

*"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  
FEBRUARY 27, 2017**

**CALL TO ORDER – PUBLIC HEARING**

The Honorable Vice Mayor Malinowski called to order the Public Hearing at 6:03 pm. The following Council Members were present: Greene, Fitzwater, Malinowski, and Barrett. Also present were City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, Assistant City Clerk Clifton, Police Chief Baylor and Chris Griffiths, acting on behalf of City Solicitor Walton.

**ORDINANCE 16-1219-01 – ORDINANCE TO AMEND THE CITY OF DELAWARE CITY CODE SECTIONS 46-91 AND 46-93 OF THE SIGN CODE**

City Manager Cathcart and Acting City Solicitor Griffiths gave a brief history and overview of the ordinance.

**ORDINANCE 17-0123-01 – ORDINANCE TO MAKE CHANGES TO CHAPTER 53 OF THE CITY CODE**

City Manager Cathcart gave a brief overview of the ordinance.

Vice Mayor Malinowski asked for comments and/or comments. There were none.

**RECESS PUBLIC HEARING**

At 6:08 pm Vice Mayor Malinowski said he would like to recess the Public Hearing until 6:25 pm. *Council Member Fitzwater made a motion to recess the*

*public hearing until 6:26 pm. Council Member Barrett seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried*

#### **RECONVENE PUBLIC HEARING**

Vice Mayor Malinowski reconvened the public hearing at 6:25 pm. He asked again for any questions and/or comments. There were none.

#### **ADJOURN PUBLIC HEARING**

*Council Member Greene made a motion to adjourn the Public Hearing. Council Member Fitzwater seconded the motion. A vote was taken, all ayes, motion carried. The Public Hearing was adjourned at 6:27 pm.*

#### **CALL TO ORDER – MAYOR AND COUNCIL MEETING**

The Honorable Vice Mayor Malinowski called to order the regular Meeting of the Mayor and Council at 6:30 pm.

#### **PLEDGE OF ALLEGIANCE**

Vice Mayor Malinowski led the Pledge of Allegiance to the Flag.

#### **ROLL CALL**

Present were The Honorable Vice Mayor Malinowski and Council Members Greene, Fitzwater, and Barrett. City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, Police Chief Baylor, Assistant City Clerk Clifton and Chris Griffiths, acting on behalf of City Solicitor Walton, were also in attendance.

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

City Treasurer Hartman presented the January 2017 Treasurer's Report. *Council Member Barrett made a motion to approve the January 2017 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 January 23, 2017 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 reported the following:

- Received a \$1200 grant from Highway Safety to be used for insuring that speed laws were enforced during January and February. Received additional funds to be used during the month of March to insure that drivers were not using cell phones while operating a vehicle. Will work a checkpoint strike force for St. Patrick's Day weekend.
- Received \$3200 from Criminal Justice to be used for equipment such as finger print kits and digital cameras.
- Recovered syringes and rubber gloves from the 100 block of Reybold Drive. Pursuing suspicious activity. He said if residents find such materials, they should not touch them, but should call 911. The police can recover DNA from syringes and gloves.
- There was a rock thrown through the window of Pampered Pets, Megan Titus' business on Clinton Street. Seeking information from the public.
- Interviewing applicants for the next hire, which would allow the force to go 24/7.

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

Acting City Solicitor Chris Griffiths reported the following:

- Worked on the two ordinances before the Mayor and Council this evening, as well as a few other ordinances.
- Participated in the search for the next City Manager.

Discussion followed.

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

City Manager Cathcart reported the following:

- The Army Corps poured concrete for the deck of the Fifth Street bridge today, which may move the completion date up a bit.
- The application for the extension of the Washington Street Flood Mitigation project was finally approved, giving the City until 1/9/2018 to complete the project.
- The big red hose going from a fire hydrant in Delaware City, over the bridge to a fire hydrant in Fort DuPont, was installed by the fire company to provide water to the hospital following a water line break at Fort DuPont. The break occurred late at night and they could not get anyone to repair it. Kudos to the police department who was responsible for seeing that this was given priority and resolved. Repairs were made the next day and water service was restored.

## **APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS**

Vice Mayor Malinowski presented for confirmation the appointment of Christopher McKinley as a member of the Board of Elections. *Council Member Fitzwater made a motion to accept the appointment of Christopher McKinley to the Board of Elections. Council Member Barrett seconded the motion.* Council Member Fitzwater reminded the attendees that he had previously disclosed his "not-so close" relationship with Mr. McKinley and didn't feel a need to restate the fact that they are neighbors.

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

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

There were no reports.

## **OLD BUSINESS**

### **Second Reading & Adoption of Ordinance 16-1219-01 – Amending Sections 46-91 & 46-93 of the Sign Code**

Vice Mayor Malinowski said this was introduced at a Mayor and Council meeting and a Public Hearing was held. *Council Member Greene made a motion for the Second Reading and Adoption of Ordinance 16-1219-01 Amending Sections 46-91 & 46-93 of the Sign Code. Council Member Fitzwater seconded the motion.*

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

### **Second Reading & Adoption of Ordinance 17-0123-01 – Changes to Chapter 53 of the City Code**

Vice Mayor Malinowski said this was introduced at a Mayor and Council meeting and a Public Hearing was held. City Manager Cathcart reminded the Council that this ordinance corrects and adds some language pertaining to lines and grades, and as-built plans that is required by the City Building Inspector. *Council Member Greene made a motion for the Second Reading and Adoption of Ordinance 17-0123-01 – Changes to Chapter 53 of the City Code. Council Member Fitzwater seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried*

## **NEW BUSINESS**

### **Introduction and First Reading – Ordinance 17-0227-01 – Correcting Numbering to Chapter 29 – The Residential Rental Properties Inspections**

City Manager Cathcart said this ordinance should be tabled for further consideration. *Council Member Fitzwater made a motion to table Ordinance 17-0227-01. Council Member Greene seconded the motion.* Discussion followed. *Council Member Barrett made a motion for a resolution authorizing the City Manager to forego any enforcement of the ordinance as it stands until the issue has been cleared by the General Assembly. Council Member Fitzwater reminded*



the council that he and Council Member Titus recused themselves from a vote because they are both residential rental property owners. He said he didn't think they should have done that and asked if it was safe to say that they could vote in the future because they are residents and vote on residential issues. Acting City Solicitor Griffiths said they would need to assess that when they have the ordinance in front of them. Council Member Fitzwater said he has been "gun shy" and concerned about voting to table this issue. Acting City Solicitor Griffiths said he didn't see a problem with Council Member Fitzwater voting to table this item. He said he would do some additional research prior to the Introduction and First Reading of this ordinance and have a better answer about voting/recusing at that time. *Council Member Fitzwater seconded Council Member Barrett's motion. There was no additional discussion. A roll call vote was taken, all ayes, motion carried.*

Introduction and First Reading – Ordinance 17-0227-02 – Amend Chapter 46 (Zoning) Sections 46-28 (HPR), 46-31 (General Standards) and 46-98 (Parking)

Acting City Solicitor Griffiths said this deals with a lot of the zoning code sections, specifically at Fort DuPont. He said the executive director of Fort DuPont will be at the next meeting and public hearing to make a presentation and answer any questions. *Council Member Barrett made a motion for the Introduction and First Reading of Ordinance 17-0227-02 in abstract only. Council Member Fitzwater seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.* Vice Mayor Malinowski stated that there would be a public hearing at the next meeting of the Mayor and Council.

Introduction and First Reading – Ordinance 17-0227-03 – Amend Chapter 54 (Subdivision of Land), Sections 54-8, 54-9, 54-15, 54-17, 54-21, 54-25, 54-26 and 54-28 Relating to Subdivision Submission and Other Requirements

*Council Member Fitzwater made a motion for the Introduction and First Reading of Ordinance 17-0227-03 in abstract only. Council Member Greene seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.* Mayor Malinowski stated that there would be a public hearing at the next meeting of the Mayor and Council. Discussion followed.

**MAYOR & COUNCIL COMMENTS**

Council Member Greene – No Comments

Council Member Fitzwater – Thanked the citizens for attending the meeting. He commended Chase Renoll, Andrew Lancaster and Betty Barrett for running for Council. He cautioned them against picking sides and encouraged them to run a clean race. He said, as Mr. Renoll works for Lewinski's and has a sign on Preston Carden's fence, he should just let the town know he is out to do his best for the town. He wished the candidates good luck.

Council Member Barrett – No Comments

Council Member Malinowski – attended the Planning Commission meetings and two City Manager Search Committee Meetings.

#### **RECESS MAYOR AND COUNCIL MEETING**

Vice Mayor Malinowski recessed the Mayor and Council Meeting.

#### **CONVENE BOARD OF APPEALS – 3<sup>RD</sup> QUARTER SUPPLEMENTAL FY17 TAX ASSESSMENT.**

Vice Mayor Malinowski asked if there was anyone present to appeal their 3<sup>rd</sup> Quarter Supplemental FY17 Tax Assessment. There was no one.

#### **RECESS BOARD OF APPEALS – 3<sup>RD</sup> QUARTER SUPPLEMENTAL FY17 TAX ASSESSMENT**

Vice Mayor Malinowski recessed the Board of Appeals at 6:57 pm.

#### **RECONVENE MAYOR AND COUNCIL MEETING**

Vice Mayor Malinowski reconvened the Mayor and Council Meeting.

#### **CITIZENS COMMENTS**

Tim Dilliplane, 118 Clinton Street, asked, regarding the bridge access, if there would be a concrete barrier at the drop off into the yard of the little house next to the bridge. He said he saw a bicyclist ride off the road and impale himself on the tree stump in the yard. City Manager Cathcart said the incident was reported to DelDOT and they are considering putting up a rail, but have no plans to put up a barrier.

Ray Fruytier, 909 Fifth Street, speaking for a friend who lives at 108 Washington Street, said there are people walking their dogs without leashes. A pit bull attacked his friend's poodle. He asked anyone who sees dogs running loose to report them.

John Buchheit, 210 Clinton Street, said he was opposed to the rental property ordinance, as it is an invasion of privacy. He said he has rental properties which are inspected by his insurance company.

He said that with the vendors who are coming to town, selling food and drinks, there need to be public restrooms. He added that there are an insufficient number of bike racks for the increased number of bikers who are coming to the town because of the bike trail. This would give the bikers the opportunity to walk around the town. He said the money for bike racks could be raised by doing sponsorships, the River Towns Ride, etc.



He said Council Member Titus has offered a reward of \$500 for the capture of the person who threw a rock through Pampered Pets' window. He has matched her reward so the total reward amount is \$1000.

Kelly McVey, 525 Clinton Street, agrees with Mr. Buchheit about the rental property ordinance that was tabled. She said it seems like a violation of peoples' rights.

She said it seems like a lot of time and money is being spent by the City on legal fees for ordinances for Fort DuPont. She said it seems repetitive.

#### **RECESS MAYOR AND COUNCIL MEETING**

Vice Mayor Malinowski recessed the Mayor and Council meeting at 7:06 pm.

#### **RECONVENE BOARD OF APPEALS – 3<sup>RD</sup> QUARTER SUPPLEMENTAL FY17 TAX ASSESSMENT**

Vice Mayor Malinowski reconvened the Board of Appeals. He asked if anyone was present to appeal their tax assessment. There was no one.

#### **ADJOURN BOARD OF APPEALS – 3<sup>RD</sup> QUARTER SUPPLEMENTAL FY17 TAX ASSESSMENT**

*Council Member Greene made a motion to adjourn the Board of Appeals. Council Member Fitzwater seconded the motion. A roll call vote was taken, all ayes, motion carried.*

#### **RECONVENE MAYOR AND COUNCIL MEETING**

Vice Mayor Malinowski reconvened the Mayor and Council Meeting at 7:07 pm.

#### **ADJOURNMENT**

*Council Member Greene made a motion to adjourn the Mayor and Council Meeting. Council Member Fitzwater seconded the motion. Council Member Fitzwater commended Vice Mayor Malinowski for doing a good job. A vote was taken, all ayes, motion carried. The meeting was adjourned at 7:08 pm.*

Respectfully submitted,

*Dawn K. Gwynn*

City Secretary