

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
PUBLIC HEARING
MONTHLY MEETING
Monday, December 16, 2019 at 6:00 p.m.
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

CALL TO ORDER – PUBLIC HEARING

Mayor Johnson called the Public Hearing to order at 6:00 p.m.

Council Member Buchheit recused himself from this as he is a business owner and stands to profit off Delaware City Day.

PUBLIC HEARING COMMENTS

Dale Slotter, 210 Clinton Street- He has served on 12-13 Delaware City Day committees and he feels it's a thankless job and no matter what people will complain. This past Delaware City Day the heat was extreme and the complaints were so rigorous that it got to a point to look at a different date, possibly the fall. It went to a Public Workshop and he feels that the volunteers and people doing the work should make the decision.

Mike McMichaels- he says that he's complained the last 4-5 years to the City and Council about the events that transpire on Delaware City Day. Numerous times he wrote about nasty items he's had to pick up out of his yard. He says he's caught people using the bathroom in his neighbor's yard. He thinks the daytime program is great but he feels the fireworks bring in a lot of problems.

Council woman Konkus asked if Mike McMichaels had as many issues when Delaware City Day was split between two days. He said not as much but he also stood outside 2 hours before the fireworks and 2 hours after to protect his property.

John Buchheit- The two-day event is not popular with the volunteers. He says Saturday night is already a busy night in town and adding the Saturday night fireworks overwhelms the town. There have been numerous fights and destruction of properties during Saturday night fireworks but there was nothing but positive statements from the residents and the police when the fireworks were held on a Sunday night. He thinks the Sunday night fireworks bring in more of a local crowd.

Bonnie Hanna- She says she's worked the last two Delaware City Days being rained out one year and dying in the heat the other. She is hoping to see the event moved to September. She also likes the idea of two days because it is an exhausting one day event. There is a lot less trouble in town when it is split between two days.

COUNCIL COMMENTS

Council Woman Konkus says she likes the ideas of the one-day Sunday event but thinks we should do it when the schools will be closed that Monday because of the fireworks.

- Mayor Johnson recessed the Public Hearing at 6:10 P.M.
- Mayor Johnson Reconvened the Public Hearing at 6:30 P.M.

Mayor Johnson asked again if anyone else wanted to speak on Delaware City Day

Mayor Johnson asked for a motion to adjourn the Public Hearing. Vice Mayor Malinowski made the motion that was seconded by Council Member Konkus. All were in Favor; *the Public Hearing was adjourned at 6:30 P.M.*

MONTHLY MEETING OF MAYOR & COUNCIL

CALL TO ORDER

Mayor Johnson called the December 16, 2019 meeting to order at 6:31 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, Renoll, Konkus and Buchheit were present. City Manager Baylor, Finance Manager Graham, City Solicitor Walton and City Secretary Loveland were also present.

ACTION UPON MINUTES

Council Member Titus made the motion to accept the December 5, 2019 Special Meeting 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.

Council Member Konkus made the motion to accept the November 18, 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.

POLICE REPORT

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

➤ General Information

- ✓ The Delaware City Police Department would like to remind our residents to lock their vehicles.
- ✓ The Delaware City Police Department would also like to remind our residents there will be extra patrols during the holiday period enforcing the DUI laws. This enforcement program is being funded by the Office of Highway Safety through a grant. Please don't drink and drive!

CITY MANAGER'S REPORT

City Manager's Report for November 2019

- The City has hired Mr. Shane Miller as the new Code Enforcement Officer. Mr. Miller currently works as a Code Enforcement Officer for New Castle County and will be working part-time as our new Code Enforcement Officer.
- City Solicitor Walton, Mr. Sean O'Neill (University of Delaware) and I met with the State of Delaware Preliminary Land Use Services (PLUS) in Dover as part of the review process for the City's Comprehensive Plan. Overall, the meeting went well and we are awaiting their report. Once the City receives the PLUS report, it will be provided to the Planning Commission for any recommended changes. The goal is to provide the Mayor and Council with the final report for approval at the March Mayor and Council Meeting
- Mr. Jeff Randol, Mr. Steve Gorski (Engineer for Fort DuPont Redevelopment Corp) and I met with several members of DelDOT's staff in Dover regarding the traffic improvement plan for the entrance to Fort DuPont. During the meeting, DelDOT advised the proposed roundabout was not their choice of the traffic improvement plan for the entrance to Fort DuPont. After some discussion regarding the concerns for traffic safety with the installation of a roundabout, it

