

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
March 24, 2014**

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.

ATTENDANCE ROLL CALL

Present were Council Members Barrett, Titus, Johnson, Malinowski, and Buchheit. Also present were City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, Acting Police Chief Kaczorowski and City Solicitor Walton.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Hartman presented the February 2014 Treasurer's Report. City Treasurer Hartman reported that the snow removal totals to date were \$50,418 and the cost for salt was \$14,575. The total in the playground fund to date was \$11,720.69, not including the contribution from the Mayor's Ball. She said she should have a final figure at the April meeting, when all the vendors from the Mayor's Ball have been paid. Discussion followed regarding the snow removal and salt budget. There may be some money reimbursed for snow removal by DelDOT. There was a question about some checks that were issued payable to Delaware City Athletic Association. City Manager Cathcart said they still do not have 501c3 status, but it has been applied for.

Council Member Johnson made a motion to approve the February 2014 Treasurer's Report, subject to audit. Council Member Titus seconded the motion. No discussion occurred. A vote was taken, all ayes, motion carried.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Council Member Buchheit made a motion to approve the minutes of the February 24, 2014 meeting as written. Council Member Johnson seconded the motion. No discussion occurred. A vote was taken, all ayes, motion carried.

POLICE REPORT

Acting Police Chief Kaczorowski reported the following activity for the period from February 22, 2014 through March 21, 2014: 53 arrests with 4 traffic arrests and 49 criminal arrests. He reported that the burglary suspect was arrested, with the cooperation of Probation and Parole and the neighborhood. There have been no additional burglaries since the arrest was made. There were a total of 10 burglaries. Chief Kaczorowski reported that he assisted with a large funeral at Mt. Salem UAME Church because they expected 50 – 60 members of the Thunderguards to attend. There were no problems. Discussion followed regarding 3 alleged sex complaints.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported that he had nothing to report.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- Fort DuPont Redevelopment: The legislation that will create the "Fort DuPont Development Corporation" is being finalized with the introduction anticipated within the next week. The draft legislation will allow the annexation of the Fort DuPont property without a vote of the residents of the City. However, we also have the option of have a referendum on the question as well. Either way the State will move forward with this project. The risk of having a referendum on the question is that if it is defeated and we lose all control and oversight of the project and will not have a seat at the table as final plans for the project develop.

City Solicitor Walton explained that if the City is annexing a property it would be necessary to revise the City's Comprehensive Plan to adopt a mixed use development. The Charter, Section 103, states that a referendum is required to annex property. However, with the way the draft legislation is written, it would supercede the City Charter. The Council would still have the ultimate and final say as to whether a) the

Comprehensive Plan is adopted, and b) whether or not the annexation would occur.

Discussion followed with City Manager Cathcart explaining that the redevelopment of Fort DuPont will occur whether it is in the City limits of Delaware City or not. The way the legislation is set up there is a seven member development corporation board. Right now, Delaware City has three seats of the seven. If the City doesn't annex the property, it would not be in the City limits and there would be no representation from the City on the board.

City Manager Cathcart further explained that the City would have no financial risks if annexation were to occur. The infrastructure improvements would be done by the developers. The maintenance of the roads would be assumed by the City at some point in the future, when the City starts receiving taxes for those properties. City Manager Cathcart said he could not see any down side to annexation.

Discussion followed regarding installation of a bridge across the old canal that would connect Delaware City proper to the Fort DuPont property. City Manager Cathcart said the bridge would be movable. The purpose of the bridge would be to connect the City better, the bulk of the residential property would be close and it would give emergency responders a second way to access the Fort DuPont grounds. There were concerns expressed about cutting off the marina. City Manager Cathcart assured Council that the Marina has been involved in dialogs regarding the implementation of a bridge.

Discussion occurred regarding a timeline for plans, zoning, and annexation. Additional discussion occurred regarding whether a referendum would be the best action to take or not. City Solicitor Walton said the public would be heavily involved in the planning process with the Comprehensive Plan. City Manager Cathcart said there is already a master plan as the result of three very-well attended public meetings. This draft legislation, as it is currently written, basically establishes the redevelopment corporation and upon the approval of the Comprehensive Plan (which is usually changed every five years. It was postponed a few months ago as we knew about possible charges for Fort DuPont) by the Council, the annexation would be approved. City Manager Cathcart said the bill could be rewritten if the Council determined they would prefer a referendum. Additional discussion followed. For annexation to occur, 51% of the people who vote, must be in favor of annexation. It was stressed that it would be very important for Council to be well educated and able to answer questions about what is going to happen at Fort DuPont so all residents have access to the correct information. The City Manager asked for a motion in order to have direction from Council.

Council Member Johnson made a motion to amend the draft legislation requiring the approval with a referendum vote in order for the City to annex Fort DuPont. Council Member Malinowski seconded the motion. A roll call vote was taken, all ayes, motion carried.

- Interviewed eight candidates for the Chief of Police position and narrowed the eight to four finalists. Interviewed the finalists last Thursday and Friday. The selection committee will meet Tuesday to discuss the final select.

However, City Manager Cathcart said he would like to have a serious discussion on an alternative which he thinks would greatly benefit the City. Of the four final candidates who were interviewed, any could do a good job and two could do an outstanding job.

After having worked closely with Dave Baylor on the selection committee, City Manager Cathcart introduced the idea of having him fill the position to replace Chief Tjaden. When an officer has been out of law enforcement for five years, he/she must go through the academy again. One option would be to create a position of Public Safety Director to get around that. Legislation could possibly be passed to get those requirements waived. The difference between a Police Chief and Public Safety Director (PSD) is that a PSD could not make arrests, but would have all other authorities, which is common in municipalities. In smaller municipalities, the chief of police is an actual police officer and fills in when it is necessary. Comparing one of the finalists in the interview process with Dave Baylor is like comparing an excellent high school baseball player with a professional baseball player. There is no comparison. From an administrative perspective Dave Baylor would be the best the City could probably find throughout the State. This fact came out during the interview process.

Mayor Green thanked City Manager Cathcart for letting him meet and talk with the candidates. Having retired from the police department with 21 years service, Mayor Green said he agreed with the City Manager. He said he also knew that all four of the finalists were from out of state and would need to be recertified in Delaware by the Council on Police Training. The finalists would need to wait for academy classes in Delaware Criminal Law and Delaware Traffic Law and pass the classes in order to be recertified. This could take 3 - 6 months. Dave Baylor is interested in the position and would be available in two weeks.

Discussion followed regarding the scheduling of police officers. City Manager Cathcart said his intent is to draft the legislation and hope he can get it passed. He said he feels confident that it can be done. If it were to pass, Dave Baylor would be recertified immediately.

Discussion followed regarding budgeting. City Manager Cathcart said he and the City Treasurer have already discussed budgeting for one additional part time officer this year and the equivalent of one part time officer next, which would create one full time police officer. This was discussed due to the plans to annex Fort DuPont. Discussion followed. Council Member Buchheit said for the record that it is crazy to make a police officer who served for 25 years before retiring to go through the police academy to get recertified. For the record, City Manager Cathcart agreed. He asked for guidance from the Council. He said he would be totally comfortable hiring one of the two that he felt were the stronger of the four but Dave Baylor is the strongest. More discussion. If the legislation were to pass, Dave Baylor would have arrest power. The City Manager said he almost has the legislation written.

Council Member Buchheit made a motion to create a position of Public Safety Director and give the City Manager the authority to fill that position. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.

- Had continued discussion with FEMA concerning the \$900,000 grant request for the Washington Street flooding issue. We had to provide FEMA with more detailed drawings showing the new outfall and rendering and elevations of the new pump house. We engaged Landmark Engineering to do that work. The cost of their work would be reimbursed if the grant is approved. The good news is that we are getting very favorable reviews at the various levels to date.

General Meetings

- Rep. Longhurst's Railroad Public Safety meeting.
- Fort DuPont Steering Committee meeting.
- Mayor's Ball Committee.
- African Union Cemetery Board.

Project Update

- Branch Canal: No activity since last meeting.
- Street, sidewalks, curbs project will start when blacktop plants re-open.
- African Union Cemetery Restoration project started with the clearing of the site last week.
- Community Center/Dragon Run Trail Master Plan on schedule.

Discussion followed regarding the Washington Street flooding. City Manager Cathcart thanked the refinery for helping with the Dragon Run flooding project. That project is still in the planning stages and additional information will be reported at future meetings. The original cost projection for Dragon Run was around \$500,000.

A lengthy discussion occurred regarding the signs stating that Clinton Street will be closed. City Manager Cathcart said it is a New Castle County sewer project and only between Fifth and Seventh Streets. He said he requested that the signs be changed to more accurately reflect what is going to happen.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Mayor Green announced that he had received two or three notes of appreciation for the Mayor's Ball.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Mark Chura reported on the Town Wide Yard Sale and the group of volunteers who are helping with it. He said there are two large sign boards by the post office and library. One side has events for the year, and the other side has current events.

Main Street mailed out membership applications which would include discount cards, offering a 10% discount at participating merchants.

Council Member Johnson asked about the PowerPoint presentation from Main Street. Mr. Chura said it could be done next month.

OLD BUSINESS

There was none.

NEW BUSINESS

NPDES Annual Report

City Manager Cathcart reminded the Council that this is a report they see annually regarding stormwater discharge. He asked the Mayor and Council to take this report home and review it as there are new requirements which will have a financial impact on the City going forward. Please contact the City Manager with any questions you may have. He will have additional information at future Mayor and Council meetings as it becomes available to him.

MAYOR AND COUNCIL COMMENTS

Mayor Green reported that the Mayor's Ball was sold out. He will have a financial report at the April meeting. He thanked Tim Konkus for raising about \$7000 at the Mayor's Ball, by working the crowd and encouraging them to bid on the auction items. Mayor Green awarded Mr. Konkus a model boat that plays "Moon River".

He reported that he attended the refinery CAP meeting. He informed the attendees that if a resident has a complaint about the refinery, they don't need to give their name, however the complaint will be passed to the refinery. If the resident does leave their name DNREC and the refinery will followup.

He reported he met with Diane Laird, Mark Chura and the National Main Street representative. There is a new model for Main Street which says Main Street and the municipality should be working together.

Council Member Malinowski – no report

Council Member Buchheit asked to have the "police parking" signs removed from Clinton Street. He said they are never used and would create additional parking for customers. City Manager Cathcart, Mayor and Council agreed.

He questioned the tax delinquencies in excess of \$10,000. Discussion followed.

He also asked if DNREC reports the information on the caller who had a complaint against the refinery. Lisa Lindsey from the refinery said they do give information on some calls to her in order to follow up. Discussion followed.

He asked who can program the sign board at the ballfield. City Manager Cathcart said all police officers have been trained and he will get training also.

Council Member Barrett – no report

Council Member Titus reported that she attended the railway meeting and felt confident that everything is being done to keep Delaware City safe.

She also reported that she had filed her grant application for the Cat grant. She thanked Mark Chura for his assistance. If approved, the grant would take care of 250 cats. There is an issue as there are foxes in the trailer park who are stealing the cats.

Council Member Johnson reported that he handed out the awards for the Christmas decorations. He added that he is working to promote the City's Facebook page.

He asked about the status of the police boat. City Manager Cathcart said nothing has been done, due to his numerous medical visits. He said he would have the survey completed by the next meeting and would prefer to sell the boat by sealed bid.

CITIZEN COMMENTS

There were none.

ADJOURNMENT

Council Member Barrett made a motion to adjourn the Mayor and Council Meeting. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried. Meeting adjourned at 7:52 PM.

Respectfully submitted,
Dawn K. Gwynn
City Secretary