

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING AND
PUBLIC HEARING
NOVEMBER 21, 2016**

CALL TO ORDER – PUBLIC HEARING

The Honorable Mayor Green called to order the Public Hearing at 6:07 pm. The following Council Members were present: Greene, Fitzwater, Titus, Malinowski and Barrett. Also present were Mayor Green, City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, Assistant City Clerk Clifton, Police Chief Baylor and City Solicitor Walton.

ORDINANCE 16-1017-01 – ORDINANCE TO AMEND CITY CODE SECTION 46-3, 46-57, AND CERTAIN SIGN AND OUTDOOR ADVERTISING REGULATIONS IN CHAPTER 46, ARTICLE X

City Manager Cathcart explained that there were no changes to this ordinance since the introduction and first reading at the last meeting. He said the Planning Commission worked on the ordinance for several months. Mayor Green asked if there were any questions or comments. There were none.

RECESS PUBLIC HEARING

Mayor Green recessed the Public Hearing at 6:10 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 Manager Cathcart reiterated the point he made at the beginning of the Public Hearing. He added that the Planning Commission held three Public Hearings to enable residents to discuss the sign ordinance but there were no attendees. Mayor Green asked if there were any questions for comments from the Council or residents. There were none

ADJOURN PUBLIC HEARING

Council Member Titus made a motion to adjourn the Public Hearing. Council Member Greene seconded the motion. A vote was taken, all ayes, motion carried. The public Hearing was adjourned at 6:26 pm.

CALL TO ORDER – MAYOR AND COUNCIL MEETING

The Honorable Mayor Green called to order the regular Meeting of the Mayor and Council at 6:27 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 Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, Police Chief Baylor, Assistant City Clerk Clifton and City Solicitor Walton were also in attendance. Mayor Green said he and his wife wished everyone a Happy Thanksgiving.

OLD BUSINESS

Presentation on the Flood Plain and How to Reduce Flood Insurance Costs

There was a presentation made, informing the residents that, if they should choose to request it, their home, elevation certificate and current insurance premium would be evaluated to determine how the premium could be lowered. He said this is the second year he has offered this service to Delaware City. He said last year he was able to save a resident \$2000 on their flood insurance. He said when studying the home, he looks for any mitigation that could be implemented to reduce the flood insurance. He also looks at the flood insurance declaration page to make sure the flood rating is correct. He said he would be in the first room off the gymnasium, where the meeting was being held, to answer any questions and offer assistance.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Hartman presented the October 2016 Treasurer's Report. *Council Member Barrett made a motion to approve the October 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 October 17, 2016 Mayor and Council meeting, as written. Council Member Fitzwater 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:

- Highlighted the Incident Summary Report for October 2016, pointing out the 19 domestic incidents, 13 thefts and 9 alarms at businesses or residences. He said the Summary has been placed on line.
- It has come to the attention of the police department there are individuals that are hanging on the corner of Front and Clinton Streets as well as hanging out on Clinton Street in the Business District. Some of the individuals have been drinking alcohol and smoking pot. This has caused some of our citizens to avoid walking in the Business District. The police have taken steps to address this problem. They will be documenting this problem and taking the appropriate action, which may also involve arrest.
- The police department has received the following grants: a SALLE grant in the amount of \$3,051.43 to be used for equipment; an EIDE grant in the amount of \$3,186.38 to be used for overtime; and four grants for December, for traffic safety to address speeding and drunken driving during the holiday season. The traffic safety grants will begin December 15th and end on January 5th.
- Last week the Delaware City Police Department arrested a Smyrna man charged with rape and several other sexual assault offenses. This was after a seven month investigation into sexual assault allegations at the now removed cottages located at what was formally Governor Bacon property. Mr. Ronald Lake was committed to the Vaughn Correctional Center near Smyrna in lieu of \$279,000 cash bond only. Chief Baylor commended Officer Parlier for the investigation he did. It was very comprehensive and, for a young officer to take on that type of investigation that culminated in an arrest, earned praise for our police department.

- Thanked the City Manager and Mayor and Council for adding a brand new police vehicle to the City's patrol fleet. They purchased a 2016 Ford Taurus which is fully marked and contains some of the latest equipment. It is being used for patrol.
- Yesterday members of the Delaware City Police Department assisted the Masonic Lodge and a youth group that meets at the lodge with their annual Thanksgiving delivery.

