

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
407 Clinton Street - P.O. Box 4159  
Delaware City, Delaware 19706  
302-834-4573

**MINUTES  
CITY OF DELAWARE CITY  
MAYOR AND COUNCIL MEETING  
MONTHLY MEETING 6:30 p.m.  
April 15, 2019  
DELAWARE CITY FIRE COMPANY  
815 FIFTH STREET**

**CALL TO ORDER**

Vice Mayor Malinowski calls the April 15, 2019 meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

Vice Mayor Malinowski led the Pledge of Allegiance

**ROLL CALL**

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

**ACTION UPON FINANCE REPORT**

No financial report available at time of Mayor & Council Meeting.

### **ACTION UPON MINUTES**

Council Member Barrett made the motion to accept the March 18, 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.

### **CERTIFICATION OF THE ELECTION**

The reading of the certification of election was done by Christopher McKinley, Chairperson of the Election Board.

### **SWEARING IN OF THE NEWLY ELECTED COUNCIL MEMBERS**

John P. Buchheit III took the Oath of Office alongside his mother, sworn in by Robert Malinowski. Robert Malinowski took the Oath of Office alongside his wife Sandy, sworn in by Council Member Titus.

### **SWEARING IN OF THE NEWLY ELECTED VICE MAYOR**

Councilman Renoll made a motion to appoint Councilman Robert Malinowski to be the Vice Mayor. The motion was seconded by Councilman Buchheit. Roll call resulted in all ayes. He took the Oath of Office and was sworn in by Council Member Titus alongside his wife Sandy.

### **POLICE REPORT**

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

#### **Crime Information:**

- Friday, 3/1/2019 – DCPD investigated an assault that occurred in the Delaware City Mobile Home Park. Najee Chambers, 21, of the unit block of Cole Boulevard, Middletown, was charged with assault in the third degree after he became involved in a physical altercation with a 17 year old Delaware City resident.
  
- The DCPD investigated seven (7) thefts from motor vehicles during the month of March.
  
- The DCPD investigated two suspected illegal drug overdoses during the month of March.
  
- Two Delaware City juveniles were arrested in connection with thefts from motor vehicles that occurred during the month of March. The two boys were charged with burglary, conspiracy and theft of a firearm. Those charges stem from an incident that occurred on March 31<sup>st</sup> near the Delaware City Marina. In that incident the juveniles stole a semi-

automatic weapon from inside of a vehicle. Both boys were released to the custody of their parents pending a trial in The Family Court at a later date.

- On 4/14/19 an incident occurred in Harbor Estates where a 50 year old individual was assaulted by another individual in our town. Andrew Lancaster was arrested and for assault in the 2<sup>nd</sup> degree and possession of a dangerous instrument after striking a Harbor Estates resident with a shovel. This is unacceptable behavior and it will be prosecuted to the fullest extent of the law. No one can take a weapon to someone over disagreements over parking in the town.

- **General Information**

- Attached you will find a crash summary prepared for the Delaware City Police Department by the Delaware Office of Highway Safety. The crash summary is a comprehensive report of crash data from crash reports submitted by the Delaware City Police Department, the New Castle County Police Department and the Delaware State Police Department of accidents which have occurred within the Delaware City limits.
- **Section 26-22 Curfew for Minors Under Eighteen** – Generally It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll or play in or remain unnecessarily upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, whether by foot or in a motor vehicle or other conveyance between the hours of 10:00 P.M. and 6:00 A.M., of the following day, official city time; provided, however, that the provisions of this Section shall not apply to a minor accompanied by his parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate employment directed by his parent, guardian or other adult person having the care and custody of the minor.
- Councilman Buchheit questioned the reports 2019 to the 2018 statistics. Stating that it shows our crime is up in some areas for this year. Chief Baylor responded that because of thefts from vehicles where there was 7 in 1 month, it does seem like theft is up but besides that it has not increased. He also stated that If we continue this trend we will pass last year's numbers.

## **CITY SOLICITOR'S REPORT**

City Solicitor Walton reported the following:

A very brief report this evening.

- Sent out memos to the Council Members regarding internal personal issues and answered questions presented by the City Manager.
- Also dealt with the personnel issue on the agenda for this evening that is set for Executive Session.

## **CITY MANAGER'S REPORT**

- New Castle County taxes are going up if you live in a Town or a City, The Acting City Manager, Council Member Konkus and Council Member Buchheit met with the county in regards to increased taxes for Municipalities. This is not passed yet but going to be part of their financial discussion before they vote on their budget for the year. As it stands now residents in Delaware City should expect to pay \$12.00 more a year in county taxes for Municipal services provided by the County to the City.
- Cutting Edge yard waste pick up clarity. Our website has a description of what will and will not be picked up. It will be put on website very soon. There have been multiple concerns from residents and we are addressing it.
- Mr. Parets who is on the Ft. DuPont board will provide documents on the activities at Ft. DuPont board of directors meetings. They will be available at each Mayor and Council meeting from here on out.
- City Manager's written report will be available to you this week.

