

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
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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.
August 20, 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.

- 1. Ordinance 18-0716-01 Ordinance to Amend the City of Delaware City Code, Chapter 46 Relating to the HPR District, and Section 24-13 of the Delaware City Code Relating to Certain Agricultural Uses**
- 2. Ordinance 18-0716-02 to Amend the City of Delaware City Code, Chapter 29 Relating to the Discharge of Firearms in the HPR District**

City Solicitor Walton made the suggestion to Mayor & Council to pass over the Firearms Ordinance until next month since the representative from the Parks Service was unable to attend due to illness. City Solicitor added they could also pass the Agricultural Use ordinance until next month if desired and a second public hearing will be held for both. If passed Council could make an ultimate vote at that time. Mayor Green said he will take it into consideration.

Mayor Green asked if there are any comments on the two ordinances. Resident Heather Bolton, 2401 South Staff Lane came to the podium to speak. She introduces herself as the first tenant at Fort DuPont. For the record she states she is not anti-gun or anti-hunting, but very much against hunting in her

neighborhood. She feels it is a violation of safety and rights. There were no further comments at this time. Mayor Green recesses the Public Hearing until 6:25 p.m.

Mayor Green reopens the Public Hearing asking if anyone wished to speak on the Agricultural Use ordinance. Mr. Cory Savin, 310 Canal Street said he likes the idea and would also like to see it expanded to include the City's limits as well. He believes it is beneficial to the community to have more food sources available.

City Solicitor Walton asked to clarify a statement he made earlier about passing the Firearms ordinance until next month. Mayor Green explains that it is up to Council to make the decision to either move on this Ordinance tonight or to put it on September's agenda. Mayor Green closes the Public Hearing at 6:30 p.m.

CALL TO ORDER

Mayor Green calls the August 20th meeting of Mayor & Council to order.

PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance. After everyone was seated, Mayor Green thanks everyone for being present and acknowledges the presence of The Honorable Buchheit, Mr. Tim Konkus President from Main Street Delaware City and Ms. Lisa Lindsey from Delaware City Refinery.

ROLL CALL

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

ACTION UPON FINANCE REPORT

Ms. Tara Berkheiser of By the Books Services addressed Mayor & Council. Ms. Berkheiser announced it was a successful launch into the new municipality software and now ready for the annual audit to begin on August 27th. Interviews had been conducted for a Finance Manager and are now recalling some for follow-up interviews. The reports she handed to Mayor & Council are the results of the first month's closing in the new software. Ms. Berkheiser went over the reports which were broken down into three (3) sections:

Document A Review Highlights

Ms. Berkheiser pointed out

- The increased amounts of property tax bills sent out are over the budgeted amount. The difference relates to the credit amount (over the next 5-years as a result of the successful negotiations City Manager Houck had with Verizon) that Verizon will deduct from the tax payment.
- During July property tax payments were received with additional payments between August 1st and August 17th.
- Real Estate Transfer Taxes which represents 15% of the total budgeted
- Delaware City Refinery was billed for the PILOT which is expected to be paid late September
- July Code Enforcement bills were issued and the July payments were applied to the prior year balances
- Water fee billings received represent 19% of overall budget and may revert back to FY18 during the audit process

Both General and Water Funds expended 8% of total annual budget is on track. Expected 1/12th expenditure is 8.33%

Document B: Budget vs Actual Income Statement by Fund:

Report set-up in three (3) columns: Budget FY19 → Actual FY19 → % of Budget
Depending on the time of the service provided some items may revert back to FY18.

Council Member Konkus asked if the checkbook balance could also be included in the balance sheet. Ms. Berkheiser said yes.

The second question from Council Member Konkus regarding receipt of transfer taxes from lots sold at Fort DuPont was answered by City Solicitor Walton. He replied once the property goes to settlement, Delaware City will receive the transfer tax. Vice Mayor Malinowski asked at what point: when the builder buys the lot from the Fort or when the home owner buys from the builder. Council Member Titus asks if it will come twice (from builder and home owner). City Solicitor Walton was not sure of the answer and said he will find out. Mayor Green thanks him for the clarification.

Document C: Grants

As requested in last month's meeting Ms. Berkheiser has delivered a report on the current grants. She reminds Council that grants are budget neutral and related to capital projects and programs. Funds received are spent directly in the specific area of the grant.

There were no further questions or comments on the Finance Report. Mayor Green asks for a motion to accept. Council Member Konkus made the motion and it was seconded by Council Member Titus. All were in favor. Finance Report was accepted.

ACTION UPON MINUTES

Council Member Barrett made the motion to accept the minutes of July 16, 2018 as written. The motion was seconded by Council Member Konkus. All were in favor. Minutes were accepted.

POLICE REPORT

Chief Baylor addresses Mayor & Council asking them to 2018 statistics are from June and not July because the system has been down at the time of printing. However there was little change between the two (2) months.

Chief Baylor's announcements included:

1. Delaware City Day Fireworks will be held Sunday, October 7 at approximately 7 p.m. The town will not be shut down but there will be no parking on Clinton Street from Second Street to the circle at Battery Park and Washington Street at Front Street by 5 p.m.
 2. Shuttle service will be available beginning at 4 p.m. with handicap parking at Delaware City Fire Company and will run until one hour after the end of the fireworks.
 3. No pets allowed on Clinton Street between Second Street and Battery Park after 5 p.m.
- The St. Georges Bridge will be closed to all traffic on Monday, September 10, 2018 for approximately six (6) months. Delaware City will see more traffic along SR 9 (Fifth Street). Updates will be forthcoming.
 - Through interviews and the subpoena of bank records, the Delaware City Police Department solved the case of Stumpy's missing coop. It has been returned and apologies were made and accepted.

The Delaware City Police Department has the following active grants:

- Combat Violent Crimes awarded fall of 2017 for overtime and surveillance vehicle funds.
- State Aid to Local Law Enforcement awarded Fall of 2017 for funding overtime, community policing, public education programs, training funds
- Emergency Drug Interdiction Enforcement awarded fall of 2017 for overtime funds for drug enforcement dedicated to identification of drug areas

Grants recently applied for are:

- SLEAF (State Law Enforcement Assistance Fund) to the Delaware Attorney General's Office for four (4) in car camera recording systems for the department's fleet. Decision to be made in September by the Attorney General.
- Speed Enforcement Grants

Mayor Green commends Chief Baylor on the grants and on the return of Stumpy's coop. He also commended City Manager Houck on negotiating the 5-year extension from Verizon as how important that is to the budget.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported while on vacation his colleagues oversaw the following:

- Ms. Lauren DeLuca handled a BOA hearing and drafted a decision
- Ms. Christiana Thompson worked on the Verizon franchise agreement which is up for renewal and will be brought to Council in the near future. Updates to follow
- Mr. Chris Griffiths assisted City Manager Houck with the sign code ordinance on the agenda for first reading

Since returning City Solicitor Walton has been working with:

- City Engineer on regulatory requirements for the Fort DuPont levy
- Answered several questions from City staff regarding permit issues
- Prepared a short attorney-client privileged ethics related memo for the City Manager relating to recusal requirements.

There were no questions or comments on the City Solicitor's Report.

CITY MANAGER'S REPORT

City Manager Houck's report contained activities, initiatives and/or projects that impact our community:

- Working with the Planning Commission on two (2) items:
 1. the launch of our Comprehensive Plan Update which will be reported on later in this meeting
 2. working on the sign ordinance which is on the agenda for first reading
- Delaware City Day was impacted by heavy rains and after the parade was called off at 2 p.m. Fireworks have been rescheduled for Sunday, October 7th. Thanks the members of the committee for all the efforts put forth
- Meeting with and opening dialogue with the tenants of the Community Center to gain awareness of areas that may need to be improved and have better control of events.
- As a result of the efforts of Representative Longhurst, bond funds have been made available for renovations at the Community Center for new flooring and painting to improve the look of the entrance, hallways and the PAL rooms.
- Full launch of the new financial software is underway. Some final aspects from our old system to the new continues to be assisted by By the Books and training.
- The FY2018 Audit will begin week of August 27th. By the Books and staff members are gathering files and information to facilitate the effort. By the Books will also help facilitate the end of year close

- Sunday, October 21st we will have a booth set-up to share the Comprehensive Plan with the public for feedback at the Delaware City Fire Department's Community Safety Day

The following are meetings/events attended by City Manager Houck:

- Attended Community Center event where PAL was presented with a donation from Reybold
- Met with Jacob Hunter, Reedy Point Players, with Judy Masishin, our new Community Center Liaison
- Met with Tara Berkheiser and Damaris Slawik of DEMA to review reporting for the Washington Street Grant
- A pre-construction meeting on July 26th for the Phase
- Attended meeting of Delaware City Day
- Attended initial River Towns Ride Meeting
- Met with Representative from Duffield to discuss feasibility of paving projects in town
- Attended Planning Commission meeting on August 6th
- Attended second River Towns Ride Meeting
- Met with PNC to introduce us to their products
- Held Finance Manager interviews
- Met with insurance representative Henry Nickle and followed up on the phone on several items
- Attended a Human Resources Training in Milford DE offered by ICMA

There were no questions or comments on the City Manager's Report.

APPOINTMENT of Mr. Paul Starrett to the Planning Commission

With no questions or comments Mayor Green asks for a motion to appoint Mr. Paul Starrett to the Planning Commission. Council Member Konkus made the motion to accept Mr. Starrett's appointment. Council Member Renoll seconds the motion. All were in favor. Motion carried. Mr. Starrett declined Mayor Green's offer to speak.

OLD BUSINESS

Mayor Green takes the podium to present the following two (2) resolutions. Mayor Green states over the years the Babe Ruth Ball Field has fallen into disrepair. With the inception of the Mayors Charity Ball by The Honorable John Buchheit over \$300,000 has been raised. As a result of the Mayors Ball and many entities such as the Delaware City Refinery who also volunteered time and resources \$70,000 has been raised for the repairs to the ball field. Mayor Green reads each of the resolutions in their entirety:

- 1. Resolution 18-0820-01 to Dedicate the Babe Ruth Diamond to the Memory of Max R. Walton**

Mayor Green asks for a motion. Council Member Titus makes the motion to pass the Resolution 18-0820-01 to Dedicate the Babe Ruth Diamond to the Memory of Max R. Walton. It is seconded by Council Member Barrett. All were in favor. Motion carried.

2. Resolution 18-0820-02 to Dedicate the Little League Field to the Memory of William (Bill) Yowell

Mayor Green asks for a motion. Council Member Barrett makes the motion to pass the Resolution 18-0820-02 to Dedicate the Little League Field to the Memory of William (Bill) Yowell. Vice Mayor Malinowski seconds the motion. All were in favor. Motion carried.

Plaques of memory will be placed at designated locations on the ball field and dedicated on behalf of Mr. Walton and Mr. Yowell next month. Copies of the resolutions signed by Mayor & Council will also be presented to each family.

3. Second Reading & Possible Adoption Ordinance 18-0716-01 Relating to Chapter 46 HPR District & Sections 24-13 of the Delaware City Code Relating to Certain Agricultural Uses

City Solicitor Walton felt this Ordinance was well addressed last month. He reminds Council that in the Delaware State Constitution there is an exemption allowing zoning for agriculture uses and this is to align the agricultural uses intended at Fort DuPont to Delaware City Code.

Council Member Titus asked for clarification from City Solicitor Walton if this was to be passed until next month along with the fire arms resolution. City Solicitor said there is no additional information on this ordinance for reviewing, however it would be possible to package them if Council desired.

Council Member Titus makes the motion to accept the ordinance as written. The motion was seconded by Vice Mayor Malinowski. Before a vote could be taken Council Member Konkus said she would like to see the ordinance also include the area of Delaware City too.

Discussion followed on how to accomplish that. City Solicitor Walton said it will have to be a new ordinance to include Delaware City because this one is to amend usage of the land in the HPR district. Council Member Konkus wants it to be withdrawn and the two areas combined into one ordinance for next month.

Council Member Titus withdraws her motion but Vice Mayor Malinowski, who seconded the motion, believes its two different areas under consideration. He adds agriculture has existed at Fort DuPont so this is to bring it into compliance with City code. The geography is different between the two areas which Council Member Konkus agrees but still wants to add this side of the Canal. Vice Mayor Malinowski cautions Council Member Konkus the possibility of neither passing if the two areas are combined in one ordinance.

Mayor Green said a motion was withdrawn but not the second on the motion. City Solicitor Walton said must go back to a motion. Council Member Titus believes with Vice Mayor Malinowski the two areas are different therefore the specifics for use would be as well.

Council Member Titus makes the motion to move forward and approve the ordinance as written. Vice Mayor Malinowski seconds the motion. Council Member Konkus said she understands the limited space and she will vote for this ordinance if there is one next month for this side of the canal. City Solicitor agrees to prepare one for next month.

Mayor Green says the understanding is all can be accomplished but it's not controlling the vote of Council's decision tonight. Council Member Barrett asked why there is hurry, put the two together for next month. Vice Mayor Malinowski didn't believe it's necessary to draw it out.

Mayor Green asks for a roll call vote. The vote was Aye from all Council Members. Ordinance 18-0716-01 passed.

4. Second Reading & Possible Adoption Ordinance 18-0716-02 to Amend Chapter 29 Relating to the Discharge of Firearms in the HPR District

Mayor Green asks for a motion to accept the ordinance. Council Member Titus makes the motion to pass the ordinance until next month based on City Solicitor Walton's comments. She further states she is not opposed to hunting but not in populated areas. She would like to hear the Park Representative comments and what compromise can be reached to section out an unpopulated area on the backside of the Fort and at Grassdale.

Mayor Green explains to the audience that if there had been no motion, the ordinance would be taken off the agenda and it would be killed but a motion was made to move it to the next month. Vice Mayor Malinowski seconded the motion.

Mayor Green asked for a verbal vote from Council. Their verbal vote was all ayes, zero nays. Motion to move the ordinance to next month is accepted.

NEW BUSINESS

1. Presentation of New Route Number for Bus 25 & Possible Schedule Change & Discussion with Questions & Answers on Bus Shelter presented by John F. Calnam, Planner for DART

Mr. Calnam thanks Mayor & Council for inviting him to speak. He met with Council Member Barrett in July concerning the possibility of having a bus shelter placed by the DCFC. He will also share information about the Bus Route 25.

Mr. Calnam gave an overview of Bus Route 25's daily trips and daily ridership. Currently he is working with the facilities group to have a shelter placed across from the DCFC and one on Washington Street as well as working with City Manager Houck and the businesses to determine the needs for Delaware City through a survey. The 2018 expected changes to the bus route has been moved to 2019 after an information gathering session is hosted to work with the community for the best results.

Mr. Calnam thanked Council Member Barrett and Mayor & Council for the opportunity to speak and opens the floor to questions. Council Member Titus expressed the concern over the bus pulling to the curb on Clinton Street at 6:30 a.m. disturbing residents living above the businesses with the noise and fumes. Mr. Calnam said he will address the matter with operations and see to it the operator goes directly to the bus stop when early to wait.

Council Member Renoll asked if there is a direct line to contact both concerns and compliments on the bus operators. Mr. Calnam will provide him with that number and added DART wants to know both good and bad reports because they take every comment seriously.

2. Reedy Point Players Request – City Manager Houck

City Manager Houck directs Council's attention the letter from the Reedy Point Players requesting permission to serve wine, cheese, cake and crackers at their openings as other theater groups are now doing. They gave two (2) options:

- Wine donation or purchase with monitored distribution by an OABCC certified person pouring small amounts for a discretionary donation
- To sell the wine, Reedy Point Players would purchase the wine, procure a gathering license per OABCC rules and poured by one of their certified servers.

They also gave specifics on how the wine would be brought into the building, locked up until time for serving and then all bottles removed from the premises at the conclusion of the event.

Discussion among Council Members, City Manager and City Solicitor began with concerns over 1.) The limit of two (2) events per year as mandated in City Code, 2.) The serving alcohol in a City facility causing City of Delaware City to become a co-sponsor of the event. 3.) Underage persons would be in attendance.

The discussion moved around on each of these points.

- Two events per year:

City Manager Houck called their attention to Ordinance 13-0715-01 which states, Mayor & Council established a licensing process for the sale and consumption of alcohol on City properties and an amendment creating a sub-section stating not to issue more than two (2) permits per year.

If Reedy Point Players' request is granted it would be the second for the year (River Towns Ride & Festival being the first). Reedy Point Players' request is to serve the beverages at each of their opening nights. City Solicitor Walton clarified the Reedy Point Players' cannot count all their opening nights as one event. Council Member Konkus ask if the ordinance could be rewritten to provide for more events. City Solicitor replied, the ordinance had been amended from its first writing to limit to two (2) events per year because Council at that time felt having no limitations would become pervasive. Mayor Green said if the Council sitting here now wishes to amend it, it can be done because they are the representatives of the City and have that opportunity.

- Serving alcohol in a city facility, City of Delaware City becomes a co-sponsor of the event

Vice Mayor Malinowski asked if City has to be a co-sponsor. City Manager Houck said by the very nature of the event being held at one of the City's facilities, yes and City Solicitor agreed. Which then brings up insurance issues? City Manager has had conversations with the City's insurance agent and Reedy Point Players' coverage is being looked at.

City Solicitor responded that as long as the City is not involved in selling of or handing out the alcoholic beverages this could take place if Council is inclined to approve the request.

- Underage persons would be in attendance

Vice Mayor Malinowski, Council Members Titus and Barrett brought up concerns about the presence of minors at the event. Mayor Green defined the protocol that is necessary to be in place: fenced area, security, points of entrance and exit monitored by police or volunteers over 21 years of age.

Council Member Konkus said Main Street Delaware City applies the same protocol when hosting the River Towns Ride & Festival. Council Member Barrett expresses her concern that it's being held at the Community Center where PAL meets. Council Member Titus adds it's a Community Center, Pal and a Library and asks do we really want alcohol served there?

Mayor Green makes the suggestion for each member to get a copy of the ordinance, read through it, place it on the agenda for next month's meeting and return then for further discussion and possible changes. Council Member Titus also asked if Reedy Point Players' could make their intentions clearer. Council was in unanimous agreement to the Mayor's suggestion.

3. Introduction of 2019 Comp Plan Update by City Manager Houck

City Manager Houck gave a brief history of how the extension was approved for one year to complete the Comp Plan by November 2019. At the Pre-Plus Plan Review she received written comments they deemed a priority for attention to work on. Because of the short period of time it is important to be focused on all important points. With the help of Ms. Danielle Metcalfe, an intern from the

University of Delaware, and her experience with research and Comp Plan development made it possible for the initial known updates for all draft chapters of the 2019 plan and in developing an outreach strategy in line with meeting required expectations of the update.

City staff will identify changes that have taken place since 2016 which University's IPA (Institute of Public Administration) will modify for the final submission of the mapping updates to the State Planning Office.

Ms. Metcalfe assisted in creating a survey to collect data from both residents and visitors which will be used in the formulation of goals and strategies with the public's interest in mind. This survey was sent to all mailbox holders and available at Delaware City Day. Information about it was also available at the Post Office and Library. Once the data is collected a detailed report will be given to the Planning Commission and Council.

Upon meeting with the Planning Commission it was decided a structured approach that hits all required areas would be appropriate. The plan is outlined as follows:

- Monthly Planning Commission Meetings will include several chapters of the plan update for review and discussion.
- Mayor & Council Meetings will on occasion throughout the year have a number of chapters placed on the agenda for consideration and discussion including the thoughts from the Planning Commission.
- The conclusion will be the entire plan update will be recommended by the Planning Commission to Mayor & Council at a Public Hearing for approval and submission to the Office of State Planning.

City Manager Houck gave Council a copy of the time line approach. She also brought to the attention of Mayor & Council that this endeavor is coming at an odd time. The census data from 2010 is somewhat outdated and the next census in 2020 puts us at the time of expected growth at Fort DuPont therefore a bit premature to spend a lot of time and money on this update. It is suspected the 5-year update in 2024 will put us in a better position because of the 2020 census and have a better understanding of what has happened with the redevelopment.

Mayor Green asked about the deadline and when the update would be due. City Manager Houck replied it is due November 2019 and next update is in 2024 which can be a more robust effort because of more accurate information will be available from the 2020 census.

City Manager Houck also suggested putting the cost for the preparation in the FY budgets since the U of D no longer helps for free as it did in the last update in 2008. Estimated cost is between \$20K and \$40K. This should be kept on our

radar for the FY23 or FY22 budget. There were no further questions or comments.

4. Introduction & First Reading of Ordinance 18-0820-01, to Amend and Modify The City of Delaware City Code, Article III in Relation to Definitions; and Article X in Relation to Signs and Outdoor Advertising Regulations

City Manager Houck told Mayor & Council there had been many efforts to present this ordinance. Most recently, Vice Mayor Malinowski and Council Member Konkus worked together and the result is what is being offered tonight for first reading. City Manager also explained how the changes were made and the markups to show the progression with clarity.

Motion to accept the introduction and first reading was made by Council Member Konkus. It was seconded by Vice Mayor Malinowski. Roll call vote was taken with the vote being all ayes and zero nays. The ordinance was accepted in abstract and title only and will be heard at a Public Hearing during the next meeting of Mayor & Council.

MAYOR & COUNCIL COMMENTS

Council Member Barrett - Asked who is responsible for cutting the grass around the solar panels. City Manager said she believed it was Cutting Edge and would look into it. Also, the Dragon Run needs to be cleaned out of the culverts. Last done 6-years ago

Vice Mayor Malinowski - Worked on the sign ordinance with Council Member Konkus

Council Member Titus - Thanked the DCPD for the return of Stumpy's coop and for the people who supported him.

Council Member Renoll – no comment

Council Member Konkus - Worked on the sign ordinance with Vice Mayor Malinowski

Mayor Green - Had an impromptu meeting with the Honorable Buchheit about the signage for Delaware City. Fund raising for the Mayors' Ball will begin next month. Continue to monitor the finances of Delaware City. He believes they are on the right track and appreciates all the efforts of those who have worked on it.

REPORTS OF COMMISSIONS, COMMITTEES, AND ORGANIZATIONS

Mr. Tim Konkus, Main Street Delaware City said it has been an active month for Main Street. The president of Delaware's Main Street has resigned to take

another position and currently Main Street is trying to find a home between small business and historic preservation offices. Regardless, Delaware City's is strong and moving forward with the program and plans it has.

- Meeting of the Coastal Zone is tomorrow. Important to express concerns since they will be weighing the options over health and environment versus jobs in 14 locations up and down the river
- River towns Festival meeting upcoming. There will be no bike race this year just a family friendly event with recreational biking.
- Visitor's Guide is taking ads for this year at the same cost as last
- Farmer's Market Saturday 8 a.m. until noon
- Car show this Saturday in Battery Park
- Last of the summer Music in the Park with present Barbone Street Dixieland on the porch of the Central Hotel

CITIZENS COMMENTS

Max Walton, 19 Horshoe, Newark DE first gives a PSA from Chief Baylor concerning a severe accident by the ballfield with power lines down. Suggest leaving Delaware City via another route. Mr. Walton expressed how much it means to him to have the resolution to honor is father.

John Buchheit, 210 Clinton Street, Comments on the Reedy Point Players request that he is neither for it nor against but hopes Delaware City would receive a profit from the endeavor. He mentions three (3) events coming up at Crabby Dick's: a fundraiser for Rep. Longhurst, First Annual Mayors' Hoedown as a fundraiser for the Mayors Ball to be held on Feb. 23, 2019 and tickets will be on sale for the nationally known Amish Comic soon.

ADJOURNMENT

The motion to adjourn was made by Council Member Titus and seconded by Vice Mayor Malinowski. All were in favor. Meeting was adjourned at 7:50 p.m.

Respectfully submitted,
Bonnie Lynn Hanna
City Secretary