



CITY OF DELAWARE CITY

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**MINUTES  
CITY OF DELAWARE CITY  
MAYOR AND COUNCIL MEETING AND  
PUBLIC HEARING  
SEPTEMBER 19, 2016**

**CALL TO ORDER – PUBLIC HEARING**

The Honorable Mayor Green called to order the Public Hearing at 6:00 pm. The following Council Members were present: Greene, Fitzwater, Titus, Malinowski and Barrett. Also present were Mayor Green, City Secretary Gwynn, Assistant City Clerk Clifton and City Solicitor Walton.

**ORDINANCE 16-0815-01 – ORDINANCE RELATING TO A SCRIVENER ERROR OF CITY CODE CHAPTER 54-28(C)(2)**

City Solicitor Walton explained the purpose of this ordinance was correct a typographical error.

**33 STAFF LANE #1 – FT. DUPONT REDEVELOPMENT & PRESERVATION CORP. – MINOR SUBDIVISION OF 1 LOT (266.31 ACRES) INTO 2 LOTS: RESIDUAL (ORIGINAL) LOT – 251.01 ACRES AND LOT 1 – 15.2982 ACRES**

David Price, 43 Winslow Way, representing the Fort Delaware Society, questioned the location of 33 Staff Lane. Mayor Green asked him to hold his questions until the Ft. DuPont Redevelopment & Preservation Corp. made their presentation. He agreed.

Jeff Randol and Greg Moore made a presentation regarding the subdivisions. The purpose of the subdivisions is to segregate existing buildings and structures and put them on their own lots. The reason for doing this is so that the

corporation can actually start to get some bank financing which would allow them to move into the next phases, in the future, which are building and construction. Mr. Moore said they are not here for building as they are not ready for that yet.

He explained the first subdivision which is on the National Guard property. They would like to segregate 15 acres to be used solely by the National Guard, so they have their own lot which they need in order to get financing and to meet their criteria for their mission.

The second subdivision is regarding Building #43, which is a duplex of about 10,500 square feet. There is an existing building on that parcel along the edge of Exchange Road and Staff Lane. They would simply be creating a lot, titled Lot 43, so that building is on its own lot and separated.

The third subdivision is Officer's Row, on the north side of the property, which contains three structures at this time. They created a roadway in front of the three structures and created a subdivision for these three structures so they can be segregated on their own lots. They are leaving alone for now, the branch canal parcel, which is a huge development area. They are only trying to segregate these existing structures. When the corporation applies for financing, the banks want to know what parcel the structure is on and the size of the parcel. Mr. Moore stated that City Solicitor Walton prepared additional plan notes for the major subdivision.

Bill Roebelin, president of the Fort Delaware Society, asked for Mr. Moore to show on the map where their building is located.

David Price, 43 Winslow Way, said he was confused as to why they were identifying several parcels as 33 Staff Lane when they are not actually Staff Lane. He said the headquarters for the Fort Delaware Society was 33 Staff Lane. Assistant City Clerk Clifton said the whole parcel is identified on the real estate documents as 33 Staff Lane. She said that once the property is subdivided, each building will have its own address. The whole parcel is identified by New Castle County as 33 Staff Lane.

Martha Bennett, Fort Delaware Society, recalled that over 20 years ago a gentleman came to the Fort Delaware Society office and told them that there had previously been a cemetery on a lot near Officer's Row. She pointed the area out on the map.

#### **RECESS PUBLIC HEARING**

Mayor Green recessed the Public Hearing at 6:14 pm. He said he would reconvene the Public Hearing at 6:25 pm.

**RECONVENE PUBLIC HEARING**

Mayor Green reconvened the Public Hearing at 6:25 pm. He asked if there were any additional comments. There were none.

**ADJOURN PUBLIC HEARING**

Mayor Green adjourned the Public hearing at 6:30 pm.

**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 Greene, Fitzwater, Titus, Malinowski and Barrett. City Secretary Gwynn, Police Chief Baylor, Assistant City Clerk Clifton and City Solicitor Walton were also in attendance.

