



CITY OF DELAWARE CITY

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Delaware City, Delaware 19706

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**MINUTES  
CITY OF DELAWARE CITY  
MAYOR AND COUNCIL MEETING AND  
PUBLIC HEARING  
OCTOBER 17, 2016**

**CALL TO ORDER – PUBLIC HEARING**

The Honorable Mayor Green called to order the Public Hearing at 6:10 pm. The following Council Members were present: Greene, Fitzwater, Titus, and Barrett. Also present were Mayor Green, City Manager Cathcart, City Treasurer Hartman, Assistant City Clerk Clifton, Police Chief Baylor and City Solicitor Walton.

**ORDINANCE 16-0919-01 – ORDINANCE TO AMEND & MODIFY CHAPTERS 23, 52 & 53 OF CITY CODE**

City Solicitor Walton explained that this ordinance relates to changes in the code that were suggested by the new Code Inspector. This would clarify the districts and some requirements.

**ORDINANCE 16-0919-02 – ORDINANCE RELATING TO TRANSFERRING LOCAL SERVICE OF BUILDING INSPECTION & PROPERTY MAINTENANCE TO DELAWARE CITY**

City Solicitor Walton said this ordinance refers a requirement of New Castle County. Recently Delaware City assumed the duties of building inspection and property maintenance that had previously been performed by New Castle County. If the Council were to pass this ordinance, New Castle County would pass an ordinance that would reduce the amount of County taxes billed to Delaware City residents. These duties are now performed by the City and the County can no longer charge the City residents for them. He said it would not

amount to a lot, but it would clean up the New Castle County and the Delaware City Codes.

Mayor Green asked if the Council had any questions. There were none. There were no members of the public present for the Public Hearing.

**RECESS PUBLIC HEARING**

Mayor Green recessed the Public Hearing at 6:12 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. City Solicitor Walton gave a brief explanation of the two ordinances again. Mayor Green asked if there were any question from the Council or residents. Council Member Titus asked about Ordinance 16-0919-01 which would prohibit residents from keeping chickens. She said she knows some residents have chickens and asked if there had been any complaints. City Manager Cathcart said chickens are not permitted in a residential area any way. City Solicitor Walton said this really wasn't a change from allowing chickens to disallowing chickens. It simply stated the residential areas and the lot size for clarification purposes. There were no additional questions or comments.

**ADJOURN PUBLIC HEARING**

*Council Member Barrett made a motion to adjourn the Public Hearing. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried. The public Hearing was adjourned 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, and Barrett. City Manager Cathcart, City Treasurer Hartman, Police Chief Baylor, Assistant City Clerk Clifton and City Solicitor Walton were also in attendance.

### **ACTION UPON THE TREASURER'S REPORT**

City Treasurer Hartman presented the September 2016 Treasurer's Report. Council Member Titus made a motion to approve the September 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 Greene made a motion to approve the minutes of the September 19, 2016 Mayor and Council meeting, as written. Council Member Barrett 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 September 2016 and reported the following:

- There was a spike in the theft of batteries at the marina and throughout town. Chief Baylor asked the residents to please keep their cars locked to prevent battery theft. He said they have a suspect and are following that up. He asked the residents to report any suspicious activity.
- There was an arrest made for the homicide that occurred on Adams Street in July. He said the police were very comfortable with the suspect they had but it took time to build a homicide case. The chief gave a brief overview of the work required. He said the suspect is in jail and will stay there until his trial. Chief Baylor said he is pretty confident that they will secure a conviction. He thanked the citizens, the businesses and the refinery that assisted.
- The work on Fifth Street Bridge is going forward. He said the police check on the construction periodically.

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

City Solicitor Walton reported the following:

- Working on a proposed noise ordinance which he mentioned at the last meeting.
- There is a charter resolution that will be coming forward.
- Working on the review of a lease.
- Working on a couple of zoning questions that have arisen pertaining to a couple of different properties.
- Had the ethics hearing which has now been resolved.

Council Member Fitzwater asked what the cost of the ethics hearing was. City Solicitor Walton said he didn't know what the total was, but he would let Council know next month.

