

“A Historic Past”



“A Bright Future”

CITY OF DELAWARE CITY
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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL REGULAR MEETING AND
BOARD OF APPEALS 3RD QUARTER
FEBRUARY 22, 2016**

CALL TO ORDER – MAYOR AND COUNCIL MEETING

The Honorable Mayor Green called to order the Regular Meeting of the Mayor and Council at 6:30 pm.

PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance to the Flag.

ROLL CALL

Present were The Honorable Mayor Green and Council Members Konkus, Titus, Johnson, Malinowski and Barrett. City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, City Solicitor Walton, Police Chief Baylor and Assistant City Clerk Clifton were also in attendance.

ACTION UPON THE TREASURER’S REPORT

City Treasurer Hartman presented the Treasurer’s Report for January 2016. *Council Member Johnson made a motion to approve the January 2016 Treasurer’s Report, subject to audit. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.*

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Council Member Konkus made a motion to approve the minutes of the February 2, 2016 Mayor and Council Meeting, as written. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.

POLICE REPORT

Chief Baylor reported the following:

- The statistics for the month of January, which included 20 traffic violations, a spike in domestic incidents, 4 assists to other agencies and one local fugitive.
- The police department continues to focus on the drug issues, working with other agencies to address this matter.
- Distributed a Delaware City Crime Report comparing criminal activity in 2014 to criminal activity in 2015. Chief Baylor pointed out that there was a 233% spike in drug offences. He said much of that could be attributed to the fact that more residents are reporting drug problems when they see them. He added that much of the increase was due to the police department initiating drug investigations. He said they have been encouraging people to notify the police of suspicious activity and some residents have turned in drug paraphernalia.
- Burglaries were down 60% which indicates that the patrols are working and the police are identifying and arresting people who are doing the criminal behavior.
- IRS has reported that many people are being defrauded by emails and/or phone calls that appear to be initiated by the IRS. These emails or phone calls notify the individual that they owe the IRS money. The IRS only sends letters to notify taxpayers of money that they owe. Chief Baylor asked anyone to notify the police if they receive one of these emails or phone calls. He said there will be an article about this in the next City News.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- Working on three zoning compliance issues that he hopes to have resolved in the near future.
- The case against the Delaware City Police Department that was initiated due to activity before Police Chief Baylor was hired has now been settled by the insurer and the City will not suffer any damages.
- Prepared a Sign Code Presentation that addresses the sign ordinance. This will be discussed under New Business.
- Expects that the title to the Fort DuPont complex will be transferred on or before March 16, 2016. At the next meeting of the Fort DuPont Board, they will likely request annexation by the City of Delaware City. If the request is made on 3/16/2016, at the 3/21/16 Mayor and Council Meeting

the Council will consider a resolution to establish the date for the special election that is required to be held by the Charter. The proposed date for the special election is 5/5/2016, if the Council so approves the resolution. If the referendum passes, City Solicitor Walton would like to have a special Mayor and Council Meeting on 5/10/16 to introduce the rezoning and annexation ordinances. He asked the Council to let him know if that date works. The reason he is requesting a special meeting is because under the State Code 22 Delaware Code 101 the City must give 30 days full notice so that the ordinance can be heard in June. If all is acceptable to the Council, the Council would vote on the proposed annexation ordinance on 6/20/2016.

The Fort DuPont Redevelopment Corporation plans to submit two subdivision applications. One subdivision is a minor subdivision to divide the "National Guard" parcel. The other is an eight lot subdivision. This would be the first major subdivision since the code was changed a couple years ago. He encouraged the Council to review the process, as there may be a need to tweak the ordinance.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- Met with Valarie Miller and Russ Huxtable of the Milford Housing Development to discuss grant efforts and the Blueprint Communities program. We have since submitted our application for the Blueprint Communities designation, which would make it easier to get funding to do community redevelopment planning. Last month the City missed getting a grant by a few points. If the City had had a Blueprint Communities designation, the grant would probably have been approved.

The Blueprint Communities program is an eight month program in cooperation with the University of Delaware. There is a minimum requirement for 10 committee members who are committed to eight months of training. There are many residences in Delaware City with code violations that threaten health and safety. In many instances, the residents cannot make the repairs due to lack of income, advanced age, etc. At the end of the eight months of training, the City would have a plan and could move forward looking for grants to make these repairs/restorations.

Found out this afternoon that Delaware City is going to be designated a Blueprint Community. The formal notification was sent to Mayor Green.

- Met with the owners of the New Castle Weekly concerning expanding the paper to Delaware City. We have since met with various stake holders to

gauge interest in providing articles for the paper. We're waiting for another meeting to determine if this effort moves forward.

- Met with Tom Wilkes from Remington, Vernick and Beach Engineering to discuss the water meter replacement project and start the grant process.
- Met with Bruce Thompson, KCI Engineering, concerning providing services needed in to be in compliance with the new storm water discharge requirements. We will be hosting a meeting with the City of Elsmere, New Castle and Bellefonte to see if we can save money by combining forces. Assistant City Clerk Clifton has arranged for a meeting in the middle of March.
- Will get information to the Council about revenue opportunities that annexation of Fort DuPont would bring. The City would begin to receive revenue when the major and minor subdivisions occur. City Manager Cathcart said he would be sending a letter to all residents explaining to proposed annexation.

General Meetings

- Planning Commission
- Delaware City Babe Ruth League
- Fort DuPont Redevelopment Board Meeting
- AUCC Friends Board Meeting
- Historic Preservation Commission
- Main Street Delaware City
- Board of Adjustment

Project Updates

- Branch Canal Trail: Requesting a permit extension from Army Corp of Engineers to give us wiggle room to finish wetland mitigation work. Trail still scheduled to be completed early spring.
- Dragon Run Tide Gate/Dike Replacement: Sheet pilings were driven last week and work is picking up.
- Washington Street Flood Mitigation: Still on schedule.
- Fifth Street Bridge Replacement: On schedule to start in October of this year.

Discussion followed.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Mayor Green said he would like to appoint Gerry Wood to the Historic Preservation Commissioner. Her term would expire in September 2018.

Council Member Titus made a motion to approve the appointment of Gerry Wood to the Historic Preservation Commission for a term ending in September 2018. Council Member Konkus seconded the motion. There was no discussion. A roll call vote was taken, with the Council Members voting as follows: Konkus – aye, Titus – aye, Johnson – aye, Malinowski – aye and Barrett - nay. Motion carried.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Tim Konkus, President, reported that the next Main Street meeting would be held on March 14, 2016 at 6:30 pm at Town Hall. He thanked Mayor Green, the Delaware City Refinery and the Mayor's Ball for the generous donation to Main Street.

Delaware City Day Committee – Chairperson/Vice Mayor Paul Johnson reported that the first meeting will be held on 3/14/2016 at Town Hall.

Playground Committee - Council Member Malinowski said that the work on the Seventh Street Park has been delayed by the weather.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Discussion of Sign Ordinance

City Solicitor Walton made a presentation, explaining how sign laws were interpreted by the United States Supreme Court due to a huge new case, *Reed v. Town of Gilbert*, on June 18, 2015. The majority opinion gave some hints about what can be regulated: 1. Sign size, lighting, materials, moving parts, and portability; 2. "Town may go a long way toward entirely forbidding the posting of signs, so long as it does it in an evenhanded, content-neutral manner; 3. A sign ordinance narrowly tailored to the challenges of protecting pedestrians, drivers and passengers might well survive strict scrutiny. The presentation contained Justice Alito's concurring opinion which listed sign regulation options. If this were to be contrasted to some items in the Delaware City sign code, parts of our sign code would be found to be unconstitutional. However, it wasn't unconstitutional until June 18, 2015, which was about three years after the Delaware City sign ordinance was adopted. As a result of this, City Solicitor Walton drafted a new sign ordinance, trying to make it consistent with what the Supreme Court said could be done. He said he thought the Council would want to send the draft ordinance to the Planning Commission before it is introduced. The Planning Commission could review it and make a recommendation to the Mayor and Council. Discussion followed.

Council Member Titus made a motion to send the draft sign ordinance to the Planning Commission for a recommendation. Council Member Malinowski seconded the motion. A roll call vote was taken, all ayes, motion carried.

RECESS MAYOR AND COUNCIL MEETING

Mayor Green recessed the Mayor and Council Meeting at 7:10 pm.

CONVENE BOARD OF APPEALS – 3RD QUARTER SUPPLEMENTAL TAX ASSESSMENT FY16

Mayor Green convened the Board of Appeals for the 3rd Quarter Supplemental Tax Assessment FY16. He asked if there were any residents present who wanted to appeal their tax assessment. No one responded.

RECESS BOARD OF APPEALS – 3RD QUARTER SUPPLEMENTAL TAX ASSESSMENT FY16

Mayor Green recessed the Board of Appeals at 7:11 pm. He said he would reconvene the Board of Appeals prior to the end of the Mayor and Council meeting.

RECONVENE MAYOR AND COUNCIL MEETING

Mayor Green reconvened the Mayor and Council Meeting.

NEW BUSINESS (continued)

Resolution 16-0222-01 Relating to Blueprint Communities

City Manager Cathcart explained that a resolution is required stating that the Council is aware of the Blueprint Communities designation being awarded to the City and that they are in favor of it. *Council Member Titus made a motion to accept Resolution 16-0222-01 Relating to Blueprint Communities. Council Member Konkus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

COUNCIL COMMENTS

Council Member Barrett – No Report

Council Member Malinowski – Reported that he attended the Fort DuPont Redevelopment Meeting

Council Member Konkus – No Report

Council Member Titus – Reported that she attended the Main Street meeting. She has been working on the cat colony at Governor Bacon, trying to coordinate with the Fort DuPont Redevelopment Corporation and the Office of Animal Welfare and Jeff Randal to find a new location for the colony.

Council Member Johnson – No Report

Mayor Green – Reported the following:

- Attended the Refinery CAP meeting.
- Attended the Fort DuPont Redevelopment Corporation meeting.
- Worked on the Mayor's Ball, which kept him extremely busy during the last six or seven weeks.

CITIZENS COMMENTS

Kathy Wisowaty, 905 Fifth Street, said she didn't comment at the last meeting because the status of the sign ordinance seemed to be up in the air. She said it sounds like it is still up on the air. She said she guesses the town is still allowed to use an unconstitutional code to direct her to move the sign advertising Kathy's Crab House. She said it is a park bench and movable and has been there for many years. She said it was gone for a year and a half but was there when the sign ordinance was adopted. She said it is a directional sign, pointing out that Kathy's Crab House is 1/3 of a mile, straight ahead on the right. She said there seems to be some confusion about whether the sign is legal or not. She is hoping the Council will look at this and think of residents' constitutional rights and the freedom of property owners because freedom is not possible without property rights.

City Solicitor Walton replied saying that the provisions under which the sign is addressed are, in his opinion, constitutional. A letter, dated 2/12/16, was written to Ms. Wisowaty, saying that part of the code said the sign was legal and part of the code said the sign was illegal. He said that is why attorneys do interpretations. The letter gave Ms. Wisowaty 90 days notice for the sign to be removed and also provides an appeal procedure. The appeal should be taken to the Board of Adjustment. With respect to the code that is upcoming, many of the issues will be addressed regarding where signs should go. But, to reiterate, he stated that if Ms. Wisowaty disagrees with the decision made regarding her sign, she would need to go to the Board of Adjustment as the Council could not help her with this.

RECESS MAYOR AND COUNCIL MEETING

Mayor Green recessed the Mayor and Council Meeting at 7:20 pm.

RECONVENE BOARD OF APPEALS – 3RD QUARTER SUPPLEMENTAL TAX ASSESSMENT FY16

Mayor Green reconvened the Board of Appeals. He asked if there were any residents present who wanted to appeal their tax assessment. No one responded.

ADJOURN BOARD OF APPEALS – 3RD QUARTER SUPPLEMENTAL TAX ASSESSMENT FY16

Mayor Green adjourned the Board of Appeals at 7:21 pm.

RECONVENE MAYOR AND COUNCIL MEETING

Mayor Green reconvened the Mayor and Council Meeting. City Solicitor Walton explained that the Board of Appeals was scheduled to last two hours. However, there has been an ongoing practice, that if the Board of Appeals is closed at the end of the Mayor and Council Meeting and someone comes forward stating that they didn't have a chance to appeal their tax assessment because the Board of Appeals was closed, the Mayor and Council would hear that appeal at a later date.

ADJOURNMENT

Council Member Konkus made a motion to adjourn the Mayor and Council Meeting. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried. The meeting was adjourned at 7:22 pm.

Respectfully submitted,
Dawn K. Gwynn
City Secretary