

"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 6:00 p.m.
MONTHLY MEETING 6:30 p.m.
September 17, 2018
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER – PUBLIC HEARING

The Honorable Mayor Green opens the Public Hearing at 6:06 p.m. He reads the three (3) items being presented

1. **Minor Subdivision – 210 Bayard Street – 1 Lot 200' x 100' into 3 lots:
Existing Lot 100' x 100' and 2 new lots 50' x 100'**
2. **Second Reading & Possible Adoption of Ordinance 18-0820-01 to
Amend Chapter 46 Article X – Sign Ordinance and Article III
Definitions 46-3**
3. **Second Reading & Possible Adoption Ordinance 18-0716-02 to
Amend the City of Delaware City Code, Chapter 29 Relating to the
Discharge of Firearms in the HPR District with presentation by Mr.
Michael Hitch, State Parks**

Mayor Green announced the floor would be open to anyone who wished to speak on any of the three (3) items after City Manager Houck.

City Manager Houck explained

Item #1; the Minor Subdivision was approved by the Planning Commission and the Board of Adjustment. The applicants are in attendance.

Item #2: The sign ordinance has been well vetted by the Planning Commission with further discussion and consideration by several Council Members to make changes that are better for Delaware City.

Item #3: This ordinance will permit hunting to continue on the land at Fort DuPont. This had not been addressed at the time of annexation.

Mayor Green asked Mr. Kevin Whittaker of Whittaker Brothers, Inc. to take the podium and present his request. Mr. Whittaker explains he represents the property at 210 Bayard Street which is a 200 foot wide lot. He had requested and was granted two (2) variances to divide the portion alongside the existing home into two (2) 50 feet x 100 feet lots.

Mayor Green asked if there were any questions from the public. There were none.

Mr. Michael Hitch from State Parks speaks next regarding the firearms ordinance. Using a power point presentation explains there are two (2) areas that permit hunting: a trail for archery only at Fort DuPont and guns only (shotgun and muzzleloader) at Grassdale with stands reserved for hunters.

All hunters must be licensed and registered with the Park Office and carry those documents when on the property. Small game and water fowl hunting is not permitted. Only deer hunting is permitted. There are less than 50 registered hunters and the stands are first come/first serve basis. Hunters must register their deer harvest. Although the State of Delaware allows hunting on Sundays, the Park Service does not.

Mr. Hitch said the Park Service is cognizant of the Fort's redevelopment and have moved trails and stands to keep them out of those areas. Hunting is important to keep the deer population under control.

There were no questions from the public. Mayor Green recesses the public hearing for 5-minutes at 6:25 p.m.

Mayor Green re-opens the Public Hearing. There was no further discussion from the public. Mayor Green adjourns the Public Hearing at 6:33 p.m.

MONTHLY MEETING OF MAYOR & COUNCIL

CALL TO ORDER

Mayor Green calls the September 17, 2018 meeting of Mayor & Council to order. Mayor Green acknowledges Mr. Tim Konkus, President of Main Street Delaware City and Mr. Paul Johnson, President of DCFC as being present.

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, Renoll and Konkus. Also present were City Manager Houck, City Secretary Hanna, Police Chief Baylor and City Solicitor Walton.

ACTION UPON FINANCE REPORT

City Manager Houck told Mayor and Council that due to the sudden illness of the consultant from By the Books, there is no financial report for August. They can expect it along with September's report at the next meeting.

ACTION UPON MINUTES

Council Member Barrett made the motion to accept the minutes of August 20, 2018 as written. The motion was seconded by Council Member Konkus. All were in favor. Minutes were accepted.

POLICE REPORT

Chief Baylor told Mayor & Council that comparing last year's with this calendar year so far the crime stats are down.

The Crime Report for August included:

- Theft from an unlocked vehicle
- A fight at the DCMHP, two individuals were charged with disorderly conduct
- Criminal mischief of two juveniles pouring condiments on a vehicle
- Theft of a purse at Fort DuPont
- Trespassing incident of sailboat at the marina
- Theft of a firearm from a residence

Chief Baylor's announcements included:

1. National Drug Take Back will be Saturday October 27, 2018 at 10 a.m. at the Police Department
2. Updated the number of residents who have signed up for Code Red and encourages anyone who has not to do so.
3. Delaware City Day Fireworks Sunday, October 7 at approximately 7 p.m. Chief Baylor once again explained the parking restrictions beginning at 5 p.m. and the shuttle service that will run from the DCFC for handicapped individuals. Also a reminder that no pets allowed on Clinton Street between Second Street and Battery Park after 5 p.m.

4. September 12, 2019 the DCPD was awarded a SLEAF grant to put in car camera recording systems in four (4) of the police department's fleet.
5. Officer Keith Parlier submitted his resignation effective September 24, 2018 to take a position with the New Castle County Police Department
6. Mr. Donald D. Cramer, Jr. has accepted the position as an officer with DCPD as of October 1, 2018 and will be sworn in this evening.

Mr. Cramer and his wife were invited to come to the front where Mayor Green proceeded with the swearing in. Mr. & Mrs. Cramer were welcomed to Delaware City.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported it was a relatively quiet month. He was involved in the following:

- Attended and drafted a Board of Adjustment decision for the project presented at the Public Hearing
- Was involved with and will update Council at a later date on the Washington Street flood mitigation project
- Attended a meeting with DNREC representatives regarding floodplain ordinance compliance.
- Worked with Kyle Bendler on lot coverage issues and approach to impervious surface calculations.
- At the request of Council Member Konkus, he did not move forward on drafting an ordinance she had requested at last month's meeting.

City Solicitor Walton did not have the answer for Vice Mayor Malinowski about when the transfer tax is paid to the City. He said he will email the Vice Mayor by the end of the week. City Solicitor Walton said he knew the transfer tax would be paid when the completed home was purchased but not sure about at the time the builder bought the lot from the Corporation. He also answered Council Member Konkus's question that there would be no transfer tax from the State to the Corporation because it's one State entity to another State entity.

CITY MANAGER'S REPORT

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

- The FY2018 audit is underway and is being assisted by consultants from By the Books. The sudden illness of our consultant impacted our ability to put together a financial report for August. With the help of fill-in representatives the necessities such as payroll, check cutting for payments due and reconciling deposits was able to be done. Our consultant is expected back something later in the week.
- A full time Finance Manager has been hired and will Monday, September 24th. He comes from Melbourne FL and has extensive experience accounting training and hands on local government experience. With this position filled finalizing the SOP's and processes can now be finalized.

- Was asked to participate in the Risk Evaluation and Financial Assurance Work Group associated with the Coastal Zone Act. This group will provide technically feasible options for financial assurances that balance the polluter pays' principle. It will also minimize abandoned facilities and incentivizing sound operations that limit environmental risk. These efforts will go to the Coastal Zone Regulatory Advisory Committee (RAC) and DNREC.
- Reminder River Towns Festival is October 6 and the Delaware City Day Fireworks is October 7.
- Preliminary exploratory work on both Clinton and Washington Streets has taken place. The report is expected soon and then move on to pricing for the paving project which hopefully can take place while the pavers are here completing the work on the Washington Street Flood Mitigation Project.
- Recently reconvened the Tree Commission due to the many complaints about the street trees. We discussed the current code and will continue until we can come to Mayor & Council with suggestions on how to merge the need and the code. Delmarva has been requested to come in to look at the trees that are impacting electric lines.
- Currently engaged in meetings with DART to discuss the placement of the bus shelters and right of way and timing for placement.

City Manager Houck also provided Mayor & Council with a list of the meetings and events she attended in August.

Questions:

In response to Council Member Barrett's question City Manager Houck said yes the new Finance Manager does have HR experience.

Council Member Barrett also asked if the bump out on Clinton Street has been designated as a fire lane. Mayor Green replied nothing has been done to date but he will be meeting with the persons involved and will have a report for next month's meeting of Mayor & Council.

APPOINTMENT ANNOUCEMENTS/COMMUNICATIONS

Mayor Green announced the following people had agreed to be reappointed to the following Commissions and Boards:

- Historic Preservation Commission (HPC) for a 3-year term: Gerri Wood
Council Member Titus made the motion to accept Ms. Wood's reappointment. The motion was seconded by Vice Mayor Malinowski. A roll call vote was taken with Council members all in agreement. Ms. Wood was reappointed
- Planning Commission (PC) 3-year term: Tom Smith
Council Member Barrett made the motion to accept Mr. Smith's reappointment. The motion was seconded by Council Member Renoll. A roll call vote was taken with Council members all in agreement. Mr. Smith was reappointed.

- Fort DuPont Board of Directors 3-year term: Laura Lee

Council Member Barrett made the motion to accept Ms. Lee's reappointment. The motion was seconded by Vice Mayor Malinowski. A roll call vote was taken with Council members all in agreement. Ms. Lee was reappointed.

Council Member Konkus questioned Ms. Lee's appointment since she is employed by the State. Mayor Green replied there is no conflict of interest. Her appointment is because of her extensive knowledge.

- Fort DuPont Advisory Board 3-year term: David Turley and David Curran

Council Member Titus made the motion to accept Mr. Turley's reappointment. The motion was seconded by Vice Mayor Malinowski. A roll call vote was taken with Council members all in agreement. Mr. Turley was reappointed.

David Curran – Council Member Titus made the motion to accept Mr. Curran's reappointment. The motion was seconded by Vice Mayor Malinowski. A roll call vote was taken with Council members all in agreement. Mr. Curran was reappointed.

Mayor Green reads Ms. Debra Sellers' resignation letter as City Treasurer and asked members of Council for recommendations for her successor. He also said both the HPC and PC have vacancies for people who are interested in serving the City on these commissions.

Council Member Titus asked City Manager Houck what are the duties of City Treasurer and the hours to which City Manager explained the multiple responsibilities that were involved and the hours will vary according to the amount of work. The position was set up with separation of duties in mind.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street, Mr. Tim Konkus

- Farmer's Market will continue every Saturday until Thanksgiving at the foot of Clinton Street. If the weather is inclement it will be on the porch of the American Birders Association (Sterling Hotel)
- Cool Cars Night on Saturday September 22
- River Towns Festival, Saturday October 6. Craft beer, games, bike riding along the newly opened trails.
- Community Meeting on October 11 at 6 p.m. at the DCFC on the Coastal Zone Conversion Act.

Council Member Titus asked about the new course for the bike ride. Mr. Konkus explains the expansion of the trail has opened up from Delaware City to the Wilmington Riverfront.

Library

- August circulation is up 8% from last year.
- Last Trivia Night at Lewinsky's this Thursday

- Active Shooter Training with the DCPD for all ages
- Peace Week Delaware – Delaware City Library is one of many places offering programming for the opportunity to create intuitive painting to utilize mind and heart creating a free-flowing work of art. Saturday is kids and Sunday is for adults.

Mayor Green asked who the Director is and how many people are on the Board of Directors. She did not know the answer to these questions.

Delaware City Fire Company- Mr. Paul Johnson, President

- Open House, Sunday, October 21st 10 a.m. to 2 p.m. Will have fire preventions exhibits, food and activities for the children. Anyone who would like to set up a table, please contact Mr. Johnson.
- Attended the Annual State Conference in Dover where a number of DCFC members were recognized:
 - Mike McMichael was elected to be Secretary Delaware State EMS Committee
 - Brian Reeder was elected Second Vice President of the State Chiefs Association
 - Joseph Lakey was inducted into the Firefighters Hall of Fame
 - Ed Kalinowski was recognized for his 50 years of service
 - Paul Johnson was selected to give a lecture at the State wide meeting on maintaining positive relationships with local, county, state and elected officials.

Mr. Johnson thanked Mayor & Council for the positive relationship the DCFC has with them. Mayor Green offers his congratulations on behalf of the Council for the outstanding tribute to everyone who was honored.

OLD BUSINESS

1. Second Reading & Possible Adoption of Ordinance 18-0820-01 to Amend Chapter 46 Article X and Article III Definitions 46-3

There were no comments, therefore Mayor Green asked for a motion to accept this Ordinance. Vice Mayor Malinowski made the motion to accept Ordinance 18-0820-01 as written. It was seconded by Council Member Konkus. Roll call vote was taken. Ordinance 18-0820-01 was unanimously adopted by all Council Members and was proceeded by a round of applause.

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

Following Mayor Green reading the Ordinance title, Vice Mayor Malinowski made the motion to accept Ordinance 18-0716-02. It was seconded by Council Member Titus.

Council Member Konkus asked for clarification if this was for hunting with shotguns only and does not include archery. A lengthy discussion followed with City Solicitor Walton explaining the difference between the discharge of firearms and the carrying of firearms and what the Delaware State Code states. He summed up by saying the question before Council is will you allow it or not. City Solicitor added there is no discharge allowed in the City limits but allowed in the HPR District as regulated by the State for hunting.

Council Members continued to ask questions about the distance of a shot to which Mr. Hicks responded it depends on the model of the gun. He said the way the stands are setup the shot is taken in a downward angle in defined shooting lanes.

A concern about bow hunting was brought up by Council Member Titus. She believes an Ordinance to regulate it should be written. Mr. Hicks addressed the range a bow will travel and the regulations the State has for hunting with bow. When asked he replied there have been no reported injuries to his knowledge. Council Member Titus said she is not opposed to shotguns at Grassdale but would like something written to address control for archery.

Council Member Barrett asked who would be legally responsible for any injuries. City Solicitor Walton said he can't stop anyone from suing Delaware City but legally it's the State Parks who is authorizing the hunting.

City Manager Houck asked if changes had been made for the stands on the Fort DuPont side. Mr. Hicks answered the stands were moved from the area of the duplexes to Grassdale and the shooting lanes are directed away from the trails.

Mayor Green said the discussion of an Ordinance for archery will be taken up at another time. The motion was made and seconded to accept the Ordinance as written. He asked for a roll call vote. *Council Member Barrett voted Aye, Vice Mayor Malinowski voted Aye, Council Member Titus voted Aye, Council Member Renoll voted Aye, and Council Member Konkus voted Nay.*

Mayor Green asked for the record to reflect the Ordinance 18-0716-02 was passed with four (4) votes Aye and one (1) vote Nay.

NEW BUSINESS

- 1. Minor Subdivision – 210 Bayard Street – Ted Repella (Whittaker Bros. Representative) – 1 lot 200' x 100' into 3 Lots: Existing Lot 100' by 100' and 2 New Lots 50' x 100'**

City Manager Houck stated earlier that this request had been before the Planning Commission and the Board of Adjustment and had received support from both.

Mayor Green asked for a motion. Vice Mayor Malinowski made the motion to accept. It was seconded by Council Member Barrett.

Council Member Titus asked if driveways were provided. Mr. Whittaker said there will be two (2) car garages and two (2) off-street parking. Mr. Whittaker answered Council Members Konkus' question that the dwellings are single family.

A roll call vote was taken resulting in all Council Members voting aye. Mayor Green said let the record reflect passage.

2. Certification of 2nd Quarter Supplemental Tax Assessment FY19

There were no questions or comments therefore Mayor Green asked for a motion to accept. Council Member Titus made the motion to accept the certification. It was seconded by Council Member Konkus. A roll call vote was taken resulting in all Council Members voting aye. Mayor Green said let the record reflect passage.

3. Introduction & First Reading Ordinance 18-0917-01 to Amend the City of Delaware City Code Chapter 22, Section 22-9 Relating to Residential Rental Properties Inspections

Mayor Green asked for a motion to accept the first reading. Vice Mayor Malinowski made the motion. It was seconded by Council Member Titus. Mayor Green asked all those in favor and noted that the response was all ayes and no nays. The Ordinance was accepted in abstract and title only and will be heard at a Public Hearing at the next meeting of Mayor & Council.

MAYOR & COUNCIL COMMENTS

Council Member Konkus:

- Attended a meeting at Fort DuPont the previous week and found it very informative. She gave time and dates and extended the invitation to the public to attend.
- Working with Southern Elementary for a coat drive for the students in need. Donations and or the purchase of a coat is accepted

Council Member Renoll: No Comments

Council Member Titus:

- Express what a pleasure it is to serve on Council at this time.

Vice Mayor Malinowski:

- Attended the meeting at Fort DuPont
- Would like to recognize the efforts of Council Member Barrett in getting the bus shelters
- He questioned what would be happening with the Port-o-Potties at the ferry dock. City Manager Houck said she is waiting for a report from the State about keeping them open.

Council Member Barrett: No Comments

Mayor Green:

- Adds his congratulations to Council Member Barrett on her efforts getting the bus shelters and recalls she was also responsible for getting the bus to come into Delaware City several years ago.
- Met with City Manager Houck about designating someone to take care of the grass cutting at the vacant properties.
- Talks about parking along Clinton Street will be addressed at a later date.
- Asked City Manager to assign the City Secretary the task of reviewing all vacant properties; where they are, who owns them and to take action to get this issue cleaned up. There is no promise of the outcome but action needs to be taken.
- Lewinsky's will be closing. Very sad because it has been an asset to the town.
- Due to the resignation of City Treasurer, Mayor asked Council to please advise him if they knew of anyone capable.

CITIZENS COMMENTS

Lynn Dilliplane, 118 Clinton Street: wanted to know what the plans are for restoring the lock, what grants are available, and if the cost has been documented. City Manager Houck said the fence was being replaced. Ms. Dilliplane said the concern is with the stonework and sediment. City Manager Houck said she would research with was done in the past and will look into the report the U of D did and for research grants. Mayor Green asked for a report on the status at next meeting.

Tim Dilliplane, 118 Clinton Street:

- Asked if copies of the police report could be at the front table with the other handouts as in the past.
- Regarding the resignation of a police officer and the hiring of another, will efforts continue to add to the force?
- For consideration regarding hunting safety; other parks close off their public zones (trails) during the hunting season.
- The average compound bow can shoot 35 to 50 yards with accuracy. A 150lb. compound bow at a 45 degree angle is capable of 300 yards.

John Buchheit, 210 Clinton Street: Extended his thanks to everyone for being supportive during the 5-years of Lewinsky's. He added the employees have been offered jobs at Crabby Dick's. Lewinsky's held a restaurant license and welcomed families. During the time in business they never received complaints or violations from the ABC board and he thanks his staff for that.

Ray Fruityer, 909 5th Street: is having difficulty hearing in the meetings and hopes a better sound system would be set up.

ADJOURNMENT

The motion to adjourn was made by Council Member Barrett and seconded by Vice Mayor Malinowski. All were in favor. Meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary