

"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.
August 19, 2019
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER

Mayor Johnson calls the August 19th, 2019 meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Johnson led the Pledge of Allegiance

ROLL CALL

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

Mayor Johnson asked to take the meeting out of sequence to discuss the resignation of City Manager, Danielle Metcalfe. He stated that within the first week of being sworn in as Mayor, City Manager Metcalfe submitted her resignation with no real explanation. For now Chief of Police, David Baylor will again serve as the Acting City Manager and will answer as the City Manager throughout tonight's meeting.

ACTION UPON MINUTES

Council Member Buchheit made the motion to accept the July 15th, 2019 minutes as written. The motion was seconded by Vice Mayor Malinowski. 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 July 2019:

Crime Information:

Three Delaware City Residents were arrested and each charged in connection with an assault that occurred in the Delaware City Mobile Home Park in the early morning hours on Sunday, July 14, 2019. Arrested were Wesley N. McMormick, 44, Charlotte M. Foote, 33, and Randy Foote, 34, all residents of the mobile home park. They were each charged with assault in the second degree and conspiracy after an investigation revealed they were involved in the assault of a 54 year old man and resident of the mobile home park. All were arraigned and released on bail pending trial at a later date.

On Saturday, July 27, 2019, DCPD investigated a theft at the sunset market. During the investigation it was learned that Ruben E. Bautista, a 28 year old male from Wilmington, attempted to pass a counterfeit bill during a purchase at the market. Mr. Bautista was apprehended in the area. As the investigation unfolded, it was also learned that Mr. Bautista provided a false name and information, which revealed he was also an escapee from the Department of Corrections. He was charged with theft, criminal impersonation and being a fugitive. He was returned to the Department of Corrections.

On July 5th and July 17th, the Delaware City Police Dept. Responded to the unit block of Hamilton Place in reference to a burglary investigation. During both incidents, we were able to identify Timothy A. Marshall, 31, of the Delaware City Mobile Home Park as the suspect in each investigation. He has been arrested and charged with two counts of criminal trespassing in the first degree.

In the early morning hours on Tuesday, July 30th, 2019, New Castle County Police responded to the 300 block of Seventh Street to a burglary in progress complaint. During their investigation, they identified Michael C. Gardiner, 28, of the 100 block of Washington Street as the suspect involved in this incident. He was taken into custody and charged with burglary in the third degree and misdemeanor theft. He was arraigned and later released.

Later that afternoon, the DCPD responded to the DART bus stop on Washington Street behind the post office for a disorderly person. Upon arrival, we made contact with the person who was later identified as Michael Gardiner. Following a brief struggle with officers, Mr. Gardiner was taken into custody and transported to State Police Troop 2. He was charged with public intoxication, terroristic threatening, two counts of resisting arrest and criminal mischief for damage to a Delaware City Police vehicle.

Shortly after he was released from Troop 2, Mr. Gardiner, made contact with another Delaware City resident, where he harassed that individual. Delaware City Police investigated that incident and obtained arrest warrants for breach of release, terroristic threatening and harassment. The warrants were entered into warrant system. Mr. Gardiner was later

apprehended by the Wilmington Police Department on a separate incident. He is currently in the Howard Young Correctional Facility awaiting trial.

General Information

Recently the Delaware City Police Department has received several complaints regarding golf carts and other unauthorized vehicles being operated on the sidewalks and streets throughout the city and Ft. DuPont. Golf carts and other non-approved motor vehicles are not permitted to be operated in the City. We are asking the owners/operators of such devices to refrain from operating them on the sidewalks or streets in the city. We will be taking the appropriate enforcement action regarding such violations.

School is starting next week. Children and school buses will be in the city, please be careful and look out for children and when driving near or around school buses.

Bicycle safety remains a key area of concern throughout the city. We are reminding all cyclists they are required to follow the rules of the road. Parents, please instruct your children on the safe and proper operation of their bicycles.

Council Member Buchheit asked if Mr. Gardner is a tenant or home owner, Chief Baylor said he resides with his Grandparents who are home owners on Washington Street.

Council Member Buchheit also expressed concern that the bicyclist are popping up behind cars on Clinton Street, he's encounter a few close calls himself. Chief Baylor said he's witnessed it as well and he plans to put out on Twitter, Facebook and their Website that bicyclist need to be respectful of the Motorist in town as well.

CITY MANAGER'S REPORT

Water system

Acting City Manager Baylor said we have two wells in the City, Well 4 and Well 5; Well 5 is not pumping as it should, and this was brought to our attention by Artesian water. We are going to have the pump further investigated. We are currently running off of only Well 4 but everything is operating fine.

