

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
MONTHLY MEETING 6:30 p.m.
March 18, 2019
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER

Mayor Green calls the March 18, 2019 meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance

ROLL CALL

In addition to Mayor Green, Vice Mayor Malinowski, Council Members Titus, Renoll, Konkus, and Barrett were present. Interim City Manager Baylor, Finance Manager McGinn, City Solicitor Walton and City Secretary Hanna were also present.

ACTION UPON FINANCE REPORT

Finance Manager McGinn walked Council through highlights of the internal (unaudited) income and expense statement and check register.

Through eight periods of FY 2019, the General Fund is currently showing a surplus of \$166,196.78. The decline from last month's surplus of \$317,938.65 marks the beginning of a stretch of months in which the City's surplus will decline until the FY 2020 property tax is levied. While expenditures are forecasted to have a positive variance of \$68,675.59 compared to budget, revenues are forecasted to fall short of expectations by (\$166,193.60). This would result in a negative change to fund balance for FY 2019 of (\$97,518.01).

This month's finance report continues to reaffirm staff's belief that the City has a structural deficiency in its finances.

It is important to note that going into this fiscal year, the General Fund had a fund balance of \$172,647. This report forecasts a net decrease of (\$97,518), prior to any auditor adjustments at year end, resulting in a forecasted fund balance of \$75,129.

Any transfers from the Water Fund to alleviate this decrease will only be robbing Peter to pay Paul, as the Water Fund already shows a negative fund balance and does not utilize a separate bank account.

While fund balance does not directly equate to cash amounts on hand, it does act as a signifier of the City's financial strength. Continued use of fund balance to fund ongoing expenditures will lower the City's bond rating and lessen the City's ability to respond to unanticipated emergencies and unforeseen expenditures.

Addressing fund balance will need to be a key priority in preparation of FY 2020's budget.

The motion to accept the financial report as delivered was made by Council Member Barrett. The motion was seconded by Vice Mayor Malinowski. A verbal vote was taken, all members were in favor. The financial report was accepted.

ACTION UPON MINUTES

Council Member Barrett made the motion to accept the February 25, 2019 minutes as written. The motion was seconded by Council Member Konkus. A vote was taken, all members were in favor. Minutes were accepted as written.

POLICE REPORT

Police Chief Baylor offered the following police report for the month of January 2019:

- The incident report is consistent for this time of the year.

Crime Information

Sunday, February 3 the DCPD investigated an alleged terroristic threat to a resident on the 100 block of Clinton Street. The suspect was apprehended and

after further investigation, the victim did not want to prosecute. The suspect was released.

Friday, February 15 a package was removed from the porch of a residence in the 100 block of Jefferson Street between 9 a.m. and 5 p.m. on Wednesday, February 13th. This remains under investigation.

Saturday, March 16 a Middletown woman was arrested and charged with a felony for providing a false statement alleging she was kidnapped outside of Crabby Dick's by a man hiding in her car when she left the restaurant. Assistance by the New Castle County Police and the Middletown Police Departments led to the determination the incident never occurred and was fabricated by the Middletown woman.

General Information

The DCPD advises residents of a recent scam taking place where packages are shipped to addresses where the addressee does not live. You are advised not to open the package but report it immediately to the shipping company to have it returned.

Council Member Titus asked why the Middletown woman said she was kidnapped. Chief Baylor responded it was an attempt to scare her boyfriend.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- Handled an internal employment issue, for which I sent a confidential memorandum to Council. The matter is now closed.
- Worked on matters relating to the last Special Meeting and the City Manager appointment and worked on the minutes.
- Conferred with University of Delaware, the City Manager and the Mayor regarding the resolution that is on the agenda for this evening for Council's consideration.
- Assisted and conferred with the City Manager on a variety of confidential issues.

Vice Mayor Malinowski asked the status of the resolution for the lodging tax. City Solicitor Walton replied he has not been able to be in touch with Senator Poore for an update.

CITY MANAGER'S REPORT

Interim City Manager Baylor offered the following:

- The members of the Planning Commission met with Mr. Sean O'Neill from the U of D on the mapping for the Comprehensive Plan. Work on the plan is moving forward to ensure all areas of the city and Fort DuPont are

included. The plan will be presented to Mayor & Council at a future meeting.

