



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.
July 15, 2019
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER

Acting Mayor Malinowski calls the July 15, 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, Konkus, Renoll and Buchheit were present. City Manager Metcalfe, Finance Manager Graham, City Solicitor Walton, Police Chief Baylor and City Secretary Loveland were also present.

ACTION UPON FINANCE REPORT

The Finance report was accepted. Finance Manager Graham presented the financial report as of July 2018 to Council. (Full report is attached).

General Fund:

The overall General Fund balance resulted in a deficit. Only 91.99% of budgeted revenues were received. Whereas, spending was at 97.66% of the budget. The deficit will be decreased slightly due to reimbursements due from the Washington Street Mitigation Project and the Delaware City Fire Company. However, the largest negative

variance in revenue is the Transfer In from the Water Fund. \$222,350 was budgeted, however; no funds were transferred to the General Fund in FY2019. Policy decision will need to be made as to whether these funds should be utilized to cover the General Fund.

General Administration:

General Administration revenues are those revenues directly attributable to those activities performed by the General Administration department. These include business and contractor's licenses, building permits, and property and lease rental agreements. The positive variance in general fund expenditures can be attributed to the vacancy in the City Manager position, which has been filled as of June 3, 2019 and the vacancy in the Finance Manager position from mid-March thru May 6th 2019.

Public Safety:

Public Safety revenues are those revenues generated by the activities of the Delaware City Police Department. These include judgements rendered by courts, towing fees, extra duty requests, and grant revenues provided by State law enforcement programs. \$89,492.01 of expenditures was reported for Lease-Purchase Equipment for Public Safety. \$69,074.00 of this amount was attributed to the purchase of an ATV on behalf of the Delaware City Fire Co. DELDOT has reimbursed the City \$37,500.00 and the Delaware City Fire Company has reimbursed the City \$17,268.50. \$14,305.50 is still owed to the City from the Delaware City Fire Company.

Questions/Comments from Council

- Councilwoman Konkus asked why the amount for yard waste, parks and recycling are all increased. Finance Manager pointed out that the budget for yard waste was \$17,000.00 but we have a contract with cutting edge for \$2,312.00 a month so that expenditure was under budgeted for 2019.
- Councilwoman Konkus asked about the budget for the Community Center, the budget was for \$20,500.00 but we are already at \$96,000.00. Finance Manager Graham said she would get back with Council on that as there was a statement on this from a previous Finance Manager.
- Councilwoman Konkus asked about the debt service, it's at \$40,000.00. Is that because of the Washington Street loan? Finance Manager Graham stated that the first payment for the CWSRL was due in July which was not previously budgeted for. She also pointed out that the street bond refi was a little under budgeted as well
- Acting Mayor Malinowski asked if the Tree Management Fund is just for emergencies. Finance Manager Graham pointed out that there were only \$5,000.00 worth of expenditures for tree maintenance for 2019, so there was \$15,000.00 unused for trees.

ACTION UPON MINUTES

Council Member Buchheit made the motion to accept the June 17th, 2019 minutes as written. The motion was seconded by Council Member Titus. 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 Tim Dilliplane, Board of Elections.

SWEARING IN OF THE NEWLY ELECTED MAYOR

Acting Mayor Malinowski swore in Paul H. Johnson Sr. as Mayor of Delaware City. He took the Oath of Office alongside his wife and children. He then addressed Council and the public with an acceptance speech.

POLICE REPORT

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

Crime Information:

- Friday, July 5, 2019, the Delaware State Fire Marshall's Office, at the request of the Delaware City Police Department assisted in the investigation of illegal fireworks that were set off in Hamilton Place on July 4th. The investigation led to the arrest of Cesar A. Irizarry, 44, of the unit block of Hamilton Place. He was charged with reckless explosion and possession of fireworks.

General Information

- After seven months of training, Officer Tyler Gaul graduated from the New Castle County Police Academy. Officer Gaul will complete a Field Training Program in which he will be working with a senior officer with the Delaware City Police Department and the New Castle City Police Department before he begins patrolling our city streets on his own. We have received notice that we have been awarded two Homeland Security Grants.
- Parking restrictions for Delaware City Day are as follows:
 - Saturday, July 20, 2019
 - No parking signs will be posted on Clinton Street from Fifth Street (SR 9) to Front Street (8:00 a.m. until the Delaware City Parade has ended).
 - No parking signs will be posted on Clinton Street from Front Street to Harbor Street (7:00 a.m. until 6:00 p.m.).
 - Sunday, July 21, 2019
 - No parking signs will be posted on Clinton Street between Second Street and Harbor Street (4:00 p.m. until 11:30 p.m.).
 - No parking sign will be posted on Washington Street between Front Street and Harbor Street (4:00 p.m. until 11:30 p.m.).

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- We issued Zoning verification for a proposed use at Ft. DuPont.
- I dealt with an attorney from legal aid regarding a parking space issue. I walked the area with the acting Mayor on Sunday. As of today, I have not had any return inquiry for the attorney.
- I met with the new City Manager regarding pending issues and her expectations of my office.
- I also rendered an opinion on a fence permit issue
- I also received correspondence from DSHA regarding Delaware City's crime free ordinance. The ordinance we have says there needs to be an eviction if there are three convictions. They claim it is illegal – but they have not sent me a case. We will look into. If we determine that it is illegal, we will prepare an ordinance for repeal.
- I spoke with Chief Baylor and I am working with Chief Baylor to have the pope mobile delivered for a return visit for Delaware City Day.

Councilmen Buchheit asked if the RV Park will go before our Planning and Zoning. City Solicitor Walton said yes, that is what the verification said, they must go through Planning and Zoning.

CITY MANAGER'S REPORT

Water Utility

- Working w/ Artesian to complete Delaware River Basin Commission Water Utility Audit Report
- Completed DNREC Drinking Water Survey
- Met w/ RFP applicants and the City's consultant Kash Srinivasan. Will be reaching out to Mayor and Council this week to schedule a meeting to discuss proposals and Kash's report.

Trees

- Meeting w/ Delaware Forestry on July 22nd to discuss creating a comprehensive tree plan
- Created spreadsheet to track tree complaints
- Reconvened Tree Committee, next meeting on July 29th at 5:30 PM

Storm Water & Drainage

- Working w/ DEMA to complete Washington Street Project closeout by August 31st
- Created spreadsheet to track storm water and drainage issues
- Reported malfunctioning Dragon Run drainage gate under 5th Street to DelDOT

Town Hall

- Fletcher's Plumbing scheduled to fix toilet and boiler on July 17th
- Awaiting estimate for roof repairs
- Reactivated Delaware City's Facebook account

Community Center

- Continued AC problems at the community center
- Broken window at Community Center will be repaired by First Class Glass on July 16th
- Began process to update lease agreements with Community Center occupants

Historic Preservation

- Completed the CLG Historic Preservation Grant Application for CHAD to continue their reevaluation of our Historic District
- Awaiting recommendations from CHAD for consultants who can redesign pump house

Solar Panels

- Solar City has been acquired by Tesla. I am still waiting to hear back from them to discuss maintenance and the contract under new ownership. Robin from Delmarva Power will be reviewing our solar account with me on July 22nd.

Miscellaneous:

- July 15th Councilwoman Titus informed me several news outlets were using an incorrect heading claiming Delaware City's crime rates had increased, when actually the article was talking about Wilmington. I contacted the Associated Press and they are correcting the issue.
- Follow-up: Waste Industries contract does not expire until June 30th, 2022
- Where should we hang the "swim at your own risk" sign?

In response to the questions on where to hang the previously approved "swim at your own risk" sign Councilmember Konkus suggested by Baby Beach and Council Member Buchheit followed up to say inside the wall at Baby Beach, not on the outside.

Councilmember Konkus pointed out that the Washington Street Flood Mitigation is not working, with the last storm the whole back parking lot on Washington Street was flooded out. She asked that we have that looked into. City Manager Metcalfe said she would look into it.