Council Member Titus had questions on the tax increase. First asking about the \$12.00 increase being based on a \$39,000 assessment which is considered a typical property owner but this does not include the overall 7.5% increase? Chief Baylor agreed that is correct. Council Member Titus then asked if your property is assessed over the \$39,000 then it's going to be a much larger increase with the \$12.00 plus the 7.5% over all separate increase correct? Chief Baylor agreed that is correct but also reminded everyone this is not yet passed.

## **APPOINTMENTS**

Appointment for The position for City Secretary – Bonnie Hanna

Council Member Titus made a motion to table this Appointment until the next meeting to define the job description and discuss budgetary concerns, which was seconded by Vice Mayor Malinowski.

Vice Mayor Malinowski asked for discussion.

- Council Member Buchheit had a comment. If it is tabled to the next meeting will she remain City Secretary? Vice Mayor Malinowski replied that she will serve until she is replaced, Council Member Buchheit commented "If" she is replaced and Vice Mayor Malinowski replied, yes.

Roll call was done and resulted in all ayes, the motion was passed.

### **ANNOUNCEMENTS/COMMUNICATIONS**

The position of City Treasurer is open.

### **REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS**

#### Planning Committee- Dilliplane

- On track for the comp plan, it's just about done, waiting on refinement from the City Manager. They may need an extension as they wait on the City Manager to start.

#### Delaware City Day Committee- Madonna Malinowski

- On tract for the 3<sup>rd</sup> Saturday in July, fireworks will not be on Saturday but will be on the Sunday after, as a compromise to the petition started in town that did not want to separate the fireworks event. Hopefully it will still help with the concerns of the town and the safety issue. Volunteers are needed desperately.
- Council Member Titus questioned the September date. Madonna explained the petition was over the date, so they changed it to the Sunday after and if it doesn't work out they will change it again next year.

#### Main Street - Tim Konkus, President

Town wide yard sale Saturday and Sunday! Facebook advertising is happening!

#### Fire Department – Paul Johnson, President

Thanked Betty Barrett for her years of service!

Welcomed back Council Member Buchheit and Vice Mayor Malinowski!

He mentioned the passing of Jane Neal, wife of Charles Neal, A 63 year member and the back bone of the ladies auxiliary. Services will be held on April 22<sup>nd</sup>. They will send out more information as it is available.

Mike McMichael Talked about The National EMS Bike ride

A group of bicyclist comes from Massachusetts down to Washington D.C. Thursday May 16, 2019 and they will stop in Delaware City. There is approximately 100-175 bicyclists. This Annual event recognizes the folks we have lost in emergency services this past year! Be prepared for the bicyclist and give them a little bit of room!

### **EXECUTIVE SESSION**

Vice Mayor Malinowski asked for a motion to take the agenda out of sequence and go into an Executive Session.

Council Member Titus made the motion, it was seconded by Council Member Konkus.

Roll Call was done resulting is all Ayes, motion passed.

Council adjourned to an adjoining room for an Executive Session at 6:55 p.m.

### **RECONVENE THE REGULAR MAYOR AND COUNCIL MEETING**

Council Member Konkus made the motion to return, it was seconded by Council Member Buchheit.

Vice Mayor Malinowski asked for a motion to pass option 1 as discussed in Executive Session.

Council Member Buchheit made the motion it was seconded by Council Member Titus. All Ayes, motion is opted.

### **OLD BUISNESS**

NPDES Storm water report

- Kathy Clifton let council know they all had a copy of the report and they needed to make a motion to approve it so it can be sent out tomorrow. Council Member Titus made the motion to approve the report, Council Member Konkus seconded. Motion passed.

### **NEW BUISNESS**

- Vice Mayor Malinowski said we need to set a meeting date to certify the Annual Tax Rolls and set a date for the Board of Appeals.

Discussion Followed.

May 8<sup>th</sup> was decided as the meeting date to certify the Tax Rolls. The Board of Appeals was set for the monthly Mayor and Council Meeting on 5/20/19.

- DDD Application

Chris Rogers from AECOM, our project manager for our DDD plan spoke to Council.

The Proposal dated 4/15/19 was given to Council requesting additional funding to prepare the DDD application. They helped us get a grant to create the DDD plan, which was completed and sent to the state. In the original proposal it included the plan and the preparation of the application but there is not enough funding left in that contract for 3 reasons:

1. Additional effort is needed to coordinate with the Division of Small Business regarding some grant funding and administrative things that were not originally anticipated.
2. Additional effort was needed to work with the City to come up with draft incentives that was also not anticipated.
3. Incentives that we did include were draft, so there is additional effort needed to help the City finalize the incentives for the application.

They will work with us to prepare the application. This year the state is requesting that application be accompanied by draft ordinances that implement your drafted incentives. AECOM will work closely with the City Manager on this program and there are time restraints, the application is due by May 15<sup>th</sup>, 2019.

First thing is to accept the addition \$5,500 proposal for them to continue to work on the application.

- Council Member Konkus asked what exactly the DDD application is.

Chris Rogers said he has a presentation to refresh their memory.

- Megan asked what we have already paid so far.

Chris Rogers said we paid \$48,000, but that was refunded by a grant. So it was no cost to the City.

Chris Rogers explained that the DDD plan and application is intended to reinvest public funds to help create a more vibrant downtown and increase the quality of life in Delaware municipalities. It would last for 10 years with the possibility of two 5 years extensions. Property owners are eligible for a 20% rebate on capitol investments.

AECOM worked with our City to create a plan of our DDD boundary to submit with the application they are completing, along with finalizing incentives with the mayor and council. This is a competitive application process and other municipalities are competing against us.

Discussion followed.

#### Outstanding issues

- ❖ We need to finalize the incentives
- ❖ Identify a program administrator
- ❖ Identify key priority projects, which is a new component to this year's application.

- Council Member Konkus asked if this is for commercial or residential properties and Chris Rogers responded that it is for both.

The Application is Due May 15, 2019 and we would need to have a special workshop to finalize incentives and identify an administrator.

Council Member Titus said she remembers when they agreed to this, they were told there would be no cost to the City. Now that they are asking for funds, what if the process is stopped?

Chris replied that they would honor all the parts of the original proposal and application but anything that was added additional since that original proposal would need to be submitted by Mayor and Council to submit with the application. Chris Rogers added, you are correct, you were told originally there would be no cost to the City. He hopes however with now being aware of all the unanticipated efforts that council would entertain the added funds.

- Council Member Buchheit asked if this is a yearly program, if they passed on it this year would it be available next year, Chris Rogers said he cannot predict that.
- Council Member Konkus asked if the decision needed to be made tonight. Rogers said if the funds were not immediately available they would be able to work it out to where the City could pay in a few months.
- Council Member Titus asked the City Manager what his thoughts were. Acting City Manager Baylor replied that his position on this is to tread very lightly, and he is concerned with the positive financial outcome from this.
- Council Member Buchheit says without a Finance Manager, we aren't sure if we can afford this. Council Member Konkus agrees.
- Council Member Renoll asked if there are any other foreseen costs if this is approved. Chris Rogers said there would be at the administrative level, for reports and assuming the administrator is a City employee.
- Council Member Konkus asked the Main Street President if Main Street is on board with this, he said if the Historic section of town needs to compete with Eight million dollars of free money the state poured into Fort DuPont, \$5,500 seems like a cheap investment to try to keep pace.
- Chief Baylor states we need a commitment correct? Chris Rogers said if this isn't approved tonight, they will prepare the parts of the application that haven't changed.
- Council Member Titus stated we need to revisit what the incentives are. Chris Rogers read off the drafted incentives to Council.



Discussion Followed.

- Main Street President Tim Konkus Offered to put up \$2,500 from Main Street if the town will cover the other half. Along with the City Solicitor writing the ordinance for free.
- Council Member Titus asked the City Manager his opinion, and he said he can support that.
- Council Member Titus asked Chris Rogers if he is negotiable and he replied, yes.
- Council Member Buchheit asked if we can afford to give tax abatements? Council Member Titus replied that were not discussing the incentives tonight, tonight is just about agreeing to pay to have the additional application information complete.
- City solicitor Max Walton Commented that the incentives were just drafts that are going to be revisited at a future meeting.

Council Member Konkus made a motion to authorize additional funds at \$5,000, with Main Street paying \$2,500. Council Member Titus seconded the motion.

Vice Mayor Malinowski asked for a vote, 4 Members were in favor, 1 was opposed. The motion was passed.

Chris Rogers tells Council they need to set up a meeting date to revisit the incentives and that the application has to be adopted by resolution.

-The Workshop will be Tuesday, April 30 2019 at 6:00 p.m.

-There will be another meeting for May 8<sup>th</sup> to adopt the application by Resolution.

- City Solicitor Walton asked to speak to remind everyone those meetings will be held in the Council chambers.

### **MAYOR & COUNCIL COMMENTS**

- ❖ Council Member Titus- No
- ❖ Council Member Konkus- No
- ❖ Council Member Renoll- No
- ❖ Vice Mayor Malinowski- Attended Ft. DuPont Board of Directors meeting.
- ❖ Council Member Buchheit- Thanked The Mayor and Council and Delaware City. It's an honor and a privilege to serve the City of Delaware City.  
First he wanted to make a correction to the minutes from March 18, 2019. He was listed as the Chair person for Delaware City Day, he is not, Madonna Malinowski is the chair.

Second he is concerned about ordinance 17-0227-03 that was passed in 2017 that changes the height requirements for Ft. DuPont. We are going to allow four 8 story buildings, to be at the end of our city. I would like Council to reconsider this ordinance and take another look at it considering what it could do to our street scape in our Historic town, we will be shadowed. He would like to catch this mistake before it is too late. Please put this on the agenda.

### **CITIZENS COMMENTS**

There were no citizen's comments.

### **ADJOURNMENT**

Vice Mayor Malinowski asked for a Motion to adjourn. Council Member Titus made the motion, Council Member Konkus seconded the motion, and all were in favor. Vice Mayor Malinowski adjourned the meeting at 8:42 p.m.

Respectfully submitted,  
*Britney Loveland*