

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**CITY OF DELAWARE CITY
PUBLIC HEARING &
MAYOR AND COUNCIL MEETING
July 21, 2014**

CALL TO ORDER – PUBLIC HEARING

The Honorable Mayor Green called to order the Public Hearing at 6:00 pm. Present were Council Members Konkus, Titus, Buchheit and Malinowski. Also present were City Manager Cathcart, City Secretary Gwynn, City Treasurer Hartman, and City Solicitor Walton.

ORDINANCE 14-0616-01 – AN ORDINANCE TO ESTABLISH BUSINESS LICENSES

Mayor Green asked if there was anyone in attendance who wished to question or comment on this ordinance. City Solicitor Walton said he wished to make a statement regarding this ordinance. He stated that the fees set therein were not arbitrary numbers. He conferred with city staff and researched historical data, for not only business license fees for Newark, Dover, etc., also went back to determine business costs to the City related to license fees. It is the Council's prerogative to adopt fees as is appropriate, which should be reasonable related to the cost of providing the service. The fees in this ordinance were approximated, based on this research.

City Solicitor Walton further explained that there has been much discussion about fees charged by municipalities, due to House Bill 333. The City of Delaware City is not subject to House Bill 333 because Delaware City is a home rule municipality but he wanted to assure that the City fees were reasonable.

Discussion followed regarding how approval and suspension of business licenses would work. It was stated that the City Manager does not have the authority to arbitrarily deny a business license if the type of business is allowed within a particular zone. Discussion followed about fines and arrests for vendors who do not get a license. It was stated that churches would not need to have a business license for normal worship services or one day events, such as the "Spring Fling". However, if a church were to open a store selling, for example, religious items on a regular basis, they would need a license. City Solicitor Walton explained that this ordinance is a generic ordinance and pretty straightforward.

It was stated that the vendors selling goods at events like Delaware City Day or the River Towns Ride, would not need to have a business license as they are participating in a City event for which they've paid a fee.

RECESS PUBLIC HEARING

Mayor Green asked for a motion to recess the Public Hearing until 6:25 pm or such time as someone wanted to ask a question or make a comment regarding the ordinance on the agenda. *Council Member Malinowski made a motion to recess the Public Hearing. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.* The public hearing was recessed at 6:11pm.

RECONVENE PUBLIC HEARING

The Honorable Mayor Green reconvened the Public Hearing at 6:25 pm. He asked if there were any members of the public who would like to question or comment upon Ordinance 14-0616-01. Discussion occurred with Council and the City Solicitor regarding section 51-10 c). This ordinance would go into effect immediately. The City Manager would need to create forms. Discussion followed regarding prorating the first year's fees.

ADJOURN PUBLIC HEARING

Council Member Konkus made a motion to adjourn the public hearing. Council Member Titus seconded the motion. A vote was taken and passed unanimously. Mayor Green adjourned the Public Hearing at 6:30 pm.

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 Konkus, Titus, Malinowski, and Buchheit. Also present were City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, Police Chief Baylor and City Solicitor Walton.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Hartman presented the June 2014 Treasurer's Report. Discussion occurred regarding clarification of the "Cell Tower Lease" line item. *Council Member Buchheit made a motion to approve the June 2014 Treasurer's Report, subject to audit. Council Member Titus seconded the motion. No additional discussion occurred. A vote was taken, all ayes, motion carried.*

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Council Member Buchheit said there should be a correction on page 8. The boat that is listed was from Australia, not New Zealand. *Council Member Buchheit made a motion to approve the minutes of the June 16, 2014 Mayor and Council meeting as revised. Council Member Titus seconded the motion. No discussion occurred. A vote was taken, all ayes, motion carried.*

POLICE REPORT

Chief Baylor reported the following:

- The new police officer, Jay Davidson, started to work full time on June 30, 2014. Due to this, there is more coverage now.

David Kerr, working part time, has been promoted to Sergeant. He has done a very good job, working closely with the Chief, making sure the transition went well.

Officer Amy Kevis has returned to work. She is part time and had taken a temporary leave of absence because her daughter was ill. Still looking to hire one, maybe two full time officers.

- Asked in the City News for residents to park legally, with the passenger side of the car next to the curb. The police are currently giving warnings but will give tickets in the future.
- Addressed speeding concerns on Washington and Clinton Streets. On Clinton Street, from Fifth Street to Second Street the speed limit is 25 mph. From Second Street to the river, the speed limit is 20 mph. With the number of people walking and the children playing, the police need to enforce these speed limits. The speeding on Fifth Street is being addressed.

- The police have been maintaining a presence in Harbor Estates and the trailer park.
- There were a couple people driving over the park, around the people, to go fishing. This is being addressed.
- Have been stickering abandoned vehicles.