- was decided improvements to the current configuration would be the best way to proceed with the traffic improvement plan. Fort DuPont is tasked with presenting DelDOT with new proposals for consideration and approval.
- On December 3, 2019, the Fort DuPont Redevelopment and Preservation Corporation voted unanimously to approve a contract for sale of the Grassdale property to Blue Water for the development of a recreational vehicle park. That agreement has a number of contingencies, including, but not limited to, contingencies relating to traffic improvements, creation of design guidelines, and obtaining final plan approval of the project from Delaware City. After the agreement is formally signed, Blue Water will have 180 days to satisfy the contingencies in the agreement and the due diligence period can be extended by Blue Water for up to a pair of 180 day periods. The Fort Corporation also has the right to extend the due diligence period once for an additional 180 day period.
 - Council Member Buchheit asked about the expired lease agreements that were discussed at a previous meeting. He wants to know if there was a CPI rate increase for that. City Manager said we do not. He says he feels the previews reviews were poorly done. He is working with a representative from the solicitor's office to make it fair to the town. We will also no longer go into long term leases, which could be causing us to lose money. Council Member Buchheit asked if we should work with a realtor, City Manager Baylor said we are working with a local realtor.
 - Council Member Buchheit asked where we are in the search for a new Chief of Police. City Manager Baylor said we need to redo the budget before we go into hiring a new Chief; the last budget was poorly done.

CITY SOLICITOR'S REPORT

- Provided a FOYA response on behalf of the city
 - Prepared the Resolutions and Ordinances on the agenda
 - Memorandum for pending development projects
 - Attended the plus process
 - Answered charter questions
 - Answered a question to the Vice Mayor
 - Special meeting on Jan 9 to discuss the land use process
 - Training the new members of the BOA
- Council Member Titus asked when the training was, Solicitor Walton said it's not yet scheduled.
 - Council Member Buchheit said that in the October meeting someone asked if the Lodging Tax will apply to the R.V Park. Solicitor Walton said no, it does not but they will be voting tonight on a Charter change to rectify that.

ACTION UPON FINANCE REPORT

Finance Manager Graham presented the financial report as of November 30th, 2019 to Council. (Full report is attached)

Council Member Konkus made a motion to accept the finance report subject to audit; the motion was seconded by Council Member Titus. *The Finance report was accepted.*

Questions/Comments from Council

Council Member Konkus-Under public Safety there is a lease for purchase equipment that was budgets for \$5,100 and we've already spent \$22,000. Finance manager graham said that was for the purchase of a gator that was discussed at a previous meeting. Council Member Konkus asked if we purchased that outright or was it a Grant, City Manager Baylor said it is a Homeland Security Grant, we will purchase it upfront then will be reimbursed.

Before moving forward with Appointments, Mayor Johnson called Sandy Malinowski forward to present her with a Tribute for her time serving on the Delaware City Tree Commission, as she has decided to resign from the commission.

APPOINTMENTS

Tree Commission

Liz Gordon

Mayor Johnson asked for a motion to appoint Liz Gordon to the Tree Commission to fulfill Sandy Malinowski's term.

Council Member Buchheit made the motion that was seconded by Council Member Titus. A roll call vote was taken; all were in favor, *the motion passed.*

Lynn Dilliplane

Mayor Johnson asked for a motion to appoint Lynn Dilliplane to the Tree Commission for a 3 year term.

