

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
407 Clinton Street - P.O. Box 4159  
Delaware City, Delaware 19706  
302-834-4573

**CITY OF DELAWARE CITY  
MAYOR AND COUNCIL MEETING  
JULY 15, 2013**

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

The Honorable Mayor Green called to order the Mayor and Council Meeting at 6:32 pm.

**PLEDGE OF ALLEGIANCE**

The Honorable Mayor Green led the Pledge of Allegiance to the Flag.

**ROLL CALL**

Present were Council Members Barrett, Titus, Johnson, Malinowski and Buchheit. Also present were City Manager Cathcart, City Secretary Gwynn, City Treasurer Hartman, Chris Griffiths on behalf of the City Solicitor, Chief Tjaden and City Solicitor Walton.

**ACTION UPON THE TREASURER'S REPORT**

City Treasurer Hartman presented the June 2013 Treasurer's Report. There were neither questions nor discussion. *Council Member Barrett made a motion to approve the June 2013 Treasurer's Report subject to audit. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.*

### **ACTION UPON THE MINUTES OF THE PREVIOUS MEETING**

*Council Member Johnson made a motion to approve the minutes of the June 17, 2013 meeting as written. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.*

### **POLICE REPORT**

Chief Tjaden reported the police activity statistics for the period from 6/16/2013 through 7/14/2013, with a total of 58 arrests: 7 criminal arrests and 51 traffic arrests. He also reported the following:

- Submitted a Port Security grant request in the amount of \$25,000 to purchase new radios and computers for the police cars. It is moving along.
- Arrested person who allegedly robbed resident who had won money at Delaware Park. Executed a search warrant on his house and phone.
- Sponsored one-day glock training – 32 attendees
- Preparing for Delaware City Day. Will close Clinton Street on Friday night, with no parking on one side of Bayard Street, Fourth Street and Canal Street. Picked up two portable signs from the New Castle Police Department to notify people of parking. There will be 12 County Police officers, 10 members of the Viper Team, and Delaware City Police. There will be a police command post. Fire Police will be directing traffic.

There were a couple questions for Chief Tjaden.

### **APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS**

None

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

Board of Health – Brenda J. Parker, chairperson, reported on the status of the Community Assistance Manual. The final draft was emailed to City Manager Cathcart. They discussed vacant and abandoned houses in town. Chairperson Parker assumed the responsibility for spearheading the vacant property project, relieving Mayor Green of that duty. They also had a short discussion of the rules and responsibilities of the Board of Health.

Mayor Green commended the members of the Board of Health for all the hard work they put into the Community Assistance Manual.

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

City Solicitor Walton reported the following:

- Worked to prepare for the first Board of Adjustment hearing.
- Completed checklist for Board of Adjustment.
- Drafted a set of rules for the Board of Adjustment
- Worked to revise the ordinance that is on the agenda this evening.

- Worked on a few other ordinances that are in the pipeline regarding business license fees and rental license fee. He said these would take some time as research must be conducted.
- Followed up on finalization of the branch canal project.

After being questioned, City Solicitor Walton said the City was only paying for one lawyer for this meeting. He said he wasn't sure he could make the meeting so he scheduled Mr. Griffiths to attend in his place.

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

City Manager Cathcart reported the following:

- Spent four days at the State Legislature lobbying against HB 81 and requesting funds for Streets and the African Union Cemetery project. As a result of funding requests, the City will receive \$43,000 in Municipal Street Aid Fund, \$209,000 for streets, \$40,000 Grant in Aid for the Community Center, which is an increase, \$33,000 Grant in Aid for Delaware City Day which is a slight increase, and \$50,000 for the African Union Cemetery. The total is a little more than \$375,000.

HB 81 is a piece of legislation that might cause small municipalities to shut down their police department as it would give the police collective bargaining power for as few as one police officer. The Delaware League of Local Government is opposed to it.

- Met With Matt Chesser and Mike Bundek and toured the vacant Pods at Governor Bacon. There are some creative plans to demolish the pods. The State would pay for the cost of the demolition. Matt is leading the charge to redevelop Fort Dupont.
- Met with Charlie Walker from Liberty Playground (has state contract) and visited both Fourth Street and Seventh Street parks for equipment in-fill ideas.
- Conducted interviews with firms responding to our RFP for the Community Center Park Master Plan. Mark Chura and Paul Johnson were on the interview team. A selection will be made next week.
- Working with a non-profit group called "Jettride" who conduct fund bike rides to raise funds for Muscular Dystrophy. They will be riding from Minnesota to New Jersey in this year's effort. We will be hosting them for an overnight stay in our Community Center on July 31<sup>st</sup>. We are trying to identify a sponsor to feed them dinner that evening. There are about 12 riders and support team members.

- The Delmarva Foundation is moving into the Community Center tomorrow with a three year lease. They will be coming to the council meeting next month to talk about their group and its mission. They help people find jobs.
- We received a 19% discount on our Workers Compensation insurance and in spite of a 15% increase statewide rate increase, we saved \$1100.
- We received a Certified Local Government Grant for \$5,907 for the continuation of the Canal Lock Study.

#### General Meetings

- Playground Ad Hoc Committee
- Planning Commission
- Historical Preservation Commission
- African Union Cemetery Friends Group
- Rivers Town Race and Festival Committee
- Board of Health
- Delaware City Day Committee

#### Project Updates

- We have received the final State permit and a provisional Army Corps of Engineers permit for the Branch Canal Trail project. A meeting with the contactor, Eastern States, has resulted in their agreement to hold their bid price from April of 2012.
- Community Master Plan will be awarded the week of July 22<sup>nd</sup>.
- Brick sidewalk, plaza expansion bike repair station work to start the week of 7/22.

Questions followed. City Solicitor Walton said he thinks the governor signed our Charter changes, but he doesn't have a signed copy yet.

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

#### **(continued)**

Main Street – Mark Chura reported that Music in the Park would take place on Saturdays in August. He said there were some upcoming movie nights. The Day Care rooms have been rented along with the gym for a summer camp, operating in July and August.

Mr. Chura said that Room 103 has been rented to the Delmarva Foundation that the City Manager mentioned in his report. They will attend the August Mayor and Council meeting to explain what they do.

## **OLD BUSINESS**

### **Hazards and Climate Change Strategies Presentation**

Sari Rothrock from The Partnership for the Delaware Estuary and her colleague Wendy Carey from Delaware Sea Grant passed out an outline and made a presentation explaining the adaptation strategies and actions identified by the Community Task Force. Following the presentation, they passed out a questionnaire and asked for comments.

City Manager Cathcart said the City has already benefited from this process. As a result of meeting with the Task Force, comprised of some of the best minds in the state with extensive knowledge about flood mitigation, the City heard about a grant which they applied for. The City was awarded a \$50,000 grant. The Delaware City refinery provided a \$20,000 match. The City Manager also commended the community for their input during this process. He added that flooding is the number one pressing issue for Delaware City with an estimated solution cost of approximately \$900,000. He informed the attendees that there are two pending grants to help with the solution. Mayor Green thanked the team for their hard work. Discussion followed regarding current conditions and stop gap measures such as pumps, etc.

## **NEW BUSINESS**

### **Resolution 13-0715-01 Relating to No Changes to the Comprehensive Plan**

City Manager Cathcart explained that the City had received correspondence from the Delaware Planning Office saying that if a municipality does not have any major updates to the current plan, the update can be waived for five years, at which time the municipality would update the Comprehensive Plan. He said that it didn't make sense to update the plan at this time as there are pending redevelopment plans for Fort DuPont. City Solicitor Walton said the Comprehensive Plan could be updated prior to the five year cycle if the City chooses.

*Council Member Buchheit made a motion to accept Resolution 13-0715-01 Relating to No Changes to the Comprehensive Plan. Council Member Titus seconded the motion A roll call vote was taken, all ayes, motion carried.*

### **First Reading and Introduction Ordinance 13-0715-01 Relating to Sale and Consumption of Alcoholic Beverages on City Property**

City Manager Cathcart explained that this ordinance would allow the sale and consumption of alcoholic beverages on City owned property, during a City sponsored or co-sponsored event, only. Council would decide, on a case by case

basis, if a particular event would be allowed to serve alcoholic beverages. A co-sponsored event would be one such as partnering with the Delaware River and Bay Authority and the City of Salem, NJ for a wine and beer festival, as was proposed last year, or the River Town Ride and Festival, that is being co-sponsored with the City of New Castle in October. When Mayor Green asked for the next steps, City Manager Cathcart said a motion wasn't required as it was just an introduction and first reading.

### **COUNCIL COMMENTS**

Council Member Buchheit thanked the volunteers for all the work they do for Delaware City Day. He said the Delaware City Day shirts could be picked up at the Ice Cream Parlor by Delaware City Day volunteers. The shirts are provided by Crabby Dick's.

Council Member Buchheit presented a donation to the playground fund in the amount of \$375. He said, after attending the River Towns Ride and Festival meeting with the City Manager, he would like to see any money the City makes earmarked for the playground fund. *Council Member Buchheit made a motion to earmark the funds the City makes from the River Towns Ride for the playground fund. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.*

Council Member Malinowski questioned why City Manager Cathcart said no motion was required for the introduction and first reading of this ordinance. He said when it was introduced last year, before being revised, a motion was called for. City Solicitor Walton said a motion is not necessary for an introduction and first reading but it apparently has been customary for the City of Delaware City to do so. The City Solicitor said he was going to point this out, but thought he would wait until after the "Council Comments" were finished. City Manager Cathcart assured the Council they could go back and make a motion and second, but that nothing devious was meant by the oversight. Council Member Malinowski said he was only comparing what was done tonight and last year. Mayor Green asked if he should call for a motion. City Solicitor Walton suggested that he finish the Council Comments first.

Mayor Green said he was pleased that all members of Council are fully engaged in improving the playgrounds. He gave kudos to Beth Konkus for her hard work for Delaware City Day. He also thanked all the committee members and the volunteers for all their work in making Delaware City Day a success.

### **NEW BUSINESS (continued)**

First Reading and Introduction Ordinance 13-0715-01 Relating to Sale and Consumption of Alcoholic Beverages on City Property

*Council Member Titus made a motion for the introduction of Ordinance No.*

*13-0715-01, AN ORDINANCE TO ESTABLISH LICENSING PROCESS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE CITY OF DELAWARE CITY PROPERTY. Council Member Buchheit seconded the motion. City Manager Cathcart reiterated that there would be a public hearing in August. A roll call vote was taken with Council Members voting as follows: Barrett – nay, Titus – aye, Johnson – aye, Malinowski – nay, and Buchheit – aye. Motion carried.*

**CITIZENS QUESTIONS AND COMMENTS**

Albert Schrack, Lot 66, asked the Council to consider adopting a resolution regarding stray cats, in that, anyone found feeding stray cats would assume financial responsibility for those cats. He said that might help control the stray cat population in the City. He said a municipality that he saw on the internet had such a resolution. City Solicitor Walton asked if he wanted it as a resolution or ordinance. He said he thought it was an ordinance.

**ADJOURN MAYOR AND COUNCIL MEETING**

*Council Member Buchheit made a motion to adjourn the Mayor and Council meeting. Council Member Johnson seconded the motion. A vote was taken, all ayes, motion carried. Meeting adjourned at 7:35 PM.*

Respectfully submitted,  
*Dawn K. Gwynn*  
City Secretary



## ATTENDANCE SHEET – PLEASE SIGN IN

MEETING: MTC DATE: 7/15/13

NAME: Gene Seewer

ADDRESS: 210 Monroe St

Beth & Tim Kontus

302 Canal St

Mike Hendry + Deb Sellers

400 CLINTON ST.

Vicki Johnson

320 Washington

Brenda Parker

704 Williams St

Bill Miller

146 WARFEL DR

Art Jensen

Del. City Refinery

Tim Kontus

302 CANAL ST

DARR SLOTTMAN

100 CLINTON

Jim Harry

223 Cleaver Rd

Kristina Lynn

907B 5th St

Albert Schrack

Lot 66, DEMHP, 115 5th St

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