**ACTION UPON THE TREASURER’S REPORT**

City Treasurer Hartman had emailed the the August 2016 Treasurer’s Report, as she was going to be on vacation at the time of this meeting. *Council Member Titus made a motion to approve the August 2016 Treasurer’s Report, subject to audit. Council Member Greene seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.*

**ACTION UPON THE MINUTES OF THE PREVIOUS MEETING**

*Council Member Barrett made a motion to approve the minutes of the August 15, 2016 Mayor and Council meeting, as written. Council Member Titus seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.*

**POLICE REPORT**

Police Chief Baylor gave the statistics for the month of August 2016 and reported the following:

- School has started and officers are on duty early in the morning to make sure kids get on the bus safely and in the afternoon when they comes home. However, the police depend on the parents to make sure the kids

conduct themselves appropriately. They should not cross the street until directed by the bus driver.

- There was a burglary in the 300 block of Hamilton Street and an arrest was made.
- Batteries, mostly from lawn mowers, were stolen in town. He directed residents to make sure equipment is secured. The police have asked for assistance from the auto auction at Fort DuPont to see if that will help curtail the theft of the batteries.
- They now have four police officers and will be going 24/7 soon. The challenge is with the closing of the Fifth Street Bridge, as it is difficult to get to Fort DuPont to make sure they have coverage. The City has an agreement with New Castle County Police, State Police and Fish and Wildlife that the nearest agency will respond in the event of a police related emergency. Chief Baylor said there will be no lack of coverage at Fort DuPont or in Delaware City. He reminded residents to call 911 in order to have police dispatched.
- Thanked the residents for making the officers feel at home. He said that given what is happening around the country, it really makes the police feel wonderful when people approach them and thank them for their service.

### **CITY SOLICITOR'S REPORT**

City Solicitor Walton reported the following:

- There were three FOIA requests which were all responded to.
- Began work on a noise ordinance.
- Met with Code Enforcement Officer who had some proposed revisions for property maintenance which have been incorporated in to an ordinance that is on the agenda for this evening.
- Dealt with the unresignation of the City Manager.
- Attended the Planning Commission meeting regarding the sign ordinance.
- Worked on revisions of the City Charter.
- Worked on a transfer of service function ordinance which is on the agenda this evening. The City of Delaware City took over building inspections and property maintenance enforcement. This allows tax credits for Delaware City.
- Reviewed the City's engineering contract which is before the Council for approval this evening.
- Dealt with the Jefferson paper Street issues.
- A Conflict of Interest complaint has been filed with Delaware City Ethics Commission. The Board of Ethics will be represented separately by Barrett Edwards. The nature of the allegations deal with matters that happened at the last Council meeting. The City Solicitor explained that he represents the City, so his job is to represent the City's interest. The complainant will be required to represent himself or herself, with or without an attorney. There should be no substantive discussion with any member of the Ethics Board or anyone with the City, by anyone involved. He said

the members of the board are Ray Fruytier, Tim Dilliplane and Tim Konkus. There is a proceeding, a code that has to be followed. It is a legal proceeding, during which City Solicitor Walton will represent the City. There are provisions which allow independent counsel to be there for the board and he felt this was warranted at this time. He made that decision in consultation with the City Manager.

Council Member Fitzwater asked who was being accused of being unethical. City Solicitor Walton said, at the last meeting there was a three-to-one vote regarding the Jefferson Street lease. The three Council Members who voted for approval the lease are the three impacted by this. Council Member Greene said that would be Council Members Barrett, Fitzwater and Greene. City Solicitor Walton confirmed this. He said the Council would receive notice.

