

"A Historic Past"



"A Bright Future"

Mayor
Stanley E. Green
Vice Mayor
Robert Malinowski
Councilmembers
Betty Barrett
Elizabeth Konkus
Chase E. Renoll
Margaret C. Titus

THE CITY OF DELAWARE CITY

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Phone: 302-834-4573 Fax: 302-832-5545

City Manager
Carol S. Houck
Police Chief
David Baylor
City Solicitor
Max Walton
City Treasurer
Deborah Sellers
City Secretary
Bonnie Hanna

**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
EXECUTIVE SESSION 5:30 p.m.
PUBLIC HEARING 6:00 p.m.
MONTHLY MEETING 6:30 p.m.
June 18, 2018
Paul H. Morrill, Jr. Community Center
250 Fifth Street**

CALL TO ORDER EXECUTIVE SESSION

The Honorable Mayor Green called Council to order at 5:30 p.m. at which time he asked for a motion to go into Executive Session. Council Member Titus made the motion which was seconded by Council Member Konkus and all were in favor. Council adjourned to an adjoining room for Executive Session.

CALL TO ORDER – PUBLIC HEARING

Mayor Green opens the Public Hearing at 6:12 p.m. He reads the three (3) Resolutions and three (3) Ordinances that are being heard. Mayor Green calls on City Manager Houck to address the first three (3) Resolutions.

1. Resolution 18-0618-01 Adoption of Assessment Roll FY19 & Tax Rate FY19

City Manager Houck reminded Council that at the Board of Appeals there were no questions or appeals regarding this resolution therefore, she believes it is ready for vote.

2. Resolution 18-0618-02 Adopting Operating Budget FY19

3. Resolution 18-0618-03 Adopting Capital Budget FY19

City Manager Houck said it is her pleasure to present the FY19 budget. It is her best recommendation for a successful path forward in the fiscal year ahead. With the combined efforts of staff and the outsourced assistance of By the Books the improvements made in our financial reporting allows us to launch into a more adequate financial software system that will enable us to make better decisions with more accurate information.

City Manager highlighted the aspects of both the Operating Budget and the Capital Budget. Details are attached to these minutes.

Mayor Green asked Council if they had any questions and/or comments for City Manager Houck. There were none. He then called upon City Solicitor Walton to bring the three (3) resolutions before Council.

**4. Ordinance 18-0521-01 Amending Section 23-14 of the Delaware City Code -
Numbering Correction**

City Solicitor Walton said this is a technical amendment to correct a cross reference.

5. Ordinance 18-0521-02 Relating to Amending & Modifying Chapter 48 Sections 21, 32, 34

City Solicitor said this ordinance now includes the recommendations from DNREC and FEMA on handling the historical properties in the flood plan.

6. Ordinance 18-0521-03 Relating to the Sign Ordinance – Chapter 46 Article X

This ordinance reflects the changes the Planning Commission suggested on a number of types of signs.

Mayor Green asked if there were any questions or comments on any of the three (3) ordinances. There was no response regarding items number 4 and 5. There was a question and a comment on item 6. Mr. Buchheit asked for a definition of obscenity. Mr. Slotter believes the size of signs should be relative to the overall size of a building.

Comments & Questions from Council

Council Member Titus:

- Believes the definition of obscenity is subjective and does not want to see if left to interpretation.
- City Solicitor gave a definition of temporary sign versus a banner.
- Another issue with banners is the time allowed to be up and number of times the permit can be extended. City Solicitor said those were items that were changed in the ordinance for tonight's vote.

Council Member Konkus believes it is still excessive

Vice Mayor Malinowski also asking the definition of temporary sign

Mayor Green asked if there any further questions or comments. There were none. He asked for a motion to recess from the Public Hearing. Council Member Titus made the motion to recess. The motion was seconded by Council Member Konkus and all members were in favor. The Public Hearing was recessed.

CALL TO ORDER

The Honorable Mayor Green calls the June Mayor & Council Meeting to order at 6:35 p.m. Mayor Green announces that the President of the DCFC, Mr. Paul Johnson has given permission for Mayor & Council Meetings to be held there beginning in July. The meeting dates will be posted on their electronic sign.

PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance

ROLL CALL

In attendance was Mayor Green, Vice Mayor Malinowski, and Council Members Barrett, Titus, and Konkus. Also present were City Manager Houck, City Secretary Hanna, Assistant City Clerk Clifton, Police Chief Baylor and City Solicitor Walton. Council Member Renoll arrived later.

ACTION UPON FINANCE REPORT

Tara Berkheiser from By the Books presented an update to Council. She reports on what has been accomplished since her report at the May Mayor & Council Meeting.

Every line in trial balance is 75% to 80% complete; Edmonds training began and is continuing; Finances will be brought online July 1st; Setting up credit card processing; Gearing up for independent audit; Preparing trial balance from SAGE; Assisting City Manager in preparing a job description for a finance manager for a job posting later this month.

Questions from Council:

Council Member Konkus wanted to know when the books became a problem.

- Ms. Berkheiser replied reporting issues were in found in FY17 and FY18.

Council Member Titus added the auditor takes the information given whether its correct or not. Ms. Berkheiser described how an audit is done.

Ms. Berkheiser moved on to recapping the three (3) main funds as of May 31st Council followed along from the handout they were given. There were no further questions or comments therefore, Mayor Green asked

for a motion to accept the finance report as given. Council Member Konkus made the motion to accept. The motion was seconded by Council Member Titus. All members were in favor. The record reflects it was accepted.

ACTION UPON MINUTES

Vice Mayor Malinowski asked that the vote results of each person being appointed be noted and change Board of Appeals to Board of Adjustment. Council Member Titus made the motion to accept the minutes with the corrections. Vice Mayor Malinowski seconded the motion. All were in favor. Motion carried.

POLICE REPORT

Police Chief Baylor reports the incidents to report to date as compared to the 2017 have fallen significantly. The announcements for the month are:

- Delaware City Day vehicle permits are being distributed for residents living east of Fifth Street and can be picked up at the Police Department between 9 a.m. and 5 p.m.
- Reminder to residents that it is illegal to block off parking spaces for Delaware City Day.
- Pets are NOT permitted on Clinton Street between Second and Battery Park beginning 5:00 p.m. on Delaware City Day
- A shuttle service will be available to residents of Harbor Estates for Delaware City Day. A handicap shuttle will also be available with handicap parking at the Delaware City Fire Department.
- Mayor Green has presented a letter authorizing the Delaware City Police Department to enforce the time limit signs as posted within the boundaries of the city.
- The police are encouraging parents to have their children riding bicycles to wear safety helmets and if riding at dusk or later to have a light on the bicycle.
- June 14 was the first phone test of Code Red notification system. It has been noted as successful and many residents and business owners have signed up for the system. Report to follow at the July Mayor & Council meeting.

Questions and Comments from Council:

Council Member Konkus thanks for staying open a few nights for residents to pick up their vehicle permits. Council Member Titus asks how one signs up for Code Red. There is a Link on the Delaware City website. If one does not have internet access come to the Police Department.

Chief Baylor reminds everyone from Second Street to Battery Park there will be NO PARKING. He thanks all residents for their kindness.

Before moving on to the City Solicitor's report, Mayor Green recognizes the Honorable John Buchheit, Mr. Tim Konkus of Main Street, Mr. Paul Johnson, President of DCFC and Mr. Jeff Randol of the Fort DuPont Historical Preservation Corp.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- Review of and comment on State Revolving Loan finding for Washington Street - closing to occur on July 2.
- Drafted contractor license ordinance that is on the agenda for first reading.
- Gave advice on a potential lot coverage/impervious surface ordinance.
- Completed the floodplain ordinance on the agenda
- Corresponded regarding the lodging tax bill. There is a resolution on the agenda for Council's consideration.
- Will be attending a BOA meeting which is scheduled for the next week.

CITY MANAGER'S REPORT

City Manager Houck reported the following:

- Applications for participation in both the parade and vending at Delaware City Day are coming in. Confirmations will be going out on July 2.

- Three bands have been hired for the music for DCD. They will perform from the porch of the American Birding Association. Seating will be arranged around the porch for more comfortable listening.
- Chief Baylor has reviewed the residential parking pass regulations.
- Working with By the Books over several months has enabled me to provide the needed insight into the City's budget, which has been essential in presenting the FY19 Budget to Council for their consideration.
- Finance Manager Recruitment will become next week. It is timed to coincide with the fully launched financial reporting system. By the Books will continue to assist with the recruitment, any necessary training and end of year preparation and the FY18 audit prep.
- Washington Street Flood Mitigation Project:
 1. Will begin again after July 1st.
 2. Representative Longhurst has been instrumental in securing a Bond Bill fund, which provides the necessary \$232,000 to cover the overage in the bidding to complete the project. This provided the necessary support to allow the balancing of the FY19 budget and complete the project without having to sacrifice any of our available street funds. Senator Poore and DNREC Secretary Garvin also had strong support in this effort.

City Manager listed the meetings she attended during the May - June period from last Council meeting to this one.

Council Questions-Comments

Council Member Konkus asked if the grant-in-aid come in? City Manager replied not until mid-July
 Council Member Barrett asked if it will be the same amount \$26,4000. City Manager answered there is an effort to restore it back to 33,000 for FY19 underway. Fundraising efforts are taking place to help make up the difference.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Beginning July, Mayor & Council Meetings will be held at the Delaware City Fire Company

REPORTS OF COMMISSIONS, COMMITTEES, AND ORGANIZATIONS

Paul Johnson, Pres. DCFC

- Congratulates the new council members on their election.
- Also thanks the Mayors Charity Ball for the contributions to the Fire Company and Ladies' Auxiliary.
- Plans for Delaware City Day are in the process.
- Concerned over the parking on Clinton Street at the crosswalk, 86 Clinton to 70 Clinton. When cars park along there it becomes almost one-way traffic. It is a concern to the Fire Company because in case of fire and potential collapse of a building the requirement for safety is to be 1-½ times away from a building. Mr. Johnson suggests Mayor & Council consider making that area a deliveries only zone.
- Chief Baylor and his Officers are doing a great job keeping crime down in Delaware City. Mr. Johnson urges M&C to continue funding Public Safety and not cut their budget.

Tim Konkus - Main Street:

- Delaware City Farmers' Market and Farm on 5th begins this Saturday in Merchants Row from 8 a.m. until noon for the next 22 weeks.
- Farm on 5th is doing a presentation on sustainable planting at the library between 1 p.m. and 2 p.m.
- May was National Historic Preservation. This town has been able to maintain its character and maritime history.
- Last year Coastal Zone Conversion Act and Main Street is represented on that commission. Since 1971 when the act was first enacted looking at businesses and what business will be good for our ecology. Members of the committee have been charged to go through the community and ask what your thoughts are. What is acceptable and what is not regarding new businesses.

OLD BUSINESS

1. Update on Fort DuPont

Mr. Jeff Randol makes presentation with a pictorial overview of the progress to date. Officers' Row compares an historic picture and what it looks like now with three (3) buildings restored and two (2)

underway. 15 lots have been subdivided. The road work and utilities will be completed by end of summer. Phone, Fios, gas lines are in and waiting for Delmarva to complete hookup. Spec home is being built and two (2) agreements have been made to sell two (2) homes in Officer's Row.

Mr. Randol also announced ongoing events to take place...music festivals, etc. Area is capable of handling 3,000 to 4,000 people.

Council Questions:

Council Member Titus asked what the plan for noise mitigation is.

- o Stage to be relocated

Council Member Titus also wanted to know where the marina parking will be.

- o The first floor of the apartments is all parking

Council Member Renoll asked who are your considering to be residents in the Paynter Bldg.

- o Mr. Randol's preference is skilled, high paying, perhaps a technology company.

Council Member Renoll also if there been a tree inventory done and if there is any plans to do one and explained how FEMA can assist.

- o No, but along Officer's Row 20 new trees 8" caliber were just planted. The effort to replace is being made mostly in Canal District because of the floodplain issues. Mr. Randol said he and Council Member Renoll can engage in this conversation at another time.

Someone from the audience asked when would the parcels be shown on the New Castle County's website? He was advised to go on Ft. DuPont website. Mapquest has been updated and they are still trying to get Google updated..

Mr. Randol offers if there are any questions feel free to call and meet with him.

2. Second reading & Possible Adoption – Ordinance 18-0521-01 Amending Section 23-14 of the Delaware City Code – Numbering Correction

There were no comments, questions, or discussion. Council Member Konkus made the motion to accept the ordinance. It was seconded by Vice Mayor Malinowski. A roll call vote was taken. All members of Council voted aye. The record reflects it was passed unanimously.

3. Second Reading & Possible Adoption - Ordinance 18-0521-02 Relating to Amending & Modifying Chapter 48 Section 21, 32, 34

There was some discussion for Council to consider the revised ordinance with the DNREC changes. Council Member Konkus asked was it just for the floodplain. Council Member Titus made the motion to accept the ordinance. It was seconded by Council Member Konkus. A roll call vote was taken. All members of Council voted aye. The record reflects it was passed unanimously.

4. Second Reading & Possible Adoption – Ordinance 18-0521-03 Relating to the Sign Ordinance – Chapter 46 Article X

Council engaged in a long discussion over length of time banners can be up; size; questions the need for businesses to have a permit for their signs; each time it comes back more restrictive as well they discussed the cost in money and time it has taken to come up with a sign ordinance. It was suggested to do away with the sign code and just have one for banners. Discussion continued with how to make changes at this time to which Council was advised by City Solicitor that could not be done. Mayor Green asked City Solicitor Walton what is his recommendation to Council. City Solicitor replied ultimately a vote on the ordinance as it stands and if that is defeated it can be sent back to Planning Commission.

Council Member Titus asked if they could table the ordinance. Council Member Konkus seconded the motion to table. Mayor Green asked for a roll call vote to table the ordinance. The vote was unanimous to table.

NEW BUSINESS

1. Resolution 18-0618-01 Adoption of Assessment Roll FY19 & Tax Rate FY19

City Manager said as in the public hearing following the Board of Appeals in May with no questions raised you are asked to adopt the assessment roll as true and correct and further to set the tax rate to \$1.19 increase per one \$100 of assessed value as of July 1 from \$1.09.

Council Member Titus made the motion to accept the resolution. It was seconded by Council Member Barrett. A roll call vote was taken. Council was unanimous. The Resolution was accepted.

2. Resolution 18-0618-02 Adopting Operating Budget FY19

City Manager added in accordance with the delivery of the FY19 operating budget totally \$1,553, 100 it is therefore recommended that Mayor & Council approve as submitted to be effective July 1, 2018.

Council Member Konkus made the motion to accept the Resolution. It was seconded by Vice Mayor Malinowski. A roll call vote was taken. Council accepted the Resolution unanimously.

3. Resolution 18-0618-03 Adopting Capital Budget FY19

City Manager said in accordance with the delivery of the FY19 Capital budget, totaling \$202,218 and covering only FY19, it is therefore recommended that Mayor & Council approve as submitted to become effective July 1, 2018

Council Member Barrett made the motion to accept the Resolution. It was seconded by Vice Mayor Malinowski. There was no discussion. A roll call vote was taken. The Resolution was accepted unanimously by Council.

4. Resolution 18-0618-04 Amend the Charter Regarding the Power to Raise Revenue

City Solicitor Walton addressed Council by saying this was not something on the radar until recently. By making this resolution now, it will be in place when the time is right. He continued to explain this is only the authorization to allow to levy a tax sometime in the future if Council so desires. Discussion followed with more explanation and understanding gathered as to exactly how this tax is applied and who will be paying it.

Council Member Titus made the motion to accept the Resolution. It was seconded by Vice Mayor Malinowski. Roll call vote was taken. The vote was Council Members Titus, Barrett, Malinowski and Renoll voting aye. Council Member Konkus voted nay.

5. Introduction & First Reading Ordinance 18-0618-01 Adopting New Water Rates for FY19

City Manager told Council this ordinance is being brought forward to provide the necessary funding to begin to address needs of the utility and general fund and in association with an extensive evaluation of the water utility operations and its immediate future infrastructure needs. The ordinance effectively increases water rates across the board by 15% effective October 1, 2018.

Council Member Konkus asked how the basic usage charge is factored. City Manager replied the more you use the more the rate goes down. Council Member Titus remarked that she doesn't make this decision lightly. Delaware City's rates are the lowest anywhere but its necessary to make this increase for the updates necessary to the infrastructure. City Solicitor Walton said a public hearing will be held at the next Mayor & Council Meeting.

With no further discussion, Council Member Titus made the motion to accept the first reading of the Ordinance. It was seconded by Vice Mayor Malinowski. A roll call vote was taken. Council was unanimous in their vote. Mayor Green announced the motion to accept the ordinance in abstract & title only has been passed. A public hearing on the proposed ordinance will be held at the next meeting of Mayor & Council.

6. Introduction & First Reading Ordinance 18-0618-03 To Amend & Modify Delaware City Code & Create New Article II of Ch. 51

City Solicitor told Council more information will be presented at the next meeting. Council Member Barrett made the motion to accept the first reading of the Ordinance. It was seconded by Vice Mayor Malinowski. A roll call vote was taken. Council was unanimous in their vote. Mayor Green announced the motion to accept the ordinance in abstract & title only has been passed. A public hearing on the proposed ordinance will be held at the next meeting of Mayor & Council.

MAYOR & COUNCIL COMMENTS

Council Member Barrett – none

Vice Mayor Malinowski – none

Council Member Konkus – asked more details about the police not being welcomed in the trailer park. Chief Baylor and City Manager Houck replied the owner has not been responsive to have a public meeting with their residents to discuss what reasons the owner has.

Council Member Renoll – none

Council Member Titus – said Mr. Randol had invited her to take a tour of Fort DuPont. She was very impressed by what she saw and learned. She asked for residents to let her know if they see people dropping cats in town. An influx of strays has happened. She is trapping and having them neutered at her expense.

Mayor Green – once again mention the change in venue for the Mayor & Council meetings to begin in July. He has been hearing great reviews on the porch at Crabby Dick's. Business is picking up for the town's merchants. It's good to hear people communicating how good things are.

CITIZENS COMMENTS

Tim Dilliplane, 118 Clinton Street: finds it abdominal the trailer park is taking the position of not allowing police coverage. He believes its because they don't want anyone to know what is going on. He questioned if the new budget eliminated the hiring of an additional officer. He sees there is no late at night coverage and asked Chief if switching shits around would help.

Mike McMichael, 129 Washington Street: is against the trailer park's decision. He suggested contacting the Attorney General regarding their denial. To Mr. Randol he suggested checking out Bay Health and St. Francis Hospital to locate at Fort DuPont. He is concerned about getting a fire truck around the roundabout. Mr. McMichael was told the roundabout was designed and approved by DelDot.

Allen (Toby) Williams, 403 Hamilton Street: is not happy about the rising costs and asked what has happened to grant money to keep cost down. He also believes Council showed a total lack of respect for the 3 ½ years spent working on the sign ordinance and therefore is resigning from the Planning Commission. Mayor Green said he is deeply saddened by his decision and would he please reconsider. Mr. Williams replied no, someone has to take a stand.

Tim Dilliplane asked for a few moments more to respond. He resigned from the PC himself mostly for personal reasons but the consistent re-doing the sign ordinance is wrong. He believes either have a few regulations or just throw it out.

John Buchheit, 206 Clinton Street: Thanks Chief Baylor again for the job he is doing in keeping Delaware City safe. He apologized to Council Member Renol for comments that offended him at the last Council meeting. He believes it's the signage that has made his business successful and feels attacked when told what is acceptable. Mr. Buchheit also believes the 20 minute parking signs belong at the loading zone and not in front of businesses.

Mayor Green responds to what has been said and in regards to the sign ordinance if it isn't something that is wanted, don't. As for the 20 minute parking limit will be discussing this with Chief Baylor.

Anne Marie Kane, 202 Adams Street would like to have electricity installed in the Community Garden.

RECONVENE PUBLIC HEARING

Mayor Green asked for a motion to adjourn the Public Hearing. Count Member Titus made the motion and it was seconded by Council Member Konkus. All were in favor. Public Hearing adjourned.

ADJOURNMENT

Mayor Green asked for a motion to adjourn Mayor & Council Meeting. Council Member Titus made the motion and it was seconded by Council Member Barrett. All were in favor. Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Bonnie Lynn Hanna

City Secretary