edmonds assistance.

In addition Ms. Berkheiser and City Manager are reviewing the resumes received so far for the position of Finance Manager. They hope to begin interviews within the next week or so.

Preparation for the independent audit in August is underway beginning with the field work phase: independent confirmation of banking and debt balances; items related to public ledgers: looking at receivables to make sure they tie out to the General Ledger; and making sure expenses are in the proper period (i.e. prepayment of insurance, etc.).

A recap of the end of fiscal year 2017 was provided showing expenses were almost on budget (only over by .1%). For revenue it is under budget due to the credit that had to be issued to Verizon which they agreed to allow City of Delaware City to reimburse over the period of 5-years instead of one full payment.

Council Questions - Comments:

Council Member Konkus asked how grants will be tracked from expenditure to reimbursement. Ms. Berkheiser replied grants are budget neutral since reimbursements come within 30 to 60 days. A balance sheet showing the activity can be formatted. Mayor Green agrees it would be good to see the activity.

There were no further questions or comments. Council Member Barrett made the motion to accept the finance report. It was seconded by Council Member Titus. All were in favor, the motion carried.

ACTION UPON MINUTES

Council Member Titus made the motion to accept the minutes from the June 18, 2018 Mayor & Council Meeting as written with the request to return to using a larger font. The motion was seconded by Council Member Barrett. All were in favor. Minutes were accepted as written.

POLICE REPORT

Police Chief Baylor's report addresses the logistical arrangements for Delaware City Day: vehicle permits, parking restrictions, street closures, DelDot redirecting traffic into Delaware City via Clarks Corner Road to Cox Neck Road and the shuttle service for both handicap and other residents/guests. Also, Chief Baylor reminds no pets are allowed along Clinton Street and Battery Park after 5 p.m. nor alcohol.

Mayor Green on July 9 pursuant to Chapter 27, Article II, Section 27-6 of the Delaware City Code deemed Harbor Street between Clinton Street and Washington Street is now a FIRE LANE. It will be posted in the near future as a *No Parking Zone* and enforcement will begin at that time.

Council Questions - Comments:

Council Member Barrett asked if Chief Baylor has enough coverage for Delaware City Day. Chief Baylor replied he had 30 officers from other agencies such as Department of Homeland Security, Coast Guard and other area municipal departments.

Mayor Green comments on the year to date figures that even though it's only 6 months to compare against 2017, the rate has dropped by some 60%. He commends Chief on very good job.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- Completed the closing on the Washington Street loan on July 2nd.
- Drafted the Ordinances on this evening's agenda for first reading
- Worked with City Manager Houck on matters discussed in the last Executive Session
- The Lot Coverage Ordinance is not ready for Council therefore it was removed from tonight's agenda
- Assisted Chief Baylor on a jurisdictional issue
- The Pope-Mobile and a Gator will be delivered later this week for Delaware City Day.

CITY MANAGER'S REPORT

City Manager Houck began her report with updates on the preparations coming into place for Delaware City Day and a reminder of the fund raiser effort taking place now until Delaware City Day of raffling two (2) tickets to the December 3rd evening game between the Philadelphia Eagles and Washington Redskins.

- Street Sweeping will take place on July 23rd and July 24th. It was incorrectly recorded in the newsletter. Efforts are underway to get the message out of the correction.
- The State 2019 Bond and Capital Improvements Act appropriated \$15,000 for flooring replacement at the Community Center. A meeting with Representative Longhurst is scheduled to ensure proper documentation is supplied to the Office of the Controller General to release the funds for the project. Currently obtaining quotes for the flooring work.
- Confirmation has been received that our Grant in Aid funding for FY19 was approved totaling \$33,000 for Delaware City Day and \$40,000 for efforts at the Community Center including an allocation for the Senior Center.
- Facility issues of air conditioning at the Library and Police Department have been resolved.
- Continuing with the recruitment efforts for a Finance Manager until July 26th.

Meetings City Manager Houck attended during June and early July are: Mayor & Council Meeting; Energy & Climate Meeting; HPC Meeting; Edmonds Training; BOA Meeting; Health Advocate Meeting re: State of Delaware Insurance and Fort DuPont Board Meeting.

Council Questions-Comments

Mayor Green reiterates the reasons for the change in venue for Mayor & Council Meetings from the Community Center to DCFC was to be more accommodating to the PAL program and their use of the Center.

APPOINTMENT of Mr. Timothy R. Dilliplane to the Planning Commission

Mayor Green reads Mr. Dilliplane's resume and asks Council for a motion to appoint him to a 3-year term on the Planning Commission. Vice Mayor Malinowski made the motion and it was seconded by Council Member Titus. A roll call vote was taken and recorded as 5-ayes and 0-nays. Mayor Green thanks Mr. Dilliplane for volunteering to fill the vacancy on the Planning Commission.

REPORTS OF COMMISSIONS, COMMITTEES, AND ORGANIZATIONS

Mr. Mike McMichael: on behalf of President Paul Johnson welcomes Mayor & Council back to "your" home.

Ms. Lisa Lindsey, Delaware City Refinery stated the refinery is operating well with no toxic emissions in the month of May. The road has been officially renamed Delaware City Refinery Way. The Refinery has received another Community Honor in April from the Boys & Girls Club of Newark for outstanding community partnership with them. Nine (9) employees joined in with a local school for the Read Across America program and read to Kindergarten students. The Refinery will be attending Delaware City Day.

Mayor Green acknowledges Ms. Lindsey's efforts of interfacing with many organizations and corporations and her monthly presence at Mayor & Council Meetings.

Mr. Tim Konkus, Main Street: Thank you for approving the Downtown Development District Conceptual Plan that had been a part of the Main Street effort. Efforts of the Coastal Zone Advisory Board is moving quickly please bring your concerns forward. The Farmer's Market will be along Merchant's Row this Saturday.