### **CITY MANAGER'S REPORT**

City Manager Cathcart prepared a report to be distributed to the Council, as he was going to be on vacation. He reported the following:

- As mentioned at last month's Mayor and Council Meeting, the bids for the Washington Street Flood Mitigation project came in \$900,000 over budget. I have been in communication with the engineering firm in analyzing the cause of this sizable overrun. The engineers and their consultants are evaluating several alternatives in the design that will get the pricing more in line with their original estimate. To date they have identified approximately \$500,000 in savings and are continuing to look for other practical alternatives. I have also been communicating with DEMA to make sure they are aware of this situation. We will be requesting an extension of the FEMA grant deadline before the end of the month. I will keep you informed of the progress on this dilemma.
- As you know, the closing of the Fifth Street Bridge was delayed by 6 days. The Army Corps of Engineers is assuring us that this will not delay the completion date (150 days) of the project.
- I have applied for a \$14,000 Bikeway Grant and met with the evaluation team this past Wednesday. The grant will be used to establish and clearly mark a bike lane on the east side of Fifth Street from the Dragon Run Creek to the trail head of the Branch Canal Trail.
- Met with Artesian Water to discuss options for the Fort DuPont water system. We are also consulting with Duffield Associates to explore our options as well.
- Attended and spoke at the African Union Church Cemetery Dedication and Official Opening. For those of you who have not visited this site, you should take time to take a look at a pretty impressive project. The project was paid for with private contributions, grants and some State funding.

*Council Member Fitzwater made a motion to accept the report as written. Council Member Greene seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.*

### **APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS**

Mayor Green said he would like to reappoint Debra Sellers to the Historic Preservation Commission for a three year period, ending September 2019.

*Council Member Barrett made a motion to accept the appointment of Debra Sellers to the Historic Preservation Commission for a period ending 9/2019.*

*Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he would like to reappoint David Turley to the Historic Preservation Commissioner for a three year period, ending September 2019.

*Council Member Titus made a motion to accept the appointment of David Turley to the Historic Preservation Commission for a period ending 9/2019. Council Member Greene seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

*There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he would like to reappoint Dana Renoll to the Planning Commission for a three year period, ending September 2019.

*Council Member Titus made a motion to accept the appointment of Dana Renoll to the Historic Preservation Commission for a period ending 9/2019. Council Member Greene seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

*There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he would like to reappoint Wally Poppe to the Fort DuPont Redevelopment & Preservation Advisory Board for a three year period, ending September 2019.

*Council Member Titus made a motion to accept the appointment of Wally Poppe to the Fort DuPont Redevelopment & Preservation Advisory Board for a period ending 9/2019. Council Member Greene seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

*There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he would like to reappoint Herb Netch to the Fort DuPont Redevelopment & Preservation Corp. Board of Directors for a three year period, ending September 2019.

*Council Member Titus made a motion to accept the appointment of Herb Netch to the Fort DuPont Redevelopment & Preservation Corp. Board of Directors for a period ending 9/2019. Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

*There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he would like to reappoint Dale Slotter to the Fort DuPont Redevelopment & Preservation Corp. Board of Directors for a three year period, ending September 2019.

*Council Member Malinowski made a motion to accept the appointment of Dale Slotter to the Fort DuPont Redevelopment & Preservation Corp. Board of Directors for a period ending 9/2019. Council Member Titus seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

*There was no discussion. A roll call vote was taken, all ayes, motion carried.*

## **REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS**

Main Street – Tim Konkus, president, reported that the 4<sup>th</sup> Annual River Towns Ride & Festival would take place on October 1<sup>st</sup>. He said they are looking for volunteers and advertisers. The ad booklets will be placed in New Castle and Delaware City. He added that the PDF Refinery will have a community open house on September 24<sup>th</sup> from 10:00 to 3:00. There will be tours, food, and activities for kids. He reminded everyone that September 24<sup>th</sup> is also Military Heritage Day, which will be celebrated at Fort DuPont, from 10:00 to 4:00, with a Civil War reenactment.

Delaware City Fire Department – Mike McMichaels, past president, reported that there was a good turnout for the annual state fire service conference. The Delaware City Fire Department was awarded three first place trophies for the best appearing ambulance, best appearing engine pumper and best appearing command vehicle. The ladies came in third in the state for marching. The gentlemen came in second in the state for marching without music. He reminded everyone that October is fire prevention month and that everyone should change the batteries in their smoke detectors when the time changes. He said they should also dust off the smoke detectors.

## **NEW BUSINESS**

Presentation by Cindy Todd, Matthew Chesser and Kevin Rychlicki from State Parks on Placing Solar Panels at Fort Delaware

A presentation was made by Cindy Todd, Matt Chesser and Kevin Rychlicki from State Parks regarding installing a solar array on the roof of Fort Delaware. They had handouts for the audience. Mr. Chesser said climate control is very important, as wetness and dampness are the worst enemies of historical preservation. He reported that when the fort is closed during the winter, everything goes dark and the building is bombarded by wetness and damp, both from the roof and from the cisterns under the building. He gave a history of the generators at the fort and added that the last generator was taken out by super storm Sandy. He said they felt it would be more beneficial to install solar power rather than purchasing new generators. The solar would be silent and would give them an opportunity to merge Civil War history with twenty-first century technology. He explained how the solar array would work. Mr. Chesser said they were able to leverage an interest in the project by PSE&G because they are interested in alternative forms of energy. PSE&G offered to donate the solar panels, worth about \$156,000. That donation will be used along with some money from FEMA for the basis of the system. The project will begin in his fall. Mr. Chesser explained where the solar array will be positioned and said it won't be easily visible from the ground. He expounded on the benefits of having the solar array. Council Member Barrett asked how long the installation will take. Mr. Chesser said it wouldn't take long and they wanted to make sure the installation didn't interfere with the large community of bats. Council Member

Titus asked if they had talked to the American Birders Association to see if it would cause problems with the heronry. He said they had not had a discussion with them, but he would do so. Council Member Fitzwater asked if Delaware City would need to pay for any of the cost. Mr. Chesser responded that there would be no cost to Delaware City.

33 Staff Lane #1 – Ft. DuPont Redevelopment & Preservation Corp. – Minor Subdivision of 1 Lot into 2 Lots

*Council Member Titus made a motion to approve the subdivision of 33 Staff Lane #1, a minor subdivision of 1 lot into 2 lots. Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

33 Staff Lane #2 – Ft. DuPont Redevelopment & Preservation Corp. – Major Subdivision of 1 Lot into 16 Lots

*Council Member Malinowski made a motion to approve the subdivision of 33 Staff Lane #2, a major subdivision of 1 lot into 16 lots. Council Member Greene seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Exchange Road Lot 43 – Ft. DuPont Redevelopment & Preservation Corp. – Minor Subdivision of 1 Lot into 2 Lots

*Council Member Malinowski made a motion to approve the subdivision of Exchange Road Lot 43, a minor subdivision of 1 lot into 2 lots. Council Member Titus seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

**OLD BUSINESS**

Second Reading & Adoption Ordinance 16-0815-01 – Relating to Scrivener's Error of City Code Chapter 54-28 (C)(2)

*Council Member Greene made a motion to accept the second reading and adoption of Ordinance 16-0815-01 – Relating to Scrivener's Error of City Code Chapter 54-28(C)(2). Council Member Titus seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Revisions to the Jefferson Paper Street Lease Proposed by PSC Properties, LLC – Removal of Landlord's right to terminate after 5 or 10 years; 90 day tree installation allowance; change to the definition of permissible trailers

City Solicitor Walton said at the August 15, 2016 Mayor and Council meeting, a lease was approved for the Jefferson paper Street to PSC Properties. Following that, on August 17<sup>th</sup>, Mr. Carden sent an email to the City Solicitor and the City Manager requesting three changes. The requested changes were: that the landlord not have the right to terminate the lease after five years; a 90 day time period to have the fence and trees installed; and, clarification of the tractor trailer container definition. City Solicitor Walton said he forwarded the email to the



Mayor and Council. The City Manager had signed the old lease as directed at the last council meeting.

#### Recess Meeting

Mayor Green recessed the Mayor and Council meeting for five minutes at 7:17 pm.

#### Reconvene Meeting

Mayor Green reconvened the Mayor and Council meeting at 7:20 pm.

Mayor Green said he was going to assure that this lease process was transparent. He read his notes regarding the Jefferson paper Street, going back to May 21, 2012, which summarized the activity leading up to the current time.

Mayor Green asked for Council comments regarding this topic. This was followed by questions and comments from the Council Members. City Solicitor Walton reminded the Council that they approved the lease at the last meeting. He said the question was whether or not it was going to be amended. He said the only things that should be discussed this evening are the proposed amendments to the lease.

#### Public Comments

Mayor Green opened the floor to public comments.

Preston Carden, said he does not want a 15 year lease, but rather a 10 year lease with the possibility of a five year extension. He said he was asking for this because he will be spending \$20,000 of his money for fencing and trees. He said the additional five years can be negotiated with the City at the end of the ten years.

#### Recess Meeting

Mayor Green recessed the meeting at 7:52 pm.

#### Reconvene Meeting

Mayor Green reconvened the meeting at 7:57 pm. Mayor Greens said he expects decorum from the public and the council. He expects everyone to listen to other people's views. He said this is a democratic society.

#### Public Comments (continued)

Preston Carden apologized. He said he listened to everything others had to say and he expects the same respect. He reiterated that he would like to have a ten year lease in order to recoup the cost of improvements he will be making. He said the additional five years can be negotiated at the end of the ten years. He said he was asking for 90 days to plant trees as we are in the middle of a heat wave. The trailers he explained earlier. He said these three things are the only things he was asking for.

Andy Titus, 515 Clinton Street, said he understands that it is not the job of the Council to determine land use. He said the City Code said that is the job of the Board of Adjustment. So he doesn't understand how Council can make a decision about a lease.

Allen Williams, 403 Hamilton Street, said when he and his wife were planning to build a house on their lot in May 2013, they had to go to the Planning Commission and the Historic Preservation Commission. He asked why this issue was not going through the Planning Commission and the Historic Preservation Commission. City Solicitor Walton said there are no plans to construct a building on the lot, so it would not need to go before the two commissions. He said the Council sets the zoning and the appeal of any use determination goes to the Board of Adjustment.

Jill Snow, 212 Clinton Street, said she is representing the Walton family property at 800 Fifth Street which is adjacent to the paper street portion of Jefferson Street. Ms. Snow said she met with a realtor Friday, is meeting with a developer next week and the property will probably be sold. She said this is the third time the lease has been negotiated. She would like to see some consideration for the Walton family when making the decision. Ms. Snow said she met with an attorney who raised questions about Jefferson Street being a public street, not just a paper street. Ms. Snow described how the Jefferson paper Street appears on the tax maps and the history of how it had been for years by residents of Mr. Nickel's Trailer Park. Therefore it was open and was used as a public street. The attorney is conducting additional research and will report the findings to Ms. Snow. She said she questioned the council voting in favor of a lease, when she has said for the last four years, if the City denies access to their property she would seek legal representation for the loss of value. She said that most people would not want to build a house facing Mr. Carden's property and it would be much nicer to build houses facing in. If they were to develop the other side of the property first, they would not be able to access that side of the property. They would be landlocked and the value of the property would be diminished. She asked for some consideration.

City Solicitor Walton said the "Walton" that was referenced is no relation to him.

Phil Cruchley, 211 Adams Street, former Mayor of Delaware City, doesn't understand how the City can give up the right to terminate the lease. He said that is dumb. He said the City should never give up the right to terminate a lease.

Cindy West, 217 Bayard Street, asked, if the lease presents an ethics question about this particular vote, why is this still an agenda item today. City Solicitor Walton said the fact that an ethics complaint might have been brought, does not stay the Council proceedings. Until a determination has been made in court that it was unethical, the proceedings move forward and Council, as a legislative body, may consider amendments that come before them.

Paul Fitzwater, Bear, Delaware said he owned the property that housed the trailer court before he sold it to Mr. Carden. He said half the trailers were in the middle of the street. When he sold it, Mr. Carden put in all new buildings which improved the property. That property has been redeveloped many times. The trailer park was much more of a deterrent to development than Mr. Carden's use of the land is.

Mayor Green said the Public Comment time was over. City Solicitor Walton said they needed to act on the proposed amendments. *Council Member Barrett made a motion to accept the lease with the three provisions that were provided: 10 year lease with no termination, with the option of a five year renewal with agreed upon terms at the 10 year mark; 90 days to install the trees and fence; and the limit on the size of the trailers – no tractor trailers. Council Member Greene seconded the motion. Discussion followed. A roll call vote was taken, with the Council Members voting as follows: Barrett – aye, Malinowski – nay, Titus – nay, Fitzwater – aye, and Greene – aye. Motion carried.*

#### **NEW BUSINESS (continued)**

##### Certification of the 2<sup>nd</sup> Quarter Supplemental Tax Assessment FY17

*Council Member Greene made a motion to accept the Certification of the 2<sup>nd</sup> Quarter Supplemental Tax Assessment FY17. Council Member Barrett seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

##### Authorization for City Manager to Enter into a Contract with AECOM as City Engineer

City Solicitor Walton said the City Engineer would assist the City with subdivision review. He said before Fort DuPont was annexed, there was not much for an engineer to do. The City Solicitor said he revised the contract before bringing this to Council. *Council Member Greene made a motion authorizing the City Manager to enter into a contract with AECOM as City Engineer. Council Member Malinowski seconded the motion. The cost for this was questioned. Assistant City Clerk Clifton said there is no cost to the City, as it is paid by the developer. A roll call vote was taken, all ayes, motion carried.*

##### City Manager Selection Process

Council Member Malinowski stated that he and Council Member Barrett prepared a resolution to establish a City Manager Search Committee. Council Member Malinowski read Resolution 16-0919-01 To Establish a City Manager Search Committee. *Council Member Malinowski made a motion to adopt Resolution 16-0919-01 to Establish a City Manager Search Committee. Council Member Barrett seconded the motion. Discussion followed. Council Member Malinowski said the Mayor has the ultimate authority to appoint the City Manager. He said these are just guidelines. Discussion followed. Mayor Green said the Charter*

states, under Section 3-03 the third paragraph, that the Mayor shall appoint, subject to confirmation by a majority of Council, a City Manager to oversee and manage the administrative affairs of the City. He said this resolution, if approved, would circumvent the Mayor's right to due process in selecting the City Manager and presenting that candidate for approval to the Delaware City Council. Mayor Green listed his qualifications for performing interviews and choosing a candidate for this position. He said if the Council passes this legislation, he will, under his right as a Mayor, not sign it. He requested that they modify the language so that where the resolution reads "Mayor", it should be changed to "Vice Mayor". *A roll call vote was taken, with the Council Members voting as follows: Barrett – aye, Malinowski – aye, Titus – nay, Fitzwater – nay and Greene – aye. Motion carried.* Mayor Green said it shows they are following due process. It is his job as Mayor to go along with what the Council has done. He said he will assist in any way that he can, but he is against this.

Introduction and First Reading Ordinance 16-0919-01 to Amend & Modify Chapters 23, 52 & 53 of City Code

City Solicitor Walton said this makes changes that the Code Enforcement Officer has recommended. *Council Member Titus made a motion to accept for an Introduction and First Reading, in abstract and title only, Ordinance 16-0919-01 to Amend & Modify Chapters 23, 52 & 53 of City Code. Council Member Fitzwater seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.* Mayor Green said a Public Hearing on this topic will be held at the next Mayor and Council meeting.

Introduction and First Reading Ordinance 16-0919-02 – Transferring Local Service of Building Inspection and Property Maintenance to Delaware City

City Solicitor Walton said if the City passes this ordinance, New Castle County will pass theirs. This will reduce the County taxes as the City has assumed these responsibilities. *Council Member Greene made a motion to accept for an Introduction and First Reading, in abstract and title only, Ordinance 16-0919-02 Transferring Local Service of Building Inspection and Property Maintenance to Delaware City. Council Member Fitzwater seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.* Mayor Green said a Public Hearing on this topic will be held at the next Mayor and Council meeting.

**MAYOR & COUNCIL COMMENTS**

Council Member Greene – said she would like to have the following listed on the agenda for October: "the parking of vehicles incapable of self-mobility". This is covered in: Section 27-40, Section 27-26, Section 27-35, and Article 4 Section 27-35.

Council Member Greene also questioned a \$5,000 donation to Main Street. Mayor Green said there were insufficient volunteers for Delaware City Day. In

addition, the person who was going to chair the event could not do so because of family commitments which came about at almost the last minute. The City reached out to Main Street and asked them to head the event, paying them \$5,000 from the funds that were raised. Mayor Green said they had no choice as they had no volunteers. Council Member Greene said she spoke with Paul Johnson who was going to chair Delaware City Day and he said he resigned in March with Beth Konkus saying that she would chair the event. He said the volunteers he had when he left were Mayor Green, City Manager Cathcart, Anthony Branda from WSFS and Kate Cieslak from Crabby Dick's.

Council Member Greene said she also noticed that there were some vendors who paid and received a refund of their money. She asked why that was. Mayor Green recommended that she ask Beth Konkus from Main Street.

Council Member Fitzwater – said the display that has occurred during the last couple meetings is all the more reason why the residents need to elect the correct people or run themselves. He said if someone does not agree with someone's opinion and they think they could do a good job for the City, they should make themselves a part of the process. He said it is not easy to do this job. But he encouraged people to run or get behind the right people the next time they have a chance to do so.

Council Member Titus – said the Council position is a paid position. The amount is about \$120 per year.

Council Member Malinowski – no comments

Council Member Barrett – no comments

Mayor Green - reported the following:

- Attended two fund raisers for children and one fund raiser for the Mary Campbell Center.
- Participated in the dedication of the African Union Church Cemetery, where Union soldiers of color are buried. The speakers were Governor Markell, United States Senator Chris Coons, State Senator Nicole Poore, State Representative Valerie Longhurst, State Representative J. J. Johnson, City Manager Richard Cathcart, Lois Phillips, Dr. David Orr and Mayor Green.

### **CITIZENS COMMENTS**

Paul Fitzwater, Sr., Bear, Delaware said the new bicycle path is very nice. He said when bikes come off the path, they come right into the road. He said it would be nice to have a sign in the street, indicating that there is heavy bicycle traffic, and a blinking light to slow traffic.

Tim Dilliplane, 118 Clinton Street, reminded the attendees that the time of the deer rut is coming up. He said someone may need to talk to the refinery, as the herd on their grounds is growing by leaps and bounds. He said deer collisions are costly and there was a fatality last year from a deer collision. He said the

deer are not being hunted and something needs to be done to control the size of the herd.

Sandy Malinowski, 304 Bayard Street, said the City has a problem with the bicycle trail. The bicycles come off the trail, into the street and up onto the promenade. There are people walking on the promenade who are in danger from the bicycles. She said she saw a little girl who was almost hit by a bicycle. She said she doesn't think the bikers realize the promenade is for pedestrian traffic and not for them. Ms Malinowski said the City may want to install some signs to keep the bicycles off the promenade.

Ray Fruytier, 909 Fifth Street, said the parking places downtown are taken up by the bicycle people, who park their cars there all day long, or the tourists going to Fort Delaware for the day, when they should be parking in the Washington Street parking lot. This leaves no parking spaces for residents who may need to go to the post office or shops. There should be some signs directing the bikers/tourists to the Washington Street parking lot. Mr. Fruytier said he has seen residents park in the handicapped places in front of the post office because they can't park any place else, which is illegal.

Mr. Fruytier asked if the City could get someone to put new bulbs in the Community Center gym.

#### **ADJOURNMENT**

*Council Member Barrett made a motion to adjourn the Mayor and Council Meeting. The motion was seconded. A vote was taken, all ayes, motion carried. The meeting was adjourned at 8:45 pm.*

Respectfully submitted,  
*Dawn K. Gwynn*  
City Secretary