Councilmember Konkus asked if we will be getting multiple estimates for the roof repairs at Town Hall, City Manager Metcalfe said yes.

Councilmember Konkus asked if we are being charged by Kash Srinivasan to prepare the Analysis of the RFP's. City Manager Metcalfe said we have already paid him.

Councilmember Buchheit asked if there was a reason why there were two items from last month's Mayor & Council meeting omitted from this month's Agenda. One being *Resolution 19-0617-04* Amend the Charter stating that the Delaware City Chief of Police will report directly to Mayor and Council and the other item being, Discussion and possible mandates on contacting the City Solicitor by Mayor & Council, Committee members and City staff. City Manager Metcalfe said she was under the impression the resolution to amend the Charter was pulled from the agenda. She said the item discussing contacting the Solicitor was missed and future agendas will be looked over more closely.

- June 18th w/ Henry Nickle to review City's Insurance
- June 18th w/ Chris Rodgers to prepare for DDD application presentation
- June 18th w/ Darin Callaway from DelDOT to discuss ADA sidewalk issue at the Community Center
- June 19th w/ Mayor Malinowski and Councilwoman Konkus to discuss Town Hall business hours
- June 19th w/ Ray Ebaugh from Tidewater
- June 19th w/ Artesian Water team
- June 20th DDD application presentation in Dover
- June 20th w/ Larry Finnicum from Suez
- June 20th Delaware City Day Committee meeting
- June 24th introductory meeting with Jeff Randol
- June 24th Delaware City Refinery Charity Event
- June 25th DEMA Mitigation Plan Workshop in Dover
- June 27th introductory meeting w/ Max Walton
- July 1st w/ Kash Srinivasan to prepare analysis of RFPs
- July 1st introductory meeting w/ Paul Johnson
- July 1st Planning Commission meeting to work on comp plan and review maps
- July 2nd HPC meeting canceled due to lack of quorum
- July 8th Edmunds budget training
- July 9th w/ Center for Historic Architecture & Design to review 2019's completed project
- July 10th FDRPC Board meeting
- July 11th River Town's Festival planning meeting in New Castle
- July 11th Delaware City Day Committee meeting
- July 15th Delaware City Day Committee meeting
- Weekly staff meetings

APPOINTMENTS

There were no appointments at this month's meeting.

ANNOUNCEMENTS/COMMUNICATIONS

There are two vacancies at this time, one on the Historic Preservation Commission and the other on the Board of Adjustments.

Mayor Johnson added he would like to add an item to next month's agenda with Councils approval, to establish a Charter Committee; he would like to treat the Charter as a living document and keep it updated.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Delaware City Day Committee- Madonna Malinowski- Delaware City Day will be 2 days, the fireworks are on Sunday. The sign that was hanging did not clearly state that the fireworks would be on Sunday so the sign was taken down. The Delaware City Day Committee is a very small Committee and is in dire need of volunteers. Also, they are in need of Convertible Cars for the parade. Parade steps off at 11 o'clock on Saturday!

Fire Department- Chief Wally Poppe- He Recognized Mayor Paul Johnson's dedication to the town and congratulated him on behalf of the Delaware City Fire Company! He informed everyone that the Fire Department purchased two 4x4 vehicles, a Quick Response Unit and a Gator. Four of the company members went out on the Michael Castle Trail and coordinated GPS from all 47 benches with the 911 center to help better locate emergencies on the Trail. They hope to eventually get every bench numbered, that would aid the fire departments when trying to locate someone along the trail.

Valarie Longhurst- State Representative- Congratulated Mayor Paul H. Johnson Sr. on becoming Mayor of Delaware City and said she is looking forward to working with him!

Mayor Paul H. Johnson Sr. recognized an Elected Official, not from this area, Councilmen Dave Tackett. He thanked him for coming down to tonight's meeting.

OLD BUSINESS

Storm Water Mapping & Inspection Bid Reviews.