Mayor Green once again expresses his appreciation to the volunteers who come forward to help in so many aspects of Delaware City's life.

OLD BUSINESS

1. Second reading & Possible Adoption – Ordinance 18-0618-01 Adopting New Water Rates for FY19

Council Member Titus made the motion to adopt Ordinance 18-0618-01. It was seconded by Vice Mayor Malinowski. With no further discussion or questions a roll call vote was taken and recorded as 5-ayes and 0-nays. The Ordinance was adopted.

2. Second Reading & Possible Adoption - Ordinance 18-0618-03 To Create a New Article II of Ch. 51 of the Delaware City Code Creating a Contractor's License

Mayor Green mentions there had been discussion and changes were requested in the wording during the Public Hearing. He asks for a motion. Council Member Titus makes the motion and Vice Mayor Malinowski seconds it. It was then open for discussion. Council Member Titus with the assistance of City Solicitor Walton read the changes:

- Under §51-21. Purpose: strike the last three (3) words or maintenance work in the paragraph
- Under §51-22. Definitions, second paragraph CONTRACTOR between *remodeling* and *constructing* on the second line add and/or and strike out after *constructing* the words and/or maintaining
- Under §51-23. License required, strike the words or maintenance in the first sentence.

Council Member Titus revises her motion to state: She makes the motion to accept Ordinance 18-0618-3 with the changes by line by the City Solicitor. Vice Mayor Malinowski seconds the motion. With no further discussion a roll call vote was taken and recorded as 5-ayes and 0-nays. The Ordinance was adopted.

3. Rivertowns Ride Festival – Permission to Serve Beer & Wine

The Rivertowns Ride Festival will be held October 6, 2018 in Battery Park. City Manager made the request for Mayor & Council to waive the no alcohol rule for this one event. Beer only will be served. Council Member Titus makes the motion to grant permission. Council Member Konkus seconded the motion. Before a roll call vote was taken, Council Member Titus recalled empty glasses were left behind from last year's event and would like to see the cleanup be done better so no one especially children could have access to any of the beverages. Mayor Green asked City Manager Houck if she could see to the integrity of the request be upheld to which she agreed. Roll call vote was taken and recorded as 4-ayes, 1-abstain by Council Member Renol (he works for a beverage company) and 0-nays. The request passed.

NEW BUSINESS

1. Introduction & First Reading Ordinance 18-0716-01 Relating to Chapter 46 HPR District, and Section 24-13 of the Delaware City Code Relating to Certain Agricultural Uses

Mayor Green asked for a motion to accept this for introduction and first reading only. The motion was made by Vice Mayor Malinowski and seconded by Council Member Titus. Discussion followed with the comment from Council Member Konkus that whatever ordinances are introduced for Fort DuPont should also be allowed in the City's limits. Council Member Titus said horses had been a part of the Fort's history and on her tour with Mr. Randol they talked about the possibility of aquaponics gardening to be done at the Fort. City Solicitor Walton reminded

Council discussion was not necessary because a public hearing will be scheduled. The motion was made by Vice Mayor Malinowski to accept the introduction and first reading in abstract and title only. It was seconded by Council Member Titus. Roll call vote was taken and the result was 5-ayes and 0-nays. Motion carried. A Public Hearing will be scheduled for the next meeting of Mayor & Council.

2. Introduction & First Reading Ordinance 18-0716-02 to Amend Chapter 29 Relating to the Discharge of Firearms in the HPR District

Mayor Green asked City Solicitor Walton to give an explanation of this ordinance. The reply was an apparent conflict between no discharge of firearms in the city and then allowing the Park Service to permit hunting at Fort DuPont since it's now annexed to the city. Mayor Green asked if we can supersede the State's law. City Solicitor said he would give a response to that question in a confidential memo to Council. Chief Baylor added that a meeting with DNREC officials he was able to express concern for keeping bikers, hikers and general public safe if it is allowed.

Mayor Green reminded Council this is a first reading and if accepted a Public Hearing will be scheduled for full discussion. It was requested that an official from the State Parks be in attendance at the Public Hearing for answering questions.

Vice Mayor Malinowski made the motion to accept the introduction and first reading in abstract and title only. It was seconded by Council Member Titus. Roll call vote was taken resulting in 4-ayes and 1-nay by Council Member Konkus. The motion was accepted and a Public Hearing will be scheduled for the next Mayor & Council Meeting.

MAYOR & COUNCIL COMMENTS

Council Member Barrett – no comments

Vice Mayor Malinowski – attended Fort DuPont meeting

Council Member Titus – is still trapping cats being dropped off in Delaware City. She received a generous donation to help in the cost of spaying and neutering.

Council Member Renoll – apologizes for being late to Council due to work.

Council Member Konkus – said 4 otters have been spotted at the African Union Cemetery.

Mayor Green – asks that the meeting times are posted on the crawl. DCFD will have a better set-up for the Council Meeting next month. Also would like to see a resolution drafted to name the ball field for Bill Yarrow and name the larger ball

field in honor of Max Walton Sr. Mayor hopes all Council Members will be a part of this.

CITIZENS COMMENTS

Lisa Lindsey, Delaware City Refinery: The Refinery has been a major sponsor of the Rivertowns Ride & Festival and has been told it was cancelled. She will get update.

Mike McMichael: both he and his wife, Taffy were very appreciative of her being chosen as Grand Marshall for Delaware City Day. He wondered if an incentive could be found that would encourage people to come out a few times a month to pick-up trash.

ADJOURNMENT

The motion to adjourn was made by Council Member Titus and seconded by Vice Mayor Malinowski. All members were in favor. Motion to adjourn was made at 8:06 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary