



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.
June 17th, 2019
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER – PUBLIC HEARING

Acting Mayor Malinowski opens the Public Hearing at 6:00 p.m. He reads the items being presented:

1. Ordinance 19-0520-01 Relating to Maximum Height Requirement in HPR District.

Jeff Randol from Ft DuPont presented to the council his requests for this item on the agenda. He is requesting that the height maximum be 5 stories as there are plans for a hotel and conference center which might exceed a 4 story maximum. Other than the plans for the hotel which they are planning to put in place of the current treatment plan, the other building would not exceed 4 stories.

Council Member Buchheit asked if the developer that has the 100 million dollar investment is a five story plan. Jeff Randol responded that this is for the whole Marina District and there are all different height plans depending on the type of building. The only plan for 5 stories is the hotel conference center but that is not a definite.

Council Member Buchheit asked with that being on the scenic byway do you have to go through any proceedings for approval to build along that. Jeff Randol said DNREC is going through those approvals and they are part of the costal

byway reviews and they are getting review comments from them but they don't give approvals.

Acting Mayor Malinowski asked for any other comments. With no other comments Acting Mayor Malinowski closed Item number 1 Public Hearing.

2. Resolution 19-0617-01 Adoption of Assessment Roll FY20 & Tax Rate FY20.

- No Comments. Item number 2 Public Hearing was closed.

3. Resolution 19-0617-02 Adopting Operating Budget FY20

- No Comments. Item number 3 Public Hearing was closed

4. Resolution 19-0617-03 Adopting Capital Budget FY20

- No Comments. Item number 4 Public Hearing was closed.

With no further comments Acting Mayor Malinowski recessed the Public Hearing at 6:15 p.m.

MONTHLY MEETING OF MAYOR & COUNCIL

CALL TO ORDER

Acting Mayor Malinowski calls the June 17, 2019 meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Acting Mayor Malinowski led the Pledge of Allegiance.

ROLL CALL

In addition to Acting Mayor Malinowski, Council Members Titus, Renoll, and Buchheit were present. City Manager Metcalfe, Police Chief Baylor, Finance Manager Graham, City Solicitor Walton and City Secretary Loveland were also present. Council Member Konkus was absent.

ACTION UPON FINANCE REPORT

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

ACTION UPON MINUTES

- ❖ Council Member Titus made the motion to accept the May 20, 2019 minutes as written. The motion was seconded by Council Member Renoll. A vote was taken, all members were in favor. Minutes were accepted as written.
- ❖ Council Member Titus made the motion to accept the May 28, 2019 minutes as written. The motion was seconded by Council Member Renoll. 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 May 2019:

- Statistical numbers are still trending downwards in terms of part 1, 2 and 3 crimes.
- Recently noticed an increase in traffic crashes. Improper backing out is the main issue. Mostly coming from our residents.
- Increase in pedestrian and bicycle traffic, use extra caution!
- Receive two Homeland Security Grants. One is for security upgrades to the entrance of Town Hall. The other is 15,000.00 for the purchase of a gator to use for patrolling areas that are not accessible by vehicle.

Council Member Buchheit asked if there has been any luck on getting seasonal police or bike police for the bike bath. Chief Baylor responded that there was no funding for that. They are currently working on getting bikes from the City of Wilmington Police Dept. for two of our current officers to use who are bike certified.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

1. I answered a question of a property owner via letter. The property owner was requesting further information about how certain properties became zone residential.
2. I assisted with the special election notices for the Mayor's race.
3. I prepared the charter change resolution requested by Councilperson Konkus' e-mail. I also corresponded with her about that resolution.
4. I answered questions of the City Manager regarding the tree ordinance and also sent an e-mail explaining how requests to the Solicitor are handled.

5. At the request of the vice mayor, I looked into the viability of possible changes to the height ordinance up for consideration at this evening's meeting.

Otherwise, things have been fairly quiet.

CITY MANAGER'S REPORT

City Manager Metcalfe offered the following:

- Started as City Manager on Monday, June 3rd
- Brief Background

River Town's Fall Festival (Oct 5th, 2019)

- Planning meetings to begin in July
- \$8,000 sponsorship check received from Refinery
- Does M&C want Delaware City to participate this year?
- Council Member Renoll said he is in favor of participating in the event, he feels it's a great opportunity to showcase the businesses in town. Council Member Buccheit added that it's a great networking event with Old New Castle. City Manager Metcalfe agreed and said she will move forward with it.

Storm Water

- NPDES Audit occurred on June 4th; no major issues noted; awaiting written report
- NPDES Permit requires the town to submit a storm water system GIS map; contract pending with KCI to map and inspect Delaware City's storm water system
- Request Motion to pursue KCI contract
- City Manager Metcalfe asked for a motion to approve a contract with KCI to map and inspect Delaware City's storm water system. Council Member Buchheit asked for her to get other offers to present first.
- Council Member Titus asked if this will address the pumps at the end of Harbor Street. City Manager Metcalfe said she was unaware of that issue but this contract would not relate to anything with that pump.

- City Solicitor Walton asked if there is a time sensitivity for this to occur. City Manager Metcalfe said she believes it is the end of August. City Solicitor Walton asked if this can be discussed further and brought before Council next month. City Manager Metcalfe added that she will also look for other proposals.
- Police Chief Baylor addressed Council Woman Titus's question saying that Representative Longhurst asked him to look into the cost for removing that pump. He reached out to the contractor that worked on the Washington Street Project to get a price for her in hopes of getting some funding for it. He is still waiting on a call back from that contractor.
- Need to find 1 acre of pervious land for NPDES Permit; working with DeIDOT and Refinery to find solution.

Town Hall and Community Center Maintenance:

- Request Motion to repair Town Hall toilets

Vice Mayor Malinowski stated that a motion was not needed for day to day operations.

- Community Center electrical issues arose this afternoon; awaiting estimate of damages from Preston

Miscellaneous:

- Starting July 15th, Town Hall will be Open Monday-Thursday 8:00am-5:00pm & Friday 8:00am-Noon to better accommodate residents and to use Friday afternoons as training/archive day when necessary.
- Request Motion to post "No Swimming" signs on downtown river front.
- Council Member Buchheit asked if there is a health risk with swimming in that water. Police Chief Baylor pointed out that the conditions in that area could be very dangerous. He also is concerned with what our responsibility is if something did happen to someone in that water.
- City Solicitor Walton asked that they approve a no swimming sign temporarily while he looks into the liability.

City Manager Metcalfe asked for a motion to approve a temporary no swimming sign. Council Member Titus made the motion. The motion was seconded by Vice Mayor Malinowski.

Council Member Buchheit requested the temporary sign say "Swim at your own risk" instead. Council Agreed.

Vice Mayor Malinowski changed the motion to say "Swim at your own risk". All were in Favor, Motion Passed.

- NCC Summer Youth Employment Program to begin tentatively June 24th; 2-4 youth from 16-20 years old will work 20 hours per week on beautification projects around Delaware City

Meetings:

- June 7th with Vincent Barbone, Delaware City's Auditor
- Instituted weekly staff meetings
- June 13th, NPDES Consortium quarterly meeting

APPOINTMENT ANNOUNCEMENTS/COMMUNICATIONS

There were No Appointments at this month's meeting.

ANNOUNCEMENTS/COMMUNICATIONS

There were no Announcements at this month's meeting.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Delaware City Day Committee – John Buchheit

The Committee is on schedule! They are still looking for participants and Vendors! There is a Meeting this Thursday at Town Hall at 4:30 p.m.

DCFC – Mr. Paul Johnson, President

- The Fire Company will be supporting the Annual Crab Feast at Ft. DuPont.
- The Blood Drive is the 26th of June at the Fire Hall.

The Planning Commission – Tim Dilliplane, Co- Chair

He said at their last meeting they discussed the height requirement at Ft. DuPont. After A lot of discussion and opinions they rounded it out to a 5 story

recommendation from the Planning Commission. They chose the 5 story maximum to accommodate the hotel and conference center.

OLD BUSINESS

1. Second Reading & Possible Adoption- Ordinance 19-0520-01 Regarding Maximum Height Requirement in the HPR Zoning District

Acting Mayor Malinowski made a motion to amend the Ordinance 19-0520-01 to remove the number 50 under maximum height and replacing it with the number 65. Further amend to ordinance 19-0520-01 by deleting the number 8 and replacing it with the number 5. Council Member Titus seconded the motion. Roll Call vote resulted in all Ayes. The motion passed.

Acting Mayor Malinowski made a motion to accept Ordinance 19-0520-01 as amended. Council Member Buchheit seconded the motion. Roll Call vote resulted in all Ayes. The motion passed.

2. FY20 Budget

City Manager Metcalfe discussed her strategy with creating the budget and asked if anyone had any questions on it. There was no discussion.

NEW BUSINESS

1. Resolution 19-0617-01 Adoption of Assessment Roll FY20 & Tax Rate FY20

Council Member Buchheit made a motion to accept Resolution 19-0617-01, Council Member Titus seconded the motion. A Roll Call vote resulted in all Ayes, The motion passed.