City Manager Metcalfe stated we need 3 proposals to move forward and at this time she has only received two bids. She would like to postpone this item to next month's meeting as she should have the last bid by then. *Item is moved to next month's agenda.*

NEW BUSINESS

There was no New Business on this month's agenda.

MAYOR & COUNCIL COMMENTS

Council Member Titus

She said the Blood Drive at the Delaware City Fire Department was the best Blood Drive she has ever participated in.

Council Member Konkus

1. Delaware City Day, The weather is supposed to feel like 118 degrees, please everyone keep that in mind when outside that day.
2. She also thanked Chief Baylor for being present for the completion of the Jerry's paving project despite no longer being in the roll of City Manager.

Council Member Renoll

None

Vice Mayor Malinowski

He attended the Delaware City Refinery's Charity Event. He attended the Ft. DuPont Board of Directors Meeting, and also attended the New Castle County Police Department Recruit Academy graduation.

Council Member Buchheit

1. Thanked and congratulated Mayor Johnson, along with thanking Mayor Green and Vice Mayor Malinowski for the fantastic job they have done.
2. He sponsored a TIPS Training class that was held at the Fire Department.
3. He attended multiple Delaware City Day Committee meetings. He just received a last minute sponsorship from Ft. DuPont. They are still accepting Sponsorships, Vendors and Parade Applications. The 50/50 tickets are on sale and the drawing will be 9:00 P.M on Sunday right before the fireworks.
4. He invited Mayor and Council to ride in the Delaware City Day Parade.
5. He displayed pictures of what the Washington Street Pump House was supposed to look like and said Representative Longhurst has agreed to help fund a new Pump House design. City Manager Metcalfe will look into a similar design as the existing design will no longer work with the relocation of the Pump House.
6. He mentioned he had discussed with the Chief of Police the Car Shows that are no longer taking place in Town and hopes they will return as it has had a negative impact on the Town and local businesses.
7. He expressed concerned that when the streets are closed the Town is paralyzed and there is a lot of confusion. There needs to be better detour signs throughout the Town.
8. There is a new business opening; The Cake Sister's will have their Grand Opening on Delaware City Day.
9. The PAL Center will host a Water Party on August 7th! Everyone is invited!
10. He said he is working on a proposal along with the Chief of Police to relocate the police department to another City owned property.
11. He would like a Tesla charging station put in town with the increase in electric cars.

Mayor Paul Johnson

1. He attended the Delaware City Care Meeting, The Police Academy Graduation, and A Delaware City Day meeting. He also attended a City Staff meeting.
2. He is going to put a City Manager Plan together; this will include goals, objectives and expectations for that position. He would like to have that put on next month's agenda and welcomes any input from Council.

CITIZENS COMMENTS

Wally Poppe, DCFC

There was discussion at last month's meeting about the "swim at your own risk" by the discharge pumps. He and the Fire Company are concerned about safety if there will be swimming near there. He wanted to know if there are plans to put a fence around the pumps or some type of safety precaution to keep kids out of that area.

Sandra Malinowski, 304 Bayard Street

She reached out to Town Hall about box springs and mattresses lying in the streets. She was told there are procedures that have to be followed for removal but she feels like these are a safety concern and should be dealt with immediately. City Manager Metcalfe said she is aware of this issue, and that Mrs. Malinowski is referring to the code enforcement procedure where the Town will violate the property owner and give them 5 days before we trespass on the property, remove the object and then invoice the home owner.

Council Member Buchheit asked if the object is on City property, why we can't just remove it. City Solicitor Walton said he would look into it, Chief Baylor said he believes that if the object is in the City's right of way and is a safety issue, they can remove it; they just can't go onto someone's property to remove it without following procedure.

ADJOURNMENT

Mayor Johnson asked for a Motion to adjourn. Vice Mayor Malinowski made the motion, Council Member Titus seconded the motion, *and all were in favor*. Mayor Johnson adjourned the meeting at 7:30 p.m.

Respectfully submitted,
Britney Loveland