Mayor Green thanked the police and Officer Parlier for a job well done.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- Prepared three ordinances that are on the agenda for this evening.
- Worked on and participated in the ethics hearing that was held.
- Met with the City Manager's Search Committee.
- Answered several questions from Council and other matters that have come up.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- The Rockwell Development Group has been selected by the Fort DuPont Committee to build the homes in the Phase I "Canal District" Development. This selection will be confirmed by the full board at their December meeting. Construction of the first 85 homes will start this spring.
- The Fort DuPont Redevelopment and Preservation Corporation is pursuing conversation with Artesian Water Company and Tidewater Utilities for the possible sale of the water system at Fort DuPont. This will have no impact on Delaware City.
- The City has engaged Duffield Associates to look at an alternative solution for the Washington Street flooding issue. They are now pursuing another concept plan to determine if it will provide the solution we are looking for. Should have an answer in a week or two.
- Had conference calls with DEMA and FEMA to bring both agencies up to date on the status of our efforts to resolve the Washington Street Flood Mitigation issues.
- Submitted the Grant-in-Aid request applications for the Community Center (\$34,000) and the Delaware City Day Committee (\$44,000).

There were no questions.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Mayor Green said he would like to appoint Christopher McKinley to the Planning Commission. He said the Council has his resume. *Council Member Malinowski made a motion to accept the appointment of Christopher McKinley to the Planning Commission. Council Member Titus seconded the motion. Council*

Member Fitzwater explained that he and Mr. McKinley have been neighbors for ten years. He knows him to the extent that they have shared grass cutting duties, has never been in his home, was gifted ten to fifteen pounds of venison and helped him spread driveway stone. A roll call vote was taken, all ayes, motion carried.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Delaware City Library – is having a fundraiser at Crabby Dick’s on December 8th, with 20% of the proceeds going to the library. Residents can inquire at the library for information about the holiday programs.

OLD BUSINESS (continued)

Second Reading & Adoption of Ordinance 16-1017-01 Relating to the Sign Ordinance

Mayor Green said this was introduced at a Mayor and Council meeting and a Public Hearing was held. Council Member Malinowski said he would like to make an amendment to the ordinance. He said it concerns Section L which should read, “one portable sign not to exceed six square feet”, as opposed to three square feet”. He would also like to add “subject to the following: placed by a licensed business, placed on property on the same thoroughfare as the business is located, shall not be placed within one hundred feet of an intersection”. Council Member Malinowski said this refers to the R-1 district. Discussion followed. *Council Member Fitzwater made a motion for the Second Reading and Adoption of Ordinance 16-1017-01 Relating to the Sign Ordinance as written. There was no second.*

Council Member Barrett made a motion to include Council Member Malinowski’s amendment in the sign ordinance. Council Member Titus seconded the motion. There was no discussion. A roll call vote was taken with Council Members voting as follows: Barrett – aye, Malinowski – aye, Titus – aye, Fitzwater – nay, and Greene – aye. Motion carried.

Council Member Titus made a motion for the Second Reading and Adoption of Ordinance 16-1017-01 Relating to the Sign Ordinance, as amended. Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken with Council Members voting as follows: Barrett – aye, Malinowski – aye, Titus – aye, Fitzwater – nay, and Greene – aye.

NEW BUSINESS

Authorize City Manager to Enter into Contract with KCI for Stormwater Management

Council Member Greene made a motion to authorize the City Manager to enter into a contract with KCI for stormwater management. Council Member Barrett

seconded the motion. City Manager Cathcart explained the new mandate for stormwater management which the City has been dealing with the last three years. The City is obligated to take samples, check all outfalls, develop policies and procedures for the public works yard, etc. He said Delaware City, along with the majority of smaller municipalities in New Castle County, would like to engage with KCI for doing this work. He said the contract is less than \$2000 per year. There was no further discussion. *A roll call vote was taken, all ayes, motion carried.*

Introduction & First Reading – Ordinance 16-1121-01 – Relating to a Noise Ordinance

City Solicitor Walton said this ordinance came at the request of Chief Baylor, as the City does not currently have a noise ordinance on the books. He said the noise ordinance standards are pretty uniform and copy the New Castle County form. *Council Member Titus made a motion for the Introduction and First Reading of Ordinance 16-1121-01, Relating to a Noise Ordinance. Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.* Mayor Green said Council voted to accept Ordinance 16-1121-01 for a First Reading in abstract and title only. A public hearing on the proposed ordinance will be held at the next meeting of the Mayor and Council.

Introduction & First Reading – Ordinance 16-1121-02 – Relating to Boat Trailer Parking

City Solicitor Walton said there have been some issues with parked boat trailers causing some difficulty for folks getting around. He said this was prepared at the request of the City Manager and will be up for public discussion and public hearing at the next meeting. *Council Member Greene made a motion for the Introduction and First Reading of Ordinance 16-1121-02, Relating to Boat Trailer Parking. Council Member Malinowski seconded the motion.* Discussion followed. City Manager Cathcart said this was needed because of a safety concern on streets where parking is tight. The fire company has been pointing out this issue for a number of years because when they go to Harbor Estates if there is a car parked on one side of the street and a boat trailer on the other side of the street, they can't get their equipment through. City Solicitor Walton said he would try to be more specific in the ordinance with the size of the boat trailer before the next meeting. City Solicitor Walton encouraged Council to contact him in advance of a meeting if they have any questions about an ordinance. *A roll call vote was taken, all ayes, motion carried.* Mayor Green said Council voted to accept Ordinance 16-1121-02 for a First Reading in abstract and title only. A public hearing on the proposed ordinance will be held at the next meeting of the Mayor and Council.

Introduction & First Reading – Ordinance 16-1121-03 – Relating to Residential Rental Properties

Council Member Malinowski made a motion for the Introduction and First Reading of Ordinance 16-1121-03, Relating to Residential Rental Properties. Council Member Greene seconded the motion. City Manager Cathcart said the Code Enforcement Officer brought the need for this ordinance to the attention of the City. The City Manager said they have been in some apartments in the last couple months that were totally deplorable, with safety issues, health issues, etc. He said most municipalities have this type of law on their books and would allow the City to inspect properties. Discussion followed. A roll call vote was taken, all ayes, motion carried. Mayor Green said Council voted to accept Ordinance 16-1121-03 for a First Reading in abstract and title only. A public hearing on the proposed ordinance will be held at the next meeting of the Mayor and Council.

MAYOR & COUNCIL COMMENTS

Council Member Greene – No Comments

Council Member Fitzwater – In reference to the Sign Ordinance, he said he voted nay because the Planning Commission spent many hours on this ordinance and the Mayor and Council need to let them do their job and not override them. He said it looks like Council doesn't think they did their job.

In reference to the Boat Trailer Parking Ordinance, he didn't get the impression that the City wants to keep the boats off the street because there are so many requirements to put the boat in the yard. He said he wants to be sure the landlords and boat owners have some notification before this is passed by Council.

Council Member Titus – Attended the dedication of the historical marker at Fort DuPont.

Council Member Malinowski – Attended the dedication of the historical marker at Fort DuPont.

Council Member Barrett – Suggested that a code enforcement handbook would be helpful to property owners so they know when it is necessary to get permits. City Manager Cathcart said it will be looked into, but the requirements really haven't changed other than the City is now enforcing the requirements rather than New Castle County. He said the information is on the website.

Mayor Green – Said he spoke at the historic marker presentation. He is teaming up with the refinery for the holiday program. He said if anyone knows of someone in need, please let the Mayor or the refinery know by December 15th.

CITIZENS COMMENTS

Allen "Toby" Williams, 403 Hamilton Street, said he serves on the Planning Commission. He said they worked diligently on the sign ordinance and feels that with the strike of a word, a former member of the Planning Commission struck

down all their proposals. He asked the city to readdress this. He said he is volunteering to play guitar at Crabby Dick's for the Library fundraiser on December 8th.

John Buchheit, 210 Clinton Street, said Crabby Dick's is sponsoring a 5K run to benefit the PAL Center. He said for the Library fundraiser on December 8th, they will be donating 20% of the proceeds from the whole day. He said that instead of the toy run, Lewinski's will be doing brunch with Santa on Christmas Eve from 10:00 am to 1:00 pm. Children in town can attend, have brunch and get a toy.

Former Mayor Buchheit said he is concerned that a Council Member is on a witch hunt for him and Mr. Slotter. He said there is no reason for that as he has never taken anything from the City and have given 100% to the City. He said he thought about an ethics charge, but didn't want to cost the City any money for legal fees. He said they have given their heart and soul to the City they love. He said under his administration, the City had the highest surplus it ever had. However, the surplus is dwindling because of lawsuits. He said no one made the effort to look to see the cost of opening a street. He said he doesn't want to see tax dollars going to pay for law suits. He said Council should just do what the forefathers planned and put a street in.

ADJOURNMENT

Council Member Barrett made a motion to adjourn the Mayor and Council Meeting. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried. The meeting was adjourned at 7:10 pm.

Respectfully submitted,
Dawn K. Gwynn
City Secretary