Things have been going well. The Chief said he is working to reduce the number of hours the New Castle County police cover the City.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- The Fort DuPont legislation passed the State Senate without any descending votes on June 30th. The Governor will be doing a bill signing this Wednesday at 2:30 pm on the grounds of Fort DuPont. City Clerk Hartman said she would forward the information on the location of the signing to the Mayor and Council. The signing will take place under a tent on the parade grounds.
- Catholic Heart Work Camp completed their work on 15 houses within town for very thankful residents that did not have the financial resources to get the work/repairs done on their own.
- Met with Max Walton to discuss the preparation of the necessary changes in our Zoning Code and Comprehensive Plan. Max developed the timeline for all the tasks necessary to implement the Fort DuPont redevelopment and annexation (City Solicitor Walton will review).
- There will be a public presentation of the Community Center/Dragon Run Trail Master Plan on September 11, 2014 at 6:30 pm in the Community Center.
- Delaware City Day was another successful event. Crowd control still presents some challenges but we have some solid ideas for improvements next year. There were several calls for service (lost kids and lost cars). Five of the calls were of a serious nature: one was an assault involving a local victim who was hospitalized. Alcohol was a factor. Chief Baylor said the City needs to look at how alcohol is being handled. City Manager Cathcart said the Chief and he have already met about this.
- The City made the newspapers on Saturday and Sunday. Last year Green Delaware, The Audubon Society and The Sierra Club had some pretty offensive floats in the parade. The City changed the application process which gave the City the right to review what the floats would look like and what handouts would be used. Of the three organizations the City was concerned about, The Sierra Club submitted the required information and their float and information booth were approved. ACLU who has been in

the vendor area for a couple years submitted their information and were approved for an information booth. The Audubon Society did not submit their information. They chose instead to call News Journal and complain about infringement of their Freedom of Speech. City Manager Cathcart said for the record that the Delaware City Day Committee did not turn down or reject the Audubon Society. The Audubon Society decided they would not share with the committee the information they would hand out. They decided to put a boat in the river to protest all the fish the refinery is killing, according to them. City Manager Cathcart spoke with the reporter for quite some time. There was a threat of a protest, which did not occur. The City did receive a FOIA request from Green Delaware for all the Grant-In-Aid applications. The City Solicitor will handle this request. City Solicitor Walton said the Delaware City Day Committee never received a completed application from the Audubon Society. Mayor Green informed everyone that the City Manager is the designated spokesperson to do press releases for the City. We are looking for a new chair for the event because of the three year term limit!

- All performance reviews were completed on time before the end of the fiscal year.

GENERAL MEETINGS

- Friends of the AUCC Board meeting.
- Rivers Town Race Committee meeting.
- Delaware City Day Committee meeting.
- White Clay Creek Running Club.

PROJECT UPDATES

- We are looking to do some curb replacements/repairs on Clinton Street based on the available funds that remain after the street work is completed.
- Branch Canal; the first "lift" is nearly complete.
- Community Center/Dragon Run Trail Master Plan is complete and ready for public presentation and final input before publishing the final plan.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- Working on first draft of the time line for Fort DuPont and will have it to the Mayor and Council by the end of August. They will try to get it to the State by October.
- Worked on the Business License Ordinance and the Solicitation Ordinance.
- Spoke with the City Manager regarding overdue taxes. Going to prepare munitions. Will review with City to determine final steps.

Council Member Titus questioned the status of trash collection in the trailer park. City Solicitor Walton said he had a confidential memo that he sent to City Manager Cathcart. That is on the docket for them to discuss further. They have not come up with a path forward yet.

Council Member Buchheit asked if the Grant-In-Aid funding could be jeopardized by asking applicants for float and/or hand-out information when they apply to the Delaware City Day Committee. The City Solicitor said the City certainly has the right to ask individuals what they are going to put in the parade. The City has the right under reasonable time, place and manner of restrictions. They have to be evaluated on a case by case basis. The City did not prohibit anyone's Freedom of Speech, as no one was turned down. In the case in question, the City did not receive a complete application.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Mayor Green announced that Carol Schofield, chairperson of the Planning Commission had resigned, as she was moving out of Delaware City. He said he would like to appoint David Batanese, who lives on Monroe Street, to serve the remainder of Ms. Schofield's term ending in September 2016. The Mayor summarized Mr. Batanese's resume. *Council Member Buchheit made a motion to appoint David Batanese to the Planning Commission. Council Member Malinowski seconded the motion. A roll call vote was taken, all ayes, motion carried.*

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Kevin Whittaker, President, congratulated the City on a great Delaware City Day. He announced that Music in the Park would take place on Saturdays in August at 5:30. He said there would be a ghost tour in August. He congratulated the new businesses in town.

Delaware City Fire Company – Cheryl Dennis asked when the Clinton Street sewer project would be completed. City Manager Cathcart said the work should be completed by the end of the week. They are about 4 to 5 weeks ahead of schedule.

She asked about additional projects. City Manager Cathcart said the lights were replaced on the Reedy Point Bridge. There are about two weeks of work left before the lights are removed for good.

The project at Dragon Run and Fifth Street is waiting for Delmarva Power. After Delmarva completes their work, there should be about two weeks of work left.

Ms. Dennis reported that a representative from the fire company would be going house to house to see if each home has working smoke detectors. The individual will have identification. The start date has not been determined yet. The City will be told when it is going to start.

OLD BUSINESS

Second Reading & Adoption – Ordinance 14-0616-01 Relating to Establishing Business Licenses

Mayor Green announced there was no opposition to this ordinance at the public hearing that was held before the Council Meeting. City Manager Cathcart said this was a council initiated ordinance. Mayor Green asked if anyone had any questions or comments about Ordinance 14-0616-01. There were neither questions nor comments. *Council Member Konkus made a motion to accept Ordinance 14-0616-01 as presented. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

NEW BUSINESS

Introduction and First Reading – Ordinance 14-0721-01 Relating to Prohibiting Solicitation within City Limits

City Manager Cathcart informed the attendees that there were problems with six individuals who were going door to door, trying to sell electric power. They were very aggressive and insisting residents show them their electric bills. Two residents actually called the police because the sales people were so aggressive. New Castle County responded as well because they had received complaints. After doing a lot of research, the City Manager found that many municipalities have laws against solicitation. Discussion followed. *Council Member Buchheit made a motion to accept the Introduction and First Reading of Ordinance*

14-0721-01. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.

Presentation by David Athey on Stormwater Management

City Manager Cathcart explained that 4 to 5 municipalities have been meeting for the last two years to prepare a joint permit for stormwater management and discharge. Going forward the regulations are expanding and there will be an extensive cost to municipalities. Dave Athey explained that he works for URS who was retained by New Castle County and DelDOT to work on this project. The National Pollutant Discharge Elimination System (NPDES) came out of the Clean Water Act in 1972 and was initially focused on waste water. However, recently the focus has shifted to stormwater, as it is the largest pollutant to our waterways. Mr. Athey made a presentation, explaining how municipalities will be impacted. Delaware City has been participating in NPDES as a co-permittee since 2001. However, the current permit is not in compliance with the new regulations. New Castle County and DelDOT are working on a new permit, with municipalities as co-permittees, that must be submitted by next week. The interjurisdictional agreement will need to be signed and DNREC & EPA will need to comment on the proposed plan. The City has a current stormwater plan but it does not comply with the new regulations. In order to comply it will be expensive. Discussion followed.

MAYOR AND COUNCIL REPORTS

Council Member Buchheit asked Chief Baylor if back-in parking would be permitted in the business district. The reply was that it would not be permitted.

He said he would not want to see Delaware City be known as a speed trap town. Discussion followed. Council Member Buchheit said he has had complaints that too many cars are being stopped for speeding. He asked about signs that post the speed of passing vehicle and red light photo tickets that are mailed to the violator. City Manager Cathcart said the City has received many complaints about speeding and if someone is speeding, they will be stopped. City Manager Cathcart said he has already discussed this with Chief Baylor, saying that he doesn't think our police are giving an excessive number of speeding tickets.

Council Member Buchheit asked how long cars with expired tags can be left parked before they are ticketed. City Manager Cathcart said there is a law that limits the amount of time a derelict car with expired tags can be allowed to remain. City Manager Cathcart said they want to clean up the town and get rid of

these cars with expired tags that have been sitting there long enough to have the grass growing up around them. He said the City has received many complaints about them.

Council Member Buchheit commended Council Member Konkus for a great parade on Delaware City Day.

He said the open drink containers were a problem on Delaware City Day. Alcohol was a problem on Delaware City Day. He said the problem wasn't due to the restaurants serving people who shouldn't be served. It was due to residents having private parties, serving alcohol and bringing open containers into the business district. City Manager Cathcart said he met with Chief Baylor and discussed this today. He said the Chief had officers working the crowd, checking coolers and confiscating them if they contained alcohol. He said the problem comes from private house parties where alcohol has been served all day and the guests come down town with their Dixie cups at about 8:30 pm after they have been drinking all day. He said they are talking about not allowing any beverages of any kind in the business district. All the problems that occurred were caused by local residents.

Council Member Malinowski – no report

Council Member Titus reported that Delaware City Kitty has been responsible for spaying and neutering 190 cats. She said they are working to take care of the remaining cats. The grant will take care of 250 cats, so there is enough money to finish the job. She said it would be hard to find a kitten in town next year.

Council Member Titus asked about the horse manure that is being left behind by the people who ride their horses through town. City Manager Cathcart said the only thing the City could do is write a letter to the horse owners and see that they clean it up. Discussion followed.

Council Member Konkus – no report

Mayor Green reported that the Refinery gave out 2500 bottles of water and cozies on Delaware City Day. City Manager Cathcart thanked the Delaware City Refinery for being, again, the primary sponsor of Delaware City Day.

Mayor Green thanked Delaware City Day Chairperson Cathcart and all the volunteers for all their time and hard work.

CITIZEN COMMENTS

There were none.

ADJOURNMENT

Council Member Konkus made a motion to adjourn the meeting. Council Member Titus seconded the motion A vote was taken, all ayes, motion carried. Meeting adjourned at 7:50 PM.

Respectfully submitted,
Dawn K. Gwynn
City Secretary