## **CITY MANAGER'S REPORT**

City Manager Cathcart reported the following:

- Washington Street Flood Mitigation project is still presenting serious concerns. Landmark Engineering has reduced the construction cost by \$400,000 but the project is still over budget by \$500,000. We are consulting with DEMA and keeping them abreast of the developments. We will be discussing the project with another engineering firm later this week to get a different perspective of the project.
- Will be submitting two Grant-In-Aid applications prior to November 1, 2016, with the authorization from Council. The two grant requests are for the Delaware City Community Center (\$35,000) and the Delaware City Day Event Committee (\$44,000).

### **General Meetings**

- Planning Commission
- Historic Preservation Commission
- African Union Church Cemetery Friends Board Meeting
- Fort DuPont Redevelopment Corporation Board Meeting

### **Project Updates**

- Washington Street Flood Mitigation (See Above)
- Fifth Street Bridge: On Schedule

Council Member Titus asked why Clinton Street has been closed so much for bike races, as it negatively affects the businesses and residents who can't get to the post office or shops. City Manager Cathcart explained that one event had been rescheduled, and none of the events were new events. He said people can get to the post office and the businesses by parking in the back. Discussion followed. Mayor Green asked City Manager Cathcart to think about starting some of the events on a different street. It was suggested that the Post Office be moved to Fort DuPont.

## **APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS**

Mayor Green said he would like to appoint Chase Renoll to the Tree Commission. Mayor Green summarized Mr. Renoll's resume. *Council Member Titus made a motion to accept the appointment of Chase Renoll to the Tree Commission. Council Member Fitzwater seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green announced that Brenda Parker had resigned from the Delaware City Board of Health. He said he would work on an appointment to replace Ms. Parker by the next meeting.

Mayor Green asked about the resolution that had been passed last month to form a committee to seek a new City Manager. City Solicitor Walton said he would like to have Mayor Green put that off until next month because it was not on the agenda for this month. However, he said Appointments are on the agenda

and if Mayor Green was ready to make appointments this evening he could do so. In the future, the City Solicitor said he would like the agenda to be more specific about which appointments were going to be made.

Mayor Green said he would like to appoint Paul Morrill to the City Manager Search Committee. He was a former Council Member and City Manager. *Council Member Titus made a motion to accept the appointment of Paul Morrill to the City Manager Search Committee. Council Member Barrett seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he would like to appoint Linda Price to the City Manager Search Committee. She was a former City staff member and Acting City Manager. *Council Member Greene made a motion to accept the appointment of Linda Price to the City Manager Search Committee. Council Member Barrett seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he would like to appoint Pat Harrison to the City Manager Search Committee. She was a former Council Member and Mayor. *Council Member Titus made a motion to appoint Pat Harrison to the City Manager Search Committee. Council Member Barrett seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he would like to appoint Paul Parets to the City Manager Search Committee. He was a former Council Member, is the Board of Adjustment Chairperson and FDRC Advisory Board Member. *Council Member Barrett made a motion to appoint Paul Parets to the City Manager Search Committee. Council Member Fitzwater seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he would like to appoint Robert Haugh to the City Manager Search Committee. He was a former Council Member. *Council Member Titus made a motion to appoint Robert Haugh to the City Manager Search Committee. Council Member Greene seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

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

There were no reports.

## **OLD BUSINESS**

Second Reading and Adoption Ordinance 16-0919-01 – To Amend & Modify Chapters 23, 52 & 53 of City Code

Mayor Green announced that this ordinance was introduced at a prior Mayor and Council Meeting and a Public Hearing was held. City Solicitor Walton said he had

nothing to add to what he said during the Public Hearing. *Council Member Greene made a motion for the Second Reading and Adoption of Ordinance 16-0919-01 – To Amend & Modify Chapters 23, 52 & 53 of City Code. Council Member Barrett seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Second Reading and Adoption Ordinance 16-0919-02 – Transferring Local Service of Building Inspection & Property Maintenance to Delaware City

Mayor Green announced that this ordinance was introduced at a prior Mayor and Council Meeting and a Public Hearing was held. *Council Member Greene made a motion for the Second Reading and Adoption of Ordinance 16-0919-02 – Transferring Local Service of Building Inspection & 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.*

Introduction & First Reading of Ordinance 16-1017-01 Relating to the Sign Ordinance

*Council Member Titus made a motion to accept the Ordinance for Introduction and First Reading in abstract and title only. A Public Hearing on the Ordinance will be held at the next Mayor and Council meeting. Council Member Barrett seconded the motion.* Discussion followed regarding the history of this ordinance. City Manager Cathcart said this Ordinance would also insure that the City is in compliance with the Supreme Court ruling. *A roll call vote was taken, all ayes, motion carried.*

Further Discussion of Delaware City Day Committee Funds

Council Member Barrett asked City Treasurer Hartman if the \$5,000 that was paid to Main Street came from the Main Street Account. She confirmed that it had. Council Member Greene asked why that money was paid to Main Street. She said at the last meeting that they were told that there was no committee and that everyone backed out at the last minute, causing Main Street to step in and save Delaware City Day. Council Member Greene said when Council Member Johnson resigned as chairperson in February, he asked Beth Konkus to assume the duty of chairperson and she graciously agreed. Discussion followed.

**NEW BUSINESS**

Nominations & Appointment of a New Council Person

Mayor Green said this should be struck from the agenda.

Discussion of Non-Mobile Vehicle Utilized as an Advertisement

Council Member Greene pointed out an antique vehicle parked on Washington Street, behind Crabby Dick's parking lot. She said it violates a few of the City codes. She asked what we can do to have it removed. Discussion followed. Council Member Fitzwater said it was time for all the Council Members to grow up and do what they need to do for the City and stop targeting people they don't

like. Council Member Greene said she would drop this. She apologized to John Buchheit, the owner of Crabby Dick's. Mayor Green thanked Council Member Greene for dropping this subject so they could get on with business. He thanked Council Member Fitzwater for his comments.

#### FY18 Grant-In-Aid Application

City Manager Cathcart said he needs authorization from the Council to submit the applications. *Council Member Barrett made a motion to authorize City Manager Cathcart to submit the Grant-In-Aid applications. Council Member Fitzwater seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

#### Approval of WSFS Police Vehicle Loan, if Needed

City Manager Cathcart reminded Council that during the budget workshop their intent was to secure another police vehicle by a vehicle lease. When they received the interest rate from Ford Motor Company, which was 6.45, he knew the City could do better than that. He sought a rate from another lease company and discussed the possibility of a loan with WSFS. However, the City received a good rate from the lease company so this agenda item can be struck from the agenda.

### **MAYOR & COUNCIL COMMENTS**

Council Member Greene – No Report

Council Member Fitzwater – No Report

Council Member Titus – No Report

Council Member Barrett – Said the Community Center is in desperate need of rain gutters. City Manager Cathcart said they just got prices for that. She said she would also like to see a couple of trash cans, the nice black ones, out there also, as kids are leaving trash everywhere.

Mayor Green – Sent a thank you note to the Honorable Ted Blunt, retired Wilmington City Council. He also sent a letter of congratulations to Cadet Desen Saylor for a recent promotion at the Delaware Military Academy High School. The mayor said he attended the funeral for his next door neighbor, James Furrowh who was a long time resident and a member of the Board of Health. He said Mr. Furrowh one of the finest gentlemen he has ever known. He has cut the grass across the street from his house which actually belongs to the Delaware City Marina. Mayor Green read some comments he read at Mr. Furrowh's funeral.

### **CITIZENS COMMENTS**

Ray Fruytier, 909 Fifth Street, apologized for not hearing part of the meeting when Mayor Green listed some appointments for Paul Parets and others. Mayor Green said these people were appointed to a committee to search for a new City Manager. He also asked if he missed New Business, item #3. Mayor Green told

him that the ordinance was introduced and there would be a Public Hearing at the next meeting.

**ADJOURNMENT**

*Council Member Titus made a motion to adjourn the Mayor and Council Meeting. Council Member Greene seconded the motion. A vote was taken, all ayes, motion carried. The meeting was adjourned at 7:15 pm.*

Respectfully submitted,  
*Dawn K. Gwynn*  
City Secretary