- Jerry's Paving will be repairing the paving issues on Clinton Street Wednesday, March 20 and Thursday, March 21. Parking restrictions will be in effect and posted by Tuesday, March 19th.
- Water System RFP from several water utilities have been submitted and are currently under review by our consultant. Recommendations for Mayor & Council to consider should be available for the April meeting.
- Washington Street Flood Mitigation Project: Training was held for the staff from The Cutting Edge involving the operation of the equipment including preventative maintenance program for the unit. The project is on schedule and is anticipated to be completed on or before April 2019.
- Storm Water NPDES Permit and Water Quips (WQUIPS): A memorandum of Agreement for this program must be signed by April 1, 2019.

Interim City Manager Baylor explained the history of this agreement and explained it is an agreement Delaware City signed stating we would partner with and share the cost of the WQUIP implementation. The cost will be \$9,399.03 which is a lesser amount than if Delaware City partnered with the Principal Permittees and paid \$125,000. Delaware City's responsibility is to decrease one acre of impervious area (EIA) for this project.

Interim City Manager Baylor listed the meetings he had attended on behalf of Delaware City from the end of February to March 14, 2019.

Council Member Titus asked how we decrease one acre. Interim City Manager Baylor replied by identifying one acre, which he suggests to be adjacent to the ball field, and to keep undeveloped.

Before moving forward, Mayor Green recognizes the Honorable John Buchheit, Mr. Tim Konkus, President of Main Street, Delaware City and Mr. Paul Johnson, President of the DCFD as being in attendance.

ANNOUNCEMENTS/COMMUNICATIONS

The position of City Treasurer is open.

Mayor Green announced that Mr. Dale Slotter has resigned from the Working Group on the Connector between Delaware City and Fort DuPont due to over commitment.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Mr. Tim Konkus, President

- The recommendations for the Coastal Zone Act study are ready to go to the Secretary of DNREC. The presentation at the firehouse was as proportionally well attended as the other towns being impacted.

- The state headquarters of Main Street now has a new person coming in leadership.
- The DDD is ready to submit to the State now that the application period has been reopened. The plan will open up incentives on both the local and state levels for revitalization of downtown.
- Town Wide Yard Sale will be April 27th and 28th.
- Main Street has provided a letter of support to accompany the application for the grant by the National Parks Service for the revitalization of City Hall.

Mr. Paul Johnson, President

- DCFD has accepted delivery of the quick response vehicle to be used for emergencies along the Castle Trail, Delaware City Day, etc. He welcomes anyone to stop by the Fire House to view the new acquisition.
- April 30, 2019 at 6 p.m. the DCFD is hosting a town meeting for Delmarva Power plans to build a gas storage unit off Hamburg Road. More details as to follow.

The Honorable John Buchheit, Delaware City Day Committee

- Delaware City Day is scheduled for Saturday, July 20th
- Plans to bring back Bingo
- New events to be added: square dancing, ballroom dancing and photo contest of Delaware City.
- Will seek sponsors for each event

Laura Lee, Historic Preservation Commission

- The grant from the Delaware Preservation Fund for the fencing around the lock has been made. No notification yet as to the amount.
- The Commission agreed to the change from vinyl to aluminum in the composition of the new windows for the addition on the Saunders' home.
- Working on a draft document to explain to the community and especially new homeowners the role of HPC, why it exists and why preserving the historical integrity is important to property values and the community. It is to be a guide to assist property owners letting them know the HPC is supportive and not adversarial towards homeowners.

OLD BUSINESS

There was none.

NEW BUSINESS

1. Resolution 19-0225-01 For Usage Fees

Tabled for discussion.

2. Resolution 19-0318-01 – Danielle Metcalfe Part Time City Manager through June 2019

City Solicitor Walton opened the discussion on the resolution explaining he consulted with the University of Delaware (UD) to work out Ms. Metcalfe's completing her contract with them while beginning part time as City Manager in Delaware City. This agreement will run for 9 weeks beginning April 1, 2019 and end June 3, 2019. During this time the UD will continue to pay her salary and benefits while she works part-time (20 hours/week) for Delaware City. Interim City Manager Baylor will continue as City Manager and assist in Ms. Metcalfe's training.

