

"A Historic Past"



"A Bright Future"

THE CITY OF DELAWARE CITY

407 Clinton Street – P.O. Box 4159

Delaware City, Delaware 19706

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

**MINUTES
CITY OF DELAWARE CITY
MAYOR & COUNCIL
PUBLIC HEARING 6:00p.m.
MONTHLY MEETING 6:30p.m.
Monday, December 18, 2023
DELAWARE CITY FIRE HALL
815 FIFTH STREET**

CALL TO ORDER – PUBLIC HEARING – Ordinance No. 23-0717-01

Mayor Johnson called the December 18, 2023 Public Hearing to order at 6:00p.m.

- The Public Hearing was recessed at 6:01p.m.
- The Public Hearing has reconvened at 6:05p.m.
- The Public Hearing was recessed at 6:10p.m.
- The Public Hearing was reconvened at 6:29p.m.
- The Public Hearing was recessed at 7:51p.m.

John Buchheit / 210 Clinton Street: He is concerned that this ordinance will put restrictions on home owners. There are “no problems” with Airbnbs in town. There is one property in question, but it is not an Airbnb, but a venue property. With this ordinance, the city would get the first \$900 of any rental. This is wrong.

The owner (Sue) of 906 Fifth Street spoke. Her property is the one that there have been “issues” with. She feels she has operated this property in compliance with any laws.

Dave Turley / 201 Clinton Street: He is not in favor of “big government” that tells people what to do, but he does think there should be “guidelines” in place that hold businesses accountable, if issues arise. These guidelines, however, should not harm small businesses. A “sense of balance” is very important.

PLEDGE OF ALLEGIANCE

Mayor Johnson led the Pledge of Allegiance.

ROLL CALL

In addition to Mayor Johnson and Vice Mayor Barrett, Council Members Saunders and Jackson were present. Also in attendance were City Manager Hill, Police Chief Henderson, City Solicitor Rhodunda, and Finance Manager Graham.

ACTION UPON MINUTES

Vice Mayor Barrett made a motion to accept the November 20, 2023 minutes. The motion was seconded by Council Member Saunders. A vote was taken, and all members were in favor. *Minutes were accepted as written.*

Council Member Saunders made a motion to accept the December 6, 2023 minutes. The motion was seconded by Vice Mayor Barrett. A vote was taken, and all members were in favor. *Minutes were accepted as written.*

POLICE REPORT

Chief Henderson gave the following report:

CALLS FOR SERVICE	TOTAL REPORTS
NOV 2023	YTD 2023
29	628
NOV 2022	YTD 2022
67	764
% CHANGE	% CHANGE
-56.72%	-17.80%

Significant Events:

- There were 10 traffic arrests and 2 traffic warnings. Also, there were 2 crime prevention checks; 11 crime reports; 10 field service reports; 3 accidents; and 2 criminal arrests.
- Off. Webb completed her 12 weeks of Field Training and has rejoined the Department after several weeks with New Castle City Police
- Offs. Williams and Webb investigated a felony theft incident where the victim was defrauded out of several thousand dollars. A suspect, who was known to the victim, was arrested and later released on unsecured bail.
- Off Williams attended The Complete Female Cop training at the New Castle County Police Department. The course touched on the issues that present themselves to women in law enforcement, as well as personal and professional relationship development. The instructor, Heather Glogolich, shared her traumatic life experiences that she overcame, and the added complexity of doing so as a female police officer in New Jersey.
- Chief Henderson presented a new "Challenge Coin" to Mayor, Council, and other officials at "the table."
- Chief Henderson introduced Officer Webb who was at the meeting.

CITY MANAGER'S REPORT

City Manager Hill gave the following report:

***He thanked Wally Poppe and the Fire Hall for letting the city have their Mayor & Council meetings again at the Fire Hall.

Police

- Our Police Department is now up to full strength. We have three full-time and one part-time officers. The part-time position is filled by Lt. Vince Clemmons. Vince is a retired Delaware State Patrol officer who comes to us with an impressive resume. He will be working 20 hours per week. As I said at the last Mayor & Council meeting, our hope will be to make him full-time when our budget permits.

Bluewater Development

- Chris Rogers at AECOM contacted me to say Bluewater Development is gearing up to move forward. I have a meeting with Chris on December 20th and a meeting to follow with Bluewater to discuss next steps after the first of the year.

Community Center Emergency Generator & Automatic Transfer Switch

- This has been a pending project for some time. It is an approximately \$250,000 expenditure. We have the funding for this installation. Fayda Engineering & Energy Solutions is managing the project.

Audit

- Whisman, Giordano & Associates are still finalizing our audit and have promised to present it to Council at the January meeting.

Buses

- Three buses were donated to us several years ago. Time has shown that our need for the buses was limited. One bus was used on Delaware City Day. All three buses are in need of repairs. Also considered was the insurance for them. We have donated them to the Community Collaboration of Delaware.

Artesian

- Two Artesian pipes broke along Fourth Street that took all day and night to repair on December 14th and 15th. They were simply old pipes. Artesian will cut water pressure until they are sure they have the situation under control.

Questions/Comments from Council Member Saunders: How many pipes have broken since the increase of pressure? How many leaks? City Manager Hill said that he did not have an exact number. Mayor Johnson added that according to Artesian, one side of town is getting around 80psi and the other is getting around 60psi. This caused the breaks on Fourth Street. Until after the holidays, Artesian has temporarily closed the cross tie-in with Fort DuPont to keep the pressure around 40psi

Resident Questions/Comments: He asked if there is an app for homeowners to show current water pressure in town. Mayor Johnson said that he can check with Artesian for this data.

REPORT OF CITY SOLICITOR

In the past month, Solicitor Rhodunda has been working on Ordinance No. 23-0717-01 (Residential Zoning). There was a Special Meeting to discuss this with the public on December 6, 2023.

ACTION UPON FINANCE REPORT

Finance Manager Graham gave the financial report as of November 30, 2023. (Full Report is available).

Questions/Comments from Vice Mayor Barrett: Is there a warranty with the new HVAC system at the Community Center? City Manager Hill, said that as of now, he does not have the contract, but there definitely should be a warranty. When we get the new system, can we cancel the Berry Refrigeration preventive maintenance contract? Finance Manager Graham answered that there is not a currently a preventive maintenance contract with Berry for the Community Center.

Vice Mayor Barrett made a motion to accept this report (subject to audit). Council Member Jackson seconded this motion. A vote was taken, and all members were in favor. *The finance report was accepted.*

REPORTS OF COMMISSIONS/COMMITTEES/ORGANIZATIONS

Dave Turley / Tree Commission: They have planted 30 trees this year. (Two additional trees will be planted in the spring). 12 trees have been taken down for public safety concerns. 35 trees have had large branches trimmed for public safety concerns. He is happy to report that the Tree Commission has accomplished even more this past year, than he had hoped for.

Tim Dilliplane / Planning Commission: The Commission met in early December and approved the subdivision of a lot owned by the Oberholtzer family.

Library / Lynn Dilliplane: The library has several holiday-themed activities upcoming:

- Festival of Lights on December 19th
- Cooking with Cathy on December 20th
- Adult Painting Still Life on December 21st
- Building Blanket Forts on December 26th

***The library will be closed December 25th and January 1st. The “Makers’ Space” has been opened on Monday and Tuesday from 5:00p.m. to 7:00p.m. The Harriett Tubman Exhibit will be at the History Museum in Wilmington starting in January.

Randi Licciardello / Delaware City Refinery: In the past month, the employees filled two vans with food for distribution. They also did a Toys for Tots program, a “breakfast with Santa,” and an adopt-a-family toy give-away. This is all paid for with the money from the employees’ pockets – and not corporate money.

Wally Poppe / Fire Company: As part of their holiday giving, they “adopted” five senior citizens. They also assisted the Lion’s Club with their food baskets. They will participate in the Holiday Parade. “Santa” is going around to the communities they serve.

Mary Bricker-Jenkins / Friends of the African Union Church and Cemetery: They are in the process of planning for the first annual celebration of “Juneteenth” in Delaware City. The first planning meeting will be held at the library on January 11th at 6:00p.m. Delaware City’s celebration will begin on May 25th commemorating “Shove Off Day” when both black and white soldiers set off from Virginia for Galveston, Texas to bring the word of “emancipation.”

OLD BUSINESS

1) Discussion and Possible Vote on Ordinance No. 23-0717-01 – Residential Zoning.

***Council Member Jackson asked if this should be “tabled” for the night since there are only three council members present. Mayor Johnson said that since there is a quorum present, he would like to move forward with the ordinance. Council Member Saunders added that he met with Council Member Price after the December 6th meeting, and she had a couple questions that Council Member Saunders tried to answer, after which she was “comfortable” with the proposed ordinance.

Questions/Comments Mayor Johnson: He had a question on page 25 of the ordinance, section (r) (1). He asked if this pertains to bed and breakfasts? Council Member Saunders said that it does not refer to bed and breakfasts and is in the existing code already – with no changes proposed in the new ordinance. Mayor Johnson said that he would recommend that Council suspend the various fees on short-term rentals for at least a calendar year (end of 2024). He thinks that the fees would be a “hardship” for residents who want to gain some additional income by renting their homes.

Council Member Saunders disagreed and said that short-term rentals are a business, and thus having a business license and other fees are quite appropriate. City Solicitor Rhodunda agreed, and he found that most jurisdictions have standards and guidelines on short-term rentals. The proposed ordinance follows “pretty closely” Dover’s rules and regulations on short-term rentals. The proposed ordinance is “nothing new,” compared to other cities in Delaware.

Council Member Jackson says that this ordinance is a “power grab” for the city. He does not want the city telling residents what they can and cannot do in their own homes. There are also not enough city staff to enforce the ordinance.

Vice Mayor Barrett agrees with the recommendation the Planning Commission made during their November meeting about regulating short-term rentals. She also agrees with the mayor about waiving all fees associated with this through 2024.

Vice Mayor Barrett made a motion to accept Ordinance No. 23-0717-01 with the exception of fees. No fees will be charged in calendar year 2024 for licensing and lodging taxes. The fees will be reenacted in 2025. This does not include the penalty fees, and they will still be charged if there are violations. This was seconded by Council Member Saunders. A roll call was taken with the following results:

- *Vice Mayor Barrett – Yes*
- *Council Member Saunders – Yes*
- *Council Member Jackson – No*

The motion was carried – two votes to one.

NEW BUSINESS

1) Certification of the Third Quarter Supplemental Tax Assessment FY24

Vice Mayor Barrett made a motion to accept the Third Quarter Supplemental Tax Assessment FY24. This was seconded by Council Member Jackson. A vote was taken, and all were in favor. *The motion passed.*

2) Discussion on Setting the Date for the Mayor and Council Meetings in 2024

Council Member Saunders put this on the agenda. In October, Mayor & Council had to have their regular meeting on a Thursday and several different residents came. These residents said that they always miss the Monday meetings, but could make a meeting on a different day of the week. He recommends having four out of twelve meetings per year on a Thursday.

Mayor Johnson said that according to the city's charter, this would not be possible. The charter says the regular Mayor & Council meeting must be on the third Monday of each month. Additional meetings can always be scheduled, as needed. Vice Mayor Barret added that there could be scheduling conflicts with the Fire Hall.

3) 905 Fifth Street (Oberholtzer) Subdivide the Lot in to Three Parcels – Final Approval

The Oberholtzers or their representative did not appear. Apparently, there was a health issue that prevented this. The Planning Commission addressed this subdivision at their December 4th meeting. They voted to recommend the approval for this subdivision. (Any discussions concerning type of home, etc. will be done in the future). Council Member Saunders made a motion to table this discussion for tonight, since the applicants were not present. This was seconded by Council Member Jackson. A vote was taken, and all were in favor. *The motion passed.*

4) Discussion of Potential Vacant Council Seat

Mayor Johnson has spoken with Michelle Cornish about her council seat. She will be unable to continue as a Council Member because of personal and health issues. Mayor Johnson said that he would appoint a new member within 30 days. Council Member Saunders disagreed and said that according to a recent change in the charter, there must be a special election. City Solicitor Rhodunda will look into this and issue a response on December 19th.

Council Member Saunders made a motion to vacate the council seat held by Michelle Cornish (due to her 4 absences). This was seconded by Vice Mayor Barrett. A roll call was taken, and all were in favor. *The motion passed.*

MAYOR & COUNCIL COMMENTS

Mayor Johnson: He swore in the part-time police officer, Lt. Vince Clemmons this week. He will only work 20 hours per week, but the goal is to have his position become full-time. The holiday parade was scheduled for tonight, but it will now be on December 23rd at 6:30p.m. He helped Vice Mayor Barrett in delivering 46 food baskets to those in need. He thanked her for all her work with the food pantry in town. He also thanked the Fire Company for letting the city have their monthly Mayor & Council meetings in the fire hall. He did not see any significant flooding problems after the storms on December 17th. Finally, he wished everyone Happy Holidays.

Vice Mayor Barrett: She wished everyone Happy Holidays.

Council Member Saunders: He appreciates all the discussion (Both in favor and against) on Ordinance No. 23-0717-01.

Council Member Jackson: None

Council Member Price: Absent.

Council Member Cornish: Absent.

CITIZENS QUESTIONS/COMMENTS

John Buchheit/215 Clinton: The Tree Commission planted trees without the approval of the residents' whose homes they were planted next to. Mr. and Mrs. Claus will be at Crabby Dicks on Christmas Eve.

Tim Dilliplane/118 Clinton Street: He is the Chairperson of the Board of Electors, and he said that no council seat election is necessary, if only one person expresses interest. He wanted an update on the Senior Tax Exemption. Mayor Johnson said that there has been no additional discussion, but there should be around budget time in April.

Owner of Sunday's Cafe: There is a water pipe that continues to burst near his property and water runs into his yard. Mayor Johnson said Artesian is working on the problem pipes near Fourth and Adams.

Teresa Buchanan / New Castle County: Will there be a clean copy of the ordinance passed tonight? It should be on the website soon.

Resident of Harbor Estates: She does not like the placement of trees by the Tree Commission. Some of the older trees are over-grown and have caused the sidewalks to buckle and cause a hazard. The mayor said that most trees are planted in the spots where trees have been removed previously.

Dave Turley / 201 Clinton Street: The condition of the sidewalks is a problem issue in town. The homeowners are responsible for maintaining the sidewalks in front of their houses. But what if a city tree damages a sidewalk? Who is responsible?

Mike McMichael / 129 Washington Street: Thanks to the police department for getting rid of some of the "junkie cars."

ADJOURNMENT

Mayor Johnson entertained a motion to adjourn the Mayor & Council meeting. Council Member Saunders made the motion. Vice Mayor Barrett seconded the motion. All members were in favor. Mayor Johnson adjourned the meeting at 7:51p.m.

*Respectfully submitted,
Tina Pincus
City Secretary*