Downtown Development

Governor Carney and other dignitaries from other Towns came to Delaware City today and identified Delaware City as a DDD recipient. Acting City Manager Baylor thanked everyone that worked so hard to make this happen for the Town.

Today, the City received the bill for the additional funds that were needed to complete the DDD Application by AECOM. Mr. Rogers from AECOM had requested an addition \$5,000.00 needed to finish our application at a Council Meeting a few months back. They City agreed to the additional funding with Main Street Delaware City offering to cover \$2500.00 of the cost. The total of the bill we received today was \$5,740.45. 28 hours of that bill was billed at a rate of \$115.13 and 13.5 hours at \$186.42 an hour. Acting City Manager Baylor is returning this bill to Mr. Rogers as this is not the amount that was agreed upon. Council will be notified when it's corrected.

Council Member Buchheit said he thought the cost for the DDD application was negotiated down, Council Woman Titus said that it was negotiated down to \$5,000.00, it was originally proposed at \$5,500.00

CITY SOLICITOR'S REPORT

City Solicitor Walton said he did not have anything to report on at tonight's meeting.

ACTION UPON FINANCE REPORT

The Finance report was accepted. Finance Manager Graham presented the financial report as of July 31st, 2019 to Council. (Full report is attached)

Questions/Comments from Council

- Council Member Buchheit asked if the grant money came through for Delaware City Day. Finance Manager Graham said that it did come in; it's showing as being a deficit because she cannot recognize the revenue until she has the expenditures and it will all come out at the end of the accounting process.
- Council Member Buchheit asked if the Solar Fields are generating any revenue for the City. Finance Manager Graham said she knows the City Manager is currently working with the Solar Company for information and asked for him to answer that question. City Manager Baylor said he is waiting on reports from 2013 July 8th when City Manager Cathcart signed this agreement. Once he gets those report he will provide them to council
- Council woman Titus asked who is maintaining that area; she remembers it being said that they would maintain that area. Acting City Manager Baylor said he believes the contract says they are maintaining it but he is going to verify that too.
- Council Woman Konkus asked if we have franchise fees for Atlantic Broadband and for DPNL, Finance Manager Graham said we do have one for Atlantic broadband. City Solicitor Walton said we have one with Verizon and might with Delmarva. Council Woman Konkus would like us to look into this.

APPOINTMENTS

Board of Health

Mayor Johnson asked for a motion to appoint Yolanda Meadowcroft for a 2 year term to the Board of Health. Council Member Buchheit made the motion, and it was seconded by Council Member Titus. All were in favor, motion carried.

Mayor Johnson asked for a motion to appoint Shyla Lyons for a 2 year term to the Board of Health. Council Member Renoll made the motion, and it was seconded by Vice Mayor Malinowski. All were in favor, motion carried.

ANNOUNCEMENTS/COMMUNICATIONS

Mayor Johnson announced that there will be a Public Forum on Wednesday, September 18, 2019 at the Delaware City Fire House from 6:30 to 8:30 to discuss the future of the Delaware City water system. Presentations will be given by the 3 water companies that responded to the RFP that was advertised.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Planning Commission- Tim Dilliplane

At the last Planning Commission meeting they gave their tentative Site Plan approval to Bluewater Construction to proceed with the next step in their planning of the RV Park at Grassdale. It sounds like the Board at Fort DuPont is planning to sell outright rather than a lease agreement but that contract is proceeding.

OLD BUSINESS

Present Strom Water GIS mapping proposals from KCI, AECOM and Duffield Associates- Grant for Matching Funds Application due 8-31-19

Bruce Thompson from KCI Technologies presented their proposal first. He explained that this mapping is a requirement of Phase 1 of the MS4 Permit that Delaware City is a Co-Permittee on. *The full proposal is available at Delaware City Town Hall.*

- Council Member Buchheit asked how they determined the cost of \$20,000.00. Bruce Thompson said it is based on the time it will take the field crew to get the work done. They know the amount of data they can collect in a week, with 300 structures it will take about 3 weeks.
- Kathy Clifton asked when this was supposed to be implemented according to the permit; Bruce Thompson said it was supposed to be implemented in 2013.
- Tim Dilliplane asked if the 300 structures included the seawall, Mr. Thompson said no. It includes Inlets, Junction Boxes and Outfalls, things we would GPS as a point.
- Council Member Titus asked if Outfalls are the grates in the ground. Bruce Thompson said the last structure where the water outlets from the storm drain to wherever it going to go is the Outfall.

David Athey from AECOM presented their proposal next where he explained that while some of the areas of concern vary, both proposals are very similar. *The full proposal is available at Delaware City Town Hall.*

- Council Member Konkus asked if the condition assessment on the Inlets and Outfalls are not included. David Athey said a notable amount if our system is fairly new, so in his opinion a condition assessment is something that is not necessary.

- Council Member Titus clarified that option 1 is \$8,500.00 and option 2 is \$8,500.00 plus another \$7,000.00. With option 2 we would get more inspection.
- Council Member Renoll asked that if we had issues with the pipes at any time in the past would that change his mind on accessing them. David Athey said yes, but what he's seen of the system everything looks like it's in good shape.
- Council Member Konkus asked about funding assistance. David Athey said there is a Surface Water Mapping Planning grant through DNREC offered quarterly.
- Kathy Clifton asked if AECOM would write the grant. He said if they got the job they would write the grant.
- Kathy Clifton asked KCI if they would write the grant, he said they would as well if they got the job. Bruce Thompson explained there is a green technology component to the grant as well, not just the mapping. He said that their proposal did not include any green technology information so that would be an additional cost.

Mayor Johnson asked Council to reconvene before the end of the month to make a decision. There was a lot of information provided and he wants council to be able to take it all in before making a decision.

Discussion and possible Mandates on Contacting the City Solicitor

- Mayor Johnson said he remembers a motion was made in the past that all contact with the solicitor has to go through the City Manager.
- City Solicitor Walton explained how this processes has been working. If he gets a call or email and it's a simple question, he answers and doesn't bill for it. If it's going to be a billed response he reaches out to the City Manager before answering.
- Council Member Konkus stated that she asked to have this added to the agenda because we are averaging \$6,000 a month in lawyer fees and she feels that's very high. City Solicitor Walton said very little contact comes from Council.
- Council Member Konkus asked if there is just an open door for the City Manager to contact as much as they want. Acting City Manager Baylor feels that the Mayor should know if the City Manager is contacting the Solicitor. He feels each person and body should have a check with person before contacting the Solicitor.
- Mayor Johnson asked that they have it put in some type of policy, so everyone knows exactly what the parameters are. Acting City Manager Baylor said he will write up a policy.

Council Member Konkus asked City Solicitor Walton to clarify who he would represent in the event there was a legal issue between the City of Delaware City and Fort. DuPont as he is the Solicitor for both. He said he would not represent either party, we would have to get outside representation. Council Member Konkus said she feels that this is an issue and would like to proceed with discussing the issue.

Council Member Titus asked to move this to next month's agenda because it was not on this month's agenda. Mayor Johnson said they will discuss it next month.

NEW BUISNESS

Establish a Charter Committee

Mayor Johnson asked for a motion to establish a Charter Committee. Vice Mayor Malinowski made the motion, Council Member Titus seconded the motion. All were in favor, the motion passed.

Discussion on Whether Council Members Can Serve on Committees

City Solicitor Walton read the charter on this topic. He said that the way he interprets the charter it's geared towards Council Member and Employment with the City.

Council Member Buchheit asked about City Employees serving on committees as the City Manager voted on the Tree Commission, City Solicitor Walton asked to research more and discuss it at the next meeting.

Vice Mayor Malinowski said he believe the charter calls for the City Manager to be on the Tree Committee.

Explanation on Repealing Chapter 22 Sections 6 & 10E, F

City Solicitor Walton said that City Manager Metcalf had received an email from Karen Horton from the Delaware State Housing Authority, regarding the Three Convictions Ordinance and says that they don't believe these Ordinances are enforceable. City Solicitor Walton asked her for cases that say this is illegal. He received some cases but he didn't see where it said it was illegal but the Ordinances were a little different.

If council wants to keep this Ordinance in place then there needs to be exemptions under the fair housing acts. City Solicitor said it would be his recommendation to repeal it, especially since we have not had any instances when we have needed it since we adopted it and it is an issue with the fair housing authority.

As far as Chapter 22 10E & F because they are still in the Code for an Ordinance that was already appealed so he wanted to clean all this up at once. He will submit an Ordinance for a first reading at the next Council Meeting.

MAYOR & COUNCIL COMMENTS

Council Member Titus

None

Council Member Konkus

None

Council Member Renoll

None

Vice Mayor Malinowski

Attended the Planning Commission meeting, Ft. DuPont Board of directors meeting and the Governors press conference.

Council Member Buchheit

1. Congratulated Mayor Johnson and the Chief of Police.
2. He brought up that there are no lights on the Fifth Street Bridge; he would like the City to ask Ft. DuPont to please pay to have that Bridge lit up or at least pay half.
3. Met with the Delaware City Refinery and City Manager Metcalfe about the chain link fence that was going to be put down at the water front. City Manager Metcalfe advised the refinery we do not allow chain link fences in the City.
4. Met with several merchants about relocating to Delaware City, A possible Florist may be coming, Innovations Reality will open in late August and The Saltbox and Cake Sisters both opened this summer.
5. We have \$75, 000.00 in Mayors Ball money that has not been used for 2 years. He would like it to be used for a Band Stand at the end of town and to replace the Gazebo. The Gazebo that's currently there is not accessible and in really bad shape, he fears it's a law suit waiting to happen.
6. When he met with the Tree Commission, he asked about new trees popping up in the park and the Tree Commission didn't know anything about it. No tree should be planted without going before the commission.

Mayor Paul Johnson

1. Attended a meet & greet with the management team from Delaware City refinery.
2. Started a Mayors Facebook page to better communicate with the residents.
3. Met with Superintendent Blakey from the Colonial School District in reference to using Gunning Bedford & Southern Elementary for emergency evacuation shelters.
4. Coordinated the donation of over 20 box fans during the extreme heat wave. Fans were graciously donated by Lowes in Bear.
5. Met with Senator Poore and Dave Tiberi in reference to holding a Delaware Decision Makers Conference in Delaware City during the month of September. The main focus is to market Delaware City, our small businesses, and growth potential.
6. Working with the City Manager on getting all of our hydrants in town and the fence around the lock in the park painted.
7. Working with the City Manager, Joe Tharp, and several local residents that are interested in starting a Neighborhood Watch Program.
8. Attended the DC Day wrap up meeting.
9. Spoke to Representative Longhurst, and met with New Castle County Department of Community Services, in reference to bringing some additional programming to the Community Center. The main focus will be on senior, and active adult, activities and recreation.
10. Received a letter of resignation from Danielle Metcalfe.
11. Rode through town and reported 9 street lights that were out to DP&1.
12. Will be attending the DDD event on Monday.
13. Attended the Planning Commission meeting to hear the proposals from BlueWater Development Corp.

14. Public outreach on the following: Filling vacant committee & commission seats, back to school drive, underwear, pants/sweatpant drive
15. Meeting with Secretary Garvin from DNREC next week to discuss the State penalty money fund and to lobby for DC to have better access to funding.
16. Started reviewing and reading through the water RFP material to prepare for September's meeting.
17. Attended music in the park and the fortify music festival events.

Mayor Johnson addressed the Vacant City Manager Position. He's concerned about the reputation we are getting from the frequent turn over in Delaware City. Hes prepared to submit a name for City Manager to Council at the next meeting.

Council Member Buchheit asked if Mayor Johnson could put together a Rain Date Policy for Delaware City Day and all City events. Mayor Johnson said they will do that.

Council Member Buchheit asked if the City Manager's Position will be advertised. Mayor Johnson said he does not think that is necessary. City Solicitor Walton said there is no requirement for advertisement, he said that the mayor can submit someone he feels fit to council.

CITIZENS COMMENTS

Tim Dilliplane, 118 Clinton Street

He asks that in the event of flooding but not an evacuation, could we inquire about moving our vehicles to the schools for safe keeping. Also, our drainage system would work better if we made the efforts to clean them out better. If the Town Criminal is released can the Town be notified? Chief of Police Baylor said he will post a picture in Town Hall.

Toby Williams, 403 Hamilton Street

He is concerned with the proposal for 300 Apartments at Ft. DuPont. The original proposal was for Single Family Dwellings, Townhomes and Condominiums. He feels we are losing a lot of revenue by allowing this Apartment complex, with losing fees, taxes and property value increases. He hopes this will be stopped.

Tim Konkus, Main Street

Two car shows, the last Saturday of August and the last Saturday of September both start at 2 P.M.

River Towns Ride & Festival will be on October 5th, 2019.

He also pointed out that AECOM wrote the neighborhood building block fund in 7 days, and were able to get them the funding!

Paul Starrett, 116 Clinton Street

He asked if anyone has applied for any grants for the roof renovations at Town Hall. Acting City Manager Baylor said if he is referring to the DDD, he does not believe that we fit the criteria. Tim Konkus said that Municipal Buildings are not included.

He asked if there are any plans to create a policy so that this could be a golf cart community. Acting City Manager Baylor said he is looking into state law and how we can properly go about allowing golf carts.

Lynn Dilliplane, 118 Clinton Street

Town Buildings fall under the Historic Preservation possibility of loans and grants and tax credits. She plans to contact the State and get more information on it. This goes for any homeowner in town as well.

Executive Session- Discussion of Increased Pay Rate of Employees being temporarily promoted to Higher Job Classifications.

City Solicitor Walton said that this item on the agenda is improper. Mayor Johnson removed this item from the agenda.

ADJOURNMENT

Mayor Johnson asked for a Motion to adjourn. Council Member Konkus made the motion, Council Member Buchheit seconded the motion, *and all were in favor*. Mayor Johnson adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Britney Loveland