

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
APRIL 17, 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 AND MOMENT OF SILENCE

Mayor Green led the Pledge of Allegiance to the Flag. He then called for a moment of silence in remembrance of City Solicitor Walton's father, and summarized the work Mr. Walton did to revitalize the Delaware City Little League and Babe Ruth fields.

ROLL CALL

Present were The Honorable Mayor Green and Council Members Fitzwater, Titus, Malinowski and Barrett. City Manager Cathcart, City Treasurer Hartman, Police Chief Baylor, Assistant City Clerk Clifton and City Solicitor Walton were also in attendance.

INTRODUCTION OF NEW CITY MANAGER

City Manager Cathcart introduced Carol Houck, the current City Manager of the City of Newark and soon to be City Manager of the City of Delaware City. He summarized her qualifications and experience. Future City Manager Houck said she is looking forward to working with the City of Delaware City and getting to know everyone.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Hartman said she did not print the Treasurer's Report, as she cannot get one figure to balance. She said this problem started in February when she made the adjustments for the previous fiscal year that the auditor asked her to make. She is reviewing the adjustments to see if she can determine where the error occurred in order to correct it. The City Treasurer asked the Council Members to contact her with any questions they may have. There were no questions. *Council Member Titus made a motion to accept the Treasurer's Report from last month as submitted, subject to audit. The motion was seconded. A vote was taken, all ayes, motion carried.*

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Council Member Titus made a motion to approve the minutes of the March 20, 2017 Mayor and Council Meeting. Council Member Barrett seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Barrett made a motion to approve the minutes of the March 9, 2017, Mayor and Council Meeting. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Malinowski made a motion to approve the minutes of the February 27, 2017 Special Mayor and Council Meeting. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.

CERTIFICATION OF THE ELECTION – READING BY APRIL DEBENEDICTUS, CHAIRPERSON OF ELECTION BOARD

April Debenedictus, Chairperson of the Election Board read the Certification of the Election, dated April 5, 2017, into the minutes. Comments followed.

SWEARING-IN OF NEWLY ELECTED MAYOR – STANLEY GREEN

Mayor Stanley Green was sworn in.

SWEARING-IN OF NEWLY ELECTED COUNCIL MEMBERS

Betty Tranthum Barrett was sworn in by Mayor Green.
Robert Malinowski was sworn in by Mayor Green, with his wife Sandy Malinowski holding the Bible for him.

SWEARING-IN OF REAPPOINTED CITY TREASURER

Michelle Hartman was sworn in by Mayor Green.

ELECTION AND SWEARING-IN OF VICE MAYOR

Council Member Barrett made a motion to nominate Robert Malinowski as Vice Mayor. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Robert Malinowski was sworn in as Vice Mayor by Mayor Green, with his wife, Sandy Malinowski, holding the Bible for him.

POLICE REPORT

Police Chief Baylor reported the police activity for the month of March as follows:

- An individual in the mobile home park resisted arrest and insulted Chief Baylor and Sergeant Wysock. The person was arrested and is still incarcerated.
- Criminal Mischief occurred on Clinton Street, during which screens were cut but no entry was made to the residence.
- There was a terroristic threatening incident in the mobile home park. An arrest was made and incident was resolved.
- A fatal motorcycle accident occurred in front of Crabby Dick's. This is still under investigation by the New Castle County Police. Will need to be reviewed by the Attorney General's Office to determine if there are any charges.
- Individual left ATM card in ATM at WSFS on Clinton Street. Another individual came to use the machine a short time later, found the card and used it. That individual was apprehended and is facing several felony charges, because victim was over 62 years old, making the victim a vulnerable adult.
- Arrested three individuals for similar charges of fraud against a vulnerable adult for cashing the 74 year old victim's checks.
- There was an incident on Clinton Street when a resident bought a bow and arrows. He discharged the arrow which flew over a garage and into the side of a house. He was charged with reckless endangering and criminal mischief, as shooting an arrow is exactly like discharging a firearm within the city limits.
- Arrested individuals who were violating the City's No Solicitation law. The Chief asked residents to let the police know if individuals come to their home and try to sell power. The police will pursue this by contacting the power company which employs these people.
- Reminded citizens to lock their car doors, as there have been some thefts from cars and in most cases the cars were unlocked.
- The police are now on Twitter. They will use this to share information, such as upcoming events, with citizens.

- There has been criminal mischief at the African Union Cemetery (AUC). The police have been working with the AUC board about getting video surveillance. Chief Baylor said it is a little challenging to get to the cemetery in the police vehicles, but are hoping to get an ATV in the future to patrol this and the trail. He asked everyone to report any suspicious activity.
- Code Enforcement Officer, Adam Poplos, has started receiving complaints about high grass. He will be looking into any high grass he sees or that is reported to him.

CITY SOLICITOR'S REPORT

City Solicitor Walton stated that he has no report as he has been out of the office quite a bit during the last month.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- The City received a mini-grant in the amount of \$1000 from the Department of Agriculture to put a new fence around the community garden.
- The City received approval for the Certified Local Government grant in the amount of \$3496 which was matched by the University of Delaware with \$2500 to be used to continue phase three of the National Register of Historic District Survey. This will allow the City to do 40 more properties in town.
- The City received approval of the Neighborhood Building Blocks grant in the amount of \$46,500 which will allow the City to prepare the application for the Delaware Downtown District Grant for next year. This is being done in cooperation with Main Street Delaware City.
- Just received notification that the Dragon Run Tide Gate and Flood Mitigation Project will be receiving the Governor's Conservation Award, which will be presented to the City on May 3rd at the Delaware Agricultural Museum at 10:30 am.

General Meetings

- Attended various meetings

Project Updates

- On schedule to open the Fifth Street Bridge on April 24th.
- Washington Street Flood Mitigation is moving forward while still awaiting historical and environmental review by local government as well as FEMA.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Mayor is looking for volunteers for several open positions. He is also looking for a new City Secretary as Dawn Gwynn resigned after holding that position for 11 years.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Tim Konkus, president, said Main Street wants everyone to know about the two day town wide yard sale that takes place on April 29th and 30th. There are no rain dates.

Library – Kirsten Hickey, library assistant, highlighted some upcoming programs.

Delaware City Day – Mayor Green, chairperson, said Peggy Thomas is willing to act as assistant chairperson. He said other volunteers are needed to work with him, Dick Cathcart and Katie Thomas. All volunteers are welcome.

OLD BUSINESS

Discussion of Options Relating to Ordinance 17-0227-01 – Residential Rental Properties Inspections

City Solicitor Walton said he asked to have this item placed on the agenda. He said he was not present when Council voted to suspend enforcement of the current rental ordinance. He noted, after reading the minutes, that some individuals have argued that the rental inspection requirement violates some of the landlords' rights. He said the United States Supreme Court ruling in the case of *Camara vs. San Francisco* makes very clear that inspections are constitutional.

He pointed out that the tenant/occupant could deny inspection. If this happens, the government cannot enter the premises without first obtaining a warrant or a lawfully authorized entrance by a landlord. He gave additional details about that warrant requirements.

He agrees that the language of the existing code needs to be tweaked for the rental property inspections. He asked how the Council wanted to revise this ordinance. Discussion followed regarding whether two Council Members should recuse themselves, as they own rental properties. City Solicitor Walton said he had advised them of the law and told them it was a close call whether they should recuse themselves. Discussion followed as to whether the Council wanted to repeal the current rental ordinance or fix the current rental ordinance. City Manager Cathcart reminded the Mayor and Council that they could not repeal the ordinance tonight as it takes an ordinance to repeal an ordinance. *Council Member Barrett made a motion to table this. Council Member Fitzwater seconded the motion. Council Member Titus recused herself as she has a financial interest in rental properties. Council Member Fitzwater said he would not recuse himself, as his name is on the deed for ten rental units on Hamilton Place, but he has no financial interest in the rental properties because his parents receive the rental income. A roll call vote was taken, with the Council Members voting as follows: Barrett – aye, Malinowski – aye, Fitzwater – aye, and Titus – recused. Motion carried.*

NEW BUSINESS

Representative Valerie Longhurst & Superintendent of Colonial School District, Dusty Blakey

Representative Longhurst was not able to attend the meeting this evening.

NPDES Annual Report Approval

City Manager Cathcart reminded the Mayor and Council that this is a report that must be filed annually by the City. *Council Member Titus made a motion authorizing the City Manager to file the annual NPDES report. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Set Special Meeting to Approve Annual Assessment FY17 (between 5/1 and 5/15) & Discuss Date for Annual Board of Appeals FY17 (usually the May Regular M & C Meeting)

City Manager Cathcart said they would like to set the Special Meeting to Approve the Annual Assessment FY17 for May 8th, which is the same night as the Budget Workshop. *Council Member Barrett made a motion to hold the Special Meeting to approve Annual Assessment FY17 on May 8th at 6:00 pm at Town Hall. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried.*

MAYOR & COUNCIL COMMENTS

Council Member Barrett – thanked the residents for electing her for another two years. She said she would also like to address the election news that was sent to everyone. She thought it was abusive and degrading, not only to her, but also to another candidate, Andy Lancaster. She said this was a case of defamation of character and unethical conduct unbecoming of Council Member Titus.

Council Member Malinowski – thanked the residents who elected him for another two year term. He also thanked the Council for electing him as Vice Mayor.

Council Member Titus – Said the truth is sometimes painful.

Council Member Fitzwater – responded to the letter also. He said the slander needs to stop. He commended the town for getting out and voting. He said there was a large turnout.

Council Member Greene- was not in attendance due to a death in her family. Mayor Green offered condolences.

Mayor Green – Trying to recruit entrepreneurs and companies to move their businesses to Delaware City. He is also looking for job leads for Delaware City residents. He added that a company he worked with previously, First Data Corporation, is hiring 50 new employees. He encouraged interested residents to contact him with any questions. He met with Delaware City Fire Department's president, Paul Johnson. He will be engaged in some speaking activities

regarding finding jobs for the youth of Delaware City and getting more volunteers for the fire company. He has been working on Delaware City Day. The Mayor's Ball committee asked that the funds from the Mayor's Ball, which are not city funds, be donated to renovate the gazebo in the park. The Mayor's Ball will be held the last Saturday of February 2018.

CITIZENS COMMENTS

Kate O'Donnell, 109 Washington Street, said she has been involved with the Delaware City Heritage Association for the last two years. They now have a facebook page, which has been getting wonderful responses. They have been putting out monthly displays at the Library. In May, they will be doing a display on Fort DuPont – Then and Now. She said they have 501(c)3 status and because of a donation from the refinery, they were able to purchase a color printer and scanner. This will allow them to scan family photos.

Mike McMichaels, 129 Washington Street, said the Fifth Street Bridge is running about two months and a week behind schedule. He asked about having the bridge named after a deceased friend. In 2008, he lost his partner, Michelle Newton Smith, who drove the ambulance for him. She was killed in the line of duty, leaving behind her 12 year old daughter. He sent letters to elected officials asking if the bridge could be named after her. He said he spoke with Senator Poore who said it was going to happen. She said the state and possibly the town will take care of signage.

ADJOURNMENT

Council Member Fitzwater 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 7:26 pm.

Respectfully submitted,
Dawn K. Gwynn
City Secretary