2. Resolution 19-0617-02 Adopting Operating Budget FY20

Council Member Titus made the motion to approve the operating Budget FY20, The motion was seconded by Council Member Buchheit. A Roll Call vote resulted in all Ayes, The motion passed.

3. Resolution 19-0617-03 Adopting the Capital Budget FY20

There was no Capital Budget at this time.

4. Resolution 19-0617-04 Amend the Charter stating that the Delaware City Chief of Police will report directly to Mayor & Council.

Council Member Buchheit made a motion to table this item to the next Mayor and Council Meeting, Acting Mayor Malinowski seconded the motion. All were in favor, the motion passed.

5. Discussion on Forming a Charter Committee to Revise the Entire Charter.

Council Member Titus asked Paul Johnson when was the last time there was a Charter revision. He stated it was last revised in 2014. Acting Mayor Malinowski said he would rather have the incoming mayor form the committee for this.

This item was tabled to a future meeting for the incoming Mayor to take part in.

6. Discussion and possible mandates on contacting the City Solicitor by Mayor & Council, Committee Members and City Staff.

City Solicitor Walton pointed out that this was brought to the agenda by Council Woman Konkus and she is not at the meeting to discuss it but he wanted to give some explanation as to how this was done before. He said there was a standing policy from 2012 that if anyone wants to contact the solicitor they have to go to the City Manager for approval. He said that if it's a question that can be quickly answered he will answer the question, no charge. If there is a question that is going to take more time and effort he usually checks with the City Manager to see if it's okay for him to answer as there will be a charge.

Council Member Titus stated that she thought that there used to be a rule that at least Two Council members had to give the okay for anyone to contact the Solicitor. City Solicitor Walton said he has record of that being a discussion but it was never decided on.

Acting Mayor Malinowski said he believes the charter allows One Council Member to request an ordinance. City Solicitor Walton agreed that he remembered it that way. City Solicitor Walton said he will follow with whatever Council Decides, just let him know how to handle it.

Council Member Buchheit asked to table this item until the next meeting when Council Woman Kokus can be present for the discussion.

MAYOR & COUNCIL COMMENTS

Council Member Buchheit-

Council Member Buchheit presented Council with a photo of the Washington Street Pump House. He explained that we were supposed to get a beautiful Pump House and what we got were some pumps at the end of the street. He said he met with Representative Longhurst and she is going to try to get us funding but needs 3 estimates. He requested the City Manager get 3 estimates for a new Pump House.

Police Chief Baylor added that someone is going to have to come out and measure everything again since the placement of the pumps has moved since the last measurements.

City Manager Metcalfe asked if we will have to go through getting this approved again. City Solicitor Walton said he will look into it.

The next concern is with the Tree Commission. He has noticed trees being planted all over and the Tree Commission has not been meeting. He would like to know who is authorizing the trees to be planted. He would like to request the Tree Commission come to the Council Meeting and let Council know who is approving this. City Manager Metcalfe stated this is on the top of her to do list as she has been receiving a lot of questions and concerns about trees.

Council Member Titus –

Council Member Titus let Council know that the Cat situation in Town is booming again and she trapped 15 cats and is getting them fixed at the SPCA.

She also asked about the Community Garden as it is in severe disrepair and she is unsure who is in charge of it. City Manager Metcalfe said she had recently received an email from someone who is taking over running the garden. She said she will follow up with her on repairing the garden.

Council Member Renoll –

Council Member Renoll followed up on Councilmen Buchheit's request for the Pump House. He thinks we should look at not only the cosmetics but the safety of the pumps as well, in hopes to keep kids from getting on that equipment with the recent complaints of kids swimming by them.

Acting Mayor Malinowski-

- Attended the Planning Commission Meeting
- Attended the Ft. DuPont Board of Directors Meeting

CITIZENS COMMENTS

Lynn Dilliplane – Co-Chair Historic Preservation Commission

She explained the specific details that were approved by the HPC for the Washington Street Pump House. She explained that it fell apart when the City Manager at the time decided to change those details to accommodate their budget. HPC did not approve those changes, nor were they aware of the change.

Tim Konkus – Main Street Delaware City

He expressed his concern for the safety of people getting in the water near the pumps. He said without warning those pumps kick on with so much force and if children are in the water it will sweep them down the river.

Council Member Buchheit- let everyone know that the Chief of Police will be holding a Server Training for Serving Alcohol tomorrow night, everyone 18 and over is welcome!

ADJOURNMENT

Council Member Buchheit made the motion to adjourn the Mayor & Council Meeting. It was seconded by Council Member Renoll. The Meeting was adjourned at 7:30 p.m.

Respectfully submitted,
Britney Loveland
City Secretary