City Solicitor Walton relays to Council what Ms. Metcalfe's salary as City Manager will be and what she is currently paid under her contract with the UD as a graduate research assistant. It was noted by Council members that the reimbursement to UD is greater than the salary as full time City Manager.

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

Discussion followed with Council Member Barrett and Konkus questioning if Ms. Metcalfe's contract with UD was known at the time of the vote for her appointment was taken. Mayor Green said yes, Ms. Metcalfe had disclosed that information.

Council Member Titus said she was under the impression the only fact was Ms. Metcalfe had to graduate and asked if going back to an Executive Session is necessary. City Solicitor Walton replied that would not be possible at this time only to vote on the resolution which is up to the discretion of Council.

Council Member Konkus said the resolution at hand is negating what was voted on in Executive Session and she believes it's necessary to go back and revisit the issue. City Solicitor Walton said a part-time provision was voted on but at that time no dollar figure was mentioned because the U of D had not made it known until just recently (Friday).

City Solicitor Walton answered the question from Council Member Konkus that Delaware City will not be paying her salary from April to May while she's part-time. She will continue to be paid by the U of D including her benefits. He read the portion of the resolution pertaining to this arrangement. He went on to answer other questions about the reimbursement to the U of D for her salary and Delaware City would still be paying Interim City Manager Baylor the previously agreed upon compensation for his role as City Manager.

Council Member Konkus doesn't believe there is room in the budget to be paying an intern for part time status for two (2) months. Mayor Green said the part-time status could be omitted and she begins in June full-time. Vice Mayor Malinowski recalled Former City Manager Carthcart stayed on for a period of time after Former City Manager Houck came onboard.

Council Member Konkus believes the salary arrangements were not part of the vote and asked what other surprises may be coming. Mayor Green offered to have an Executive Session to discuss any concerns and answer all questions to which Council Member Konkus said one is needed. Mayor Green said that is up to Council.

Mayor Green asked if there are any further comments or questions. There were none so he asked for a vote on the motion previously made to accept Resolution 19-0318-01. Roll call vote was taken resulting in Vice Mayor Malinowski, Council Members Barrett and Titus voting Aye and Council Members Renoll and Konkus voting Nay. The motion passed with a 3 to 2 vote.

CITIZENS COMMENTS

Tim Konkus, 302 Canal Street: a vote to have a street paved and a vote to bring paver back to repair. How to you vote on a City Manager and then vote to fix it?

John Buchheit, 210 Clinton Street:

- Regarding Fort DuPont: states the Fort has increased the services of the city's public safety and administration services. Under their upcoming budget couldn't our Legislatures be requested to earmark some of it towards these increased costs to the city?
- Noticed with only one business being open over the weekend that parking was very difficult. With the decisions of the Board of Adjustment and Planning Commissions to pass the parking variance at the old firehouse parking this summer with all the businesses and activities will become impossible.
- Commended Chief Baylor and Finance Manager McGinn on how well the city has run under their leadership.
- Thanks Council Member Barrett on her years of service to Delaware City as a member of Council.

Tim Dilliplane, 118 Clinton Street: In the business world it is not uncommon to bring in a new administrator under the tutelage of a senior. He agrees with the way in which Ms. Metcalfe is entering her role as City Manager. From working with her on the Comp Plan he sees what she is capable of and hopes everyone will give her a chance.

MAYOR & COUNCIL COMMENTS

Council Member Barrett – none

Vice Mayor Malinowski – attended the Fort DuPont Redevelopment & Preservation Board meeting and the African Union Cemetery meeting regarding the flooding issue.

Council Member Titus – Understands some are upset by the decision to hire Ms. Metcalfe but she believes her hiring is justified because of her experience (6-7 years military) her drive and determination to do a good job. Training is necessary in any profession. Council Member Titus added she believes Ms. Metcalfe, Chief Baylor and Finance Manager McGinn will make a good team.

Council Member Renol – none

Council Member Konkus – none

Mayor Green – special thanks to Council Member Barrett for her years of service to Delaware City.

ADJOURNMENT

Council Member Barrett made the motion to adjourn Mayor & Council Meeting. It was seconded by Vice Mayor Malinowski. Meeting was adjourned at 7:19 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary