

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
JANUARY 23, 2017**

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

ACTION UPON THE TREASURER'S REPORT

The Treasurer's Report for December 2016 was presented. Council Member Greene made a motion to approve the December 2016 Treasurer's Report, subject to audit. Council Member Barrett 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 December 19, 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.

Council Member Greene made a motion to approve the minutes of the Special Mayor and Council Meeting on January 12, 2017, 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 reported the following:

- Made two drug arrests. One was as a result of a traffic stop. The police found a sizeable amount of marijuana that was to be delivered to a residence in town. A Delaware State University student, who did not live in town, was arrested. The police know to which residence it was being delivered, are investigating and hope to make more arrests soon.
- Arrested an individual who would not cooperate when the police tried to enforce the non-solicitation law.
- Received \$1200 from the Office of Highway Safety to do some traffic enforcement. They have been working on Fifth Street to enforce the speed limit, stop aggressive driving and cell phone violations. Chief Baylor said there is a \$200 minimum fine for cell phone violations and possible arrest.
- Have obtained arrest warrants for one individual who repeatedly violated the "No Trespassing" signs on the Fifth Street Bridge. The Chief said it is a danger area and the signs need to be observed.
- Will be publishing the list of arrest warrants for individuals who are wanted by the police. The Chief said they will try to make the arrests first, but if they are unable to make the arrests, the names will be published as this is public information.
- Have been making great progress with addressing quality of life crimes in the town. There is a big issue with people parking on their lawns and on sidewalks.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- Chris Griffiths, who has been filling in for City Solicitor Walton, participated at a special meeting of the Mayor and Council concerning various questions about the Ethics decision, which according to the City Solicitor is closed.
- Prepared a draft bill for charter changes to go to the Delaware State Legislature.
- Several months ago Council passed an ordinance to transfer the Local Service Function from New Castle County. Tomorrow New Castle County will vote on a companion ordinance to complete that transfer.
- Worked on several ordinances
- Chris Griffiths attended the Board of Adjustments on behalf of the City Solicitor.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- The twelve month extension request for the Washington Street Flood Mitigation Grant was formally submitted to FEMA by DEMA on January 18, 2017. We are waiting for a reply.
- The trail from Delaware City to Chesapeake City, Maryland was officially opened last Friday with a dedication, sponsored by DNREC, held at our Community Center.
- Met with Joe Wolcott, from Max Walton's office, to discuss various code violations and legal options for resolution. Also discussed legal options for condemning buildings that have not been repaired as requested by the Code Enforcement Officer, and for residents owing large amounts of money to the City.
- Participated in a conference call with City Staff, City Engineer and Max Walton to discuss various issues that will necessitate changes to our new Building Code.

General Meetings

- Fort DuPont Redevelopment and Preservation Board Meeting
- Fort DuPont Economic Development Committee Meeting
- African Union Church Cemetery Board Meeting
- Planning Commission Meeting
- Board of Adjustment Meeting

Project Updates

- Washington Street Flood Mitigation Project: Awaiting approval of a request for a 12 month extension of the grant.
- Fifth Street Bridge Project: The Army Corps of Engineers has decided to wait until the end of winter to pour concrete for the bridge. This pushes out the completion of the bridge until April 2017.

City Manager Cathcart addressed a few questions from Council.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Mayor Green said he would like to appoint Thomas Reynolds as the City Assessor for a two year term. *Council Member Barrett made the motion to accept the appointment of Thomas Reynolds as City Assessor for a two year term. Council Member Malinowski seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he would like to appoint April DeBenidictes as Chairperson of the Election Board for a one year term. *Council Member Titus made a motion to accept the appointment of April DeBenidictes as Chairperson of the Election Board for a one year term. Council Member Greene seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he would like to appoint Kate O'Donnell and Cynthia West to the Election Board for a one year term.

Council Member Greene made a motion to accept the appointment of Kate O'Donnell to the Election Board for a one year term. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.

Council Member Titus made a motion to accept the appointment of Cynthia West to the Election Board for a one year term. Council Member Malinowski seconded the motion. A roll call vote was taken, all ayes, motion carried.

Mayor Green said he would like to appoint Virginia Monroe as Inspector of Election for a one year term. Council Member Greene made a motion to accept the appointment of Virginia Monroe as Inspector for a one year term. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.

Mayor Green said he would like to appoint Jean Bonner, Connie Howard and Bonnie Hanna as Election Officers for a one year term. Council Member Greene made a motion to accept the appointment of Jean Bonner as Election Officer for a one year term. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.

Council Member Greene made a motion to accept the appointment of Connie Howard as an Election Officer for a one year term. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.

Council Member Greene made a motion to accept the appointment of Bonnie Hanna as an Election Officer for a one year term. Council Member Malinowski seconded the motion. A roll call vote was taken, all ayes, motion carried.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street president, Tim Konkus, reported that the 20th anniversary of Main Street Delaware City occurred at the end of 2016. He gave a brief summary of the organization and listed new initiatives that are planned for 2017, such as: a farmers' market which would include the sale of fresh vegetables, fruits, beef and lamb; sustainable broadband strategy to provide free WIFI to the commercial district (applying for grant); and providing a broader range of healthy outdoor activities along with using an available storefront for healthcare services for residents (applying for grant). Main Street will continue to offer Music in the Park, the town wide yard sale, the parades, and cosponsor the Rivertowns Ride and Festival with the City.

OLD BUSINESS

Introduction and First Reading – Ordinance 16-1219-01 – Amending Sections 46-91 & 46-93 of the Sign Code

Council Member Malinowski made a motion for the Introduction and First Reading in abstract and title only of Ordinance 16-1219-01, Amending Sections 46-91 & 46-93 of the Sign Code. Council Member Titus seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried. Mayor Green announced that a public hearing will be held at the next Mayor and Council to discuss this ordinance.

NEW BUSINESS

Certification of the 3rd Quarter Supplemental Tax Assessment FY17

Council Member Greene made a motion to accept the Certification of the 3rd 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.

Introduction and First Reading – Ordinance 17-0123-01 Relating to Changes in Chapter 53 of the City Code

Council Member Greene made a motion for the Introduction and First Reading in abstract and title only of Ordinance 17-0123-01 Relating to Changes in Chapter 53 of the City Code. Council Member Malinowski seconded the motion. City Solicitor Walton said the City hired Dave Athy and his group to review the subdivision code. As a result of that review, this ordinance, that addresses new construction only, was generated. A roll call vote was taken, all ayes, motion carried. Mayor Green announced that a public hearing will be held at the next Mayor and Council to discuss this ordinance.

Resolution 17-0123-01 Relating to Relinquishing the Certificate of Convenience & Public Necessity (CCPN)

Council Member Greene made a motion to adopt Resolution 17-0123-01 Relating to Relinquishing the Certificate of Convenience & Public Necessity (CCPN). Council Member Titus seconded the motion.

City Manager Cathcart explained that in 1998 a Certificate of Necessity was issued to the City of Delaware City, in conjunction with the compliance plan that listed Fort DuPont as an area to be annexed. With the advent of the Fort DuPont Redevelopment and Preservation Corporation that took over Fort DuPont several months ago, the City looked over the water system as a possible expansion of our current system. It was determined that the cost of renovating or upgrading that treatment system would have been cost prohibitive. The Fort DuPont Corporation put out a solicitation to two water companies to submit a proposal to take that system over. The Certificate of Necessity requires the City to provide water there unless it is relinquished by Council. This resolution provides permission to Artesian Water to process that change to the Certificate of

Necessity. He announced that Ken Branner from Artesian Water was present to answer any questions. Mr. Branner is also Mayor of Middletown.

A roll call vote was taken, all ayes, motion carried.

MAYOR & COUNCIL COMMENTS

Council Member Barrett – No Comments

Council Member Malinowski – Attended the Fort DuPont Redevelopment & Preservation Board Meeting. He said there was some confusion concerning the recently adopted sign ordinance. *He made a motion that the Planning Commission review the definition of commercial signs and the location for commercial signs in the newly adopted sign ordinance and provide recommendations to Council. Council Member Titus seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Council Member Titus – No Comments

Council Member Greene – No Comments

Mayor Green – Spoke at the opening of the trail along the C & D Canal. In attendance were Governor Markel, Senator Nicole Poore, U. S. Senator Carper, U. S. Senator Coons, former Governor and Congressman Michael Castle. He gave special recognition to City Manager Cathcart for all the hard work he put into this project.

CITIZENS COMMENTS

Allen "Toby" Williams, 403 Hamilton Street, questioned the Sign Ordinance and the information Council Member Malinowski requested from the Planning Commission in his motion. City Solicitor Walton reminded Mr. Williams that the Sign Ordinance was passed a couple months ago. He said because there were some floor amendments made to the ordinance, it effected other provisions of the code. He said this has nothing to do with the information Council Member Malinowski requested by motion this evening.

Mr. Williams said he would like to speak privately with the representative from Artesian Water.

David Veasey, 400 Adams Street, said he thought the town said it would take care of the water for Fort DuPont but at the last meeting it was reported that Artesian bought the water system for Fort DuPont. He asked if they would be responsible for supplying the water to Fort DuPont separate from Delaware City's water and would they be responsible for the rates over there. He also asked if it would change our rates. City Manager Cathcart said they are two separate systems. Artesian will be taking over the water system and the infrastructure at Fort DuPont. Part of that plan is an interconnection between Delaware City and Fort DuPont so that if anything happens to our water on this side of the canal, we could draw water from Fort DuPont, and if anything happened to the water at Fort

DuPont, they could draw water from Delaware City. It would be a metered interconnection, however, there are some challenges based on the heights of the two water towers. The rates at Fort DuPont have no impact on the Delaware City rates.

Kelly McVey, 525 Clinton Street, asked about the hiring process being conducted by the City Manager Search Committee. She asked if City Manager Cathcart would train his replacement, as no one would be able to do the job like he does. City Solicitor Walton said the committee met and wrote a job description which was sent out on January 5th with the posting ending on February 3rd. The resumes are all being sent to the members of the search committee. There will be a meeting held on February 9th. There is a 30 day overlap training period built into the hiring plan. The meetings are public; however, some applicants may not want their name to be made public so interviews may be conducted privately.

Jean Bonner, 203 Clinton Street, asked if Delaware City has an ordinance concerning parking of commercial vehicles in residential areas. She said she was particularly inquiring about those vehicles that would park for an extended period of time in front of someone's home in the historic district. City Manager Cathcart said that no, there is no ordinance that prohibits that, but Chief Baylor and he are looking at the possibility of restricting the parking of some of these vehicles on Clinton Street because they impede traffic.

Helene Malgiero, 311 Monroe Street, asked if there is a law that prohibits driving toward the park on Clinton Street and turning left into a parking space. She said she witnessed two accidents this week when people turned left into the parking spaces and hit cars. Many times they park using two spaces. Chief Baylor said the state law and Delaware City law requires that people operate their car in a safe manner. When turning into a parking space, it needs to be done in a safe manner. He said there are no laws that prohibit a driver, heading toward the flag pole, from turning left into a parking space. He said there have been three accidents there since October. The traffic circle by the flag pole was made one way to help with this problem.

ADJOURNMENT

Council Member Greene made a motion to adjourn the Mayor and Council Meeting. Council Member Barrett 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