Council Member Titus made the motion that was seconded by Council Member Buchheit. A roll call vote was taken; all were in favor, *the motion passed.*

Board of Adjustment

Linda Price

Mayor Johnson asked for a motion to appoint Linda Price to the Board of Adjustment for a 3 year term.

- Council Member Konkus was concerned that she also serves on the Board of Ethics Committee.
- Mayor Johnson referred that question to our Solicitor. City Solicitor Walton said he did not know the answer to that question but we can postpone until next month and he will get an answer.
- Council Member Konkus asked to postpone until next month when they get an answer from the solicitor.
- Mayor Johnson asked Council to withdraw their motions; Council Member Titus withdrew her motion. Vice Mayor Malinowski withdrew his second on the motion.

That appointment was tabled until next month.

ANNOUNCEMENTS/COMMUNICATIONS

None

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Mike McMichael- DCFC-Successful day last Saturday handing out smoke detectors with the American Red Cross. They plan to hand out more in January and focus more on the East side of Town this time. He asked people to please make sure they are mounted properly and if they need any help to reach out to the Fire Company.

Kyler Murray- Delaware City PAL- Two new programs for their youth, one is the self-love self-care girls group, to encourage and empower young women and guide them with hygiene and mental growth. The second is the gentlemen's club, teaching them the importance of school team work and mental health. They are officially on Instagram to help keep people up to date with things going on at the PAL. They are also working on a video ad to help encourage more kids to attend. They are holding Step classes on certain days of the week for girls as well. He also had a special thank you to the Delaware City Refinery and wanted to present them with a plaque from the pal.

- Council Member Titus asked how many kids attend the PAL, Mr. Murray said on average 50 a day.

Delaware City Library- They have not been able to speak at the Council meeting lately but they have been very active as usual. They had 164 people attend their trick or treat program. They hold a senior game day at the library on the second Tuesday on each month. They also held a Medicare health insurance basics presentation. They also have a local social worker on Mondays at library to help with food benefits, Medicaid, childcare, etc. They are having a representative from the Lt. Governor's office coming tomorrow to answer questions people might have.

John Buchheit, Gazebo- They held their first Gazebo meeting where they discussed the design and they were all on the same page but would like to move it down closer to the

Post Office. He would like to see the final design go to the HPC to keep with the same standards all the buildings have to follow. They would also like a master plan for the park. He said maybe we could look into getting sponsorships for the gazebo to help with funding.

- Mayor Johnson asked if there is a cost yet, Council Member Buchheit said they are at around \$50,000.
- Council Member Titus asked if there is room to move the gazebo without cutting down trees. He said yes.

OLD BUSINESS

Discussion & Possible Vote on the Sale of the Water System

Mayor Johnson explained to the audience briefly the timeline and back ground on the water system and the obstacles and options the City has been presented with. He then expressed that he would like to move forward with selling the water system.

He said he wants to see Council make a motion to allow they city manager, finance manager and a representatives from the solicitor's office to start negotiations with both companies and bring back a recommendation to council.

Council Member Buchheit said he feels our city manager is doing a lot wearing two hats and he doesn't want to put more on his plate at this time until we hire a police chief.

Council Member Titus made a motion to negotiate the sale of the water utility.

Council Member Renoll asked what the Committee's roll, item number 2 on the agenda under old business is, along with the City Manager, Finance Manager and Solicitors Representative. Council Member Titus said she doesn't feel we need a Committee outside of those three people for negotiations and restated that her motion is:

Council Member Titus made a motion for the City Manager, Finance Manager and the City Solicitors office to go into negotiations with both companies for the sale of the water system. A roll call vote was taken, it resulted in 4 Ayes and 1 Nay, *the motion passed*.

NEW BUSINESS

Certification of the Third Quarter Supplemental Tax Assessment FY20

Council Member Konkus made a motion to accept, the motion was seconded by Council Member Titus, and all were in favor, *the motion passed*.

Introduction & First Reading – Ordinance 19-1216-01 Relating to Impact Fees

City solicitor Walton explained that this was brought up by the City Manager, Vice Mayor and Council Member Konkus; there are Impact Fees that relate to new construction. There were other fees proposed that they decided to remove after research.

- Council Member Buchheit said that it says any new building or Commercial space shall be subject. So it should say any New Commercial space. City Solicitor Walton said we can deal with that at Public Hearing.
- Council Member Buchheit asked how these fees were determined. City Solicitor Walton said he did not come up with the fees. Council Member Konkus said they looked at other similar Cities and what they had for Impact Fees. Council Member Buchheit said we've been given people the DDD opportunity then charging them for coming here. City Solicitor Walton said this is best to handle during the Public Hearing.

Council Member Konkus made a motion to approve the first reading of Ordinance 19-1216-01, the motion as seconded by Council Member Titus. A Roll Call Vote was taken that resulted in 4 Ayes and 1 Nay, *the motion passed*.

Introduction & First Reading – Ordinance 19-1216-02 Relating to Sprinkler/ Re-Inspection Fees

City Solicitor Walton explained that this is what it says; they want to add this to the schedule of fees.

- Council Member Titus said she is surprised the Fire Marshall doesn't inspect this. City Manager Baylor said that he understand it that when we took over that whole operation in town the Fire Marshall does not do it now. They will come and do it until we get this set up.
- Council Member Buchheit asked if our people are certified to inspect that. City Manager Baylor said yes, our Inspector is Kyle Bendler and he is certified to do that.

Council Member Titus made a motion to approve Ordinance 19-1216-02; the motion was seconded by Council Member Konkus. A roll call vote was taken that resulted in 4 Ayes and 1 Nay, *the motion passed*.

Resolution 19-1216-01 Relating to Charter Change Regarding Power to Raise Revenue – RV Park Tax

City Solicitor Walton explained that the Lodging Tax does not allow the City to impose a Tax for an RV Park. This Resolution was provided to Council to rectify that, to ask the General Assembly to amend the Charter to allow an RV and RV related uses to be subject to a 3% Tax just like the Occupancy Tax.

Vice Mayor Malinowski made a motion to amend Resolution section G where it refers to income, he would like to change the word income to rent. The motion was seconded by Council Member Titus.

Council Member Buchheit asked for an explanation of the change, City Solicitor Walton explained that it is worded now as 3% of the income, Vice Mayor Malinowski would like it to say 3% of the rent.

Council Member Titus asked what a "Load Camper" is. City Solicitor Walton said he did not draft this and he does not know the different types of campers.

Council Member Konkus asked if where it says Mobile Homes, are we referring to the mobile home park. City Solicitor Walton said it does say Mobile Homes. Council Member Konkus does not think Mobile Home should be included. City Solicitor Walton said you don't have to impose the Tax, we are just looking to get the power to do so in the future from the general assembly.

Council Member Buchheit asked if they can have two amendments. City Solicitor Walton Said yes.

Mayor Johnson asked for the vote for the motion and second that was made, A roll call vote was taken, all were in favor, *motion passed*.

Council Member Buchheit asked for a motion to amend the resolution to add the Marina. There was no second on the motion. There was no action due to no second.

Vice Mayor Malinowski made a motion to accept Resolution 19-1216-01 as amended. The motion was seconded by Council Member Titus.

Council Member Buchheit said he feels Council is being bias by imposing a Tax on Hotels and RV's, he doesn't understand why we are not imposing a tax on Marinas.

City Solicitor Walton explained that this is a Resolution and if passed they will work with the local Representatives to have this introduced by the General Assembly. This will not go to a Public Hearing.

Mayor Johnson asked for a roll call vote for the motion and second that was made. The roll call vote resulted in two Ayes and two Nays. Council Member Konkus abstained from the vote. *The motion Failed*.

Resolution 19-1216-02 Relating to Charter Change Regarding Power to Raise Revenue – Apartment Tax

Council Member Buchheit asked who sponsored this agenda item. City Solicitor Walton said this was brought forth by Vice Mayor Malinowski.

Council Member Buchheit said he is concerned with all the Ordinances they are writing. The City is not collecting monies they are already owed, like taxes. We want to welcome people to invest into Delaware City and now we are adding fees and taxing people like crazy.

Council Member Titus asked which apartments are not subject to Property Tax, or is this for the Ft. Du Pont property. City Solicitor Walton said yes and things like that, something the City or other Governmental entity owns.

Council Member Titus made a motion to approve Resolution 19-1216-02 with the amendment to change subsection H to subsection G since Resolution 19-1216-01 was not passed and that held subsection G. The motion was seconded by Council Member Konkus. A roll call vote resulted in 4 Ayes. Council Member Buchheit abstained. *The motion passed.*

Delaware City Day

Mayor Johnson said he asked to have that put on the agenda. They held the Public Hearing tonight. At the next meeting he will bring names forward for the 2020 Delaware City Day Committee. If you are interested, send resumes to Town Hall.

MAYOR & COUNCIL COMMENTS

Council Member Renoll

None

Council Member Konkus- Thanked everyone who came out to help decorate the Community Christmas Tree.

Council Member Titus

None

Vice Mayor Malinowski

Attended the Ft. DuPont Board of Directors Meeting

Council Member Buchheit

- Tomorrow night Crabby Dicks will be holding Holiday Trivia, Hosted by the Library.
- Planter in front of Town Hall belongs to Council Member Buchheit but he would like to give the planter to Sandy Malinowski and he will replace the tree that is currently there now that needs replacing. He thanked her for all her years of service to the Tree Commission.
- He also wanted to thank everyone who decorated the gazebo.
- He asked how long you need to be a resident to be on the Board of Adjustments. City Solicitor Walton said he does not know the time frame. Council Member Buchheit said that with the new development at Ft. DuPont he would like to consider some of those residents as members.
- Council Member Buchheit then announced that this will be his last Council Meeting; He is resigning from City Council for personal reasons and obligations.

He thinks the City is in good hands with Chief Baylor and Mayor Johnson. He hopes the City becomes a little more business friendly and stops hitting people with fees and start welcoming people to our City.

Mayor Paul Johnson

1. He expressed well wishes to Council Member Buchheit and thanked him for everything he's contributed to the city.
2. He has formed a relationship with the City, Trash Tech and the Refinery. They take plastic recyclable and melt them down into reusable products. The refinery will be paying for a dumpster to collect plastic to be placed at the community center
3. He thanked everyone that came out to decorate the park!
4. He said he came in on the back end of organizing the Mayors Ball by February. He hasn't had a lot of time with coming in as mayor somewhat unexpectedly. There's still a lot of work to do and he will need help. Let him know if you are interested in helping.
5. He's been in contact with the secretary for DNREC, The penalty money is in the process of being approved and the paving will start in the spring. He's going to stay on top of that and getting more penalty money in the future.
6. There are a few dead trees in the park that have been taken down; there is one more to go. We are working with urban forestry to get them replaced.

CITIZENS COMMENTS

Dale Slotter- 210 Clinton Street

He knows the City is in a financial crisis and he applauds Council for trying to find ways to generate revenue. He said Impacts Fees are usually are based on needs assessment surveys and he doesn't believe we have done this. He also said he was a little taken back that they didn't amend the Resolution to add the Marina, by not adding the Marina you are losing all that revenue, now by not passing that Resolution you are also losing the RV revenue to. He would also like someone to remove the Street pole banners.

Bonnie Hanna- Asked if they decided on Delaware City Day being one or two day event. Mayor Johnson said he agrees that it should be left up to the Committee.

ADJOURNMENT

Mayor Johnson asked for a Motion to adjourn. Council Member Buchheit made the motion, Vice Mayor Malinowski seconded the motion, and all were in favor. *Mayor Johnson adjourned the meeting at 7:50 p.m.*

*Respectfully submitted,
Britney Loveland
City Secretary*