

"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
PUBLIC HEARING &
MAYOR AND COUNCIL MEETING
AUGUST 18, 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, Johnson, Buchheit and Malinowski. Also present were City Manager Cathcart, City Secretary Gwynn and City Treasurer Hartman.

ORDINANCE 14-0721-01 – RELATING TO STANDARDS FOR SOLICITATION

Mayor Green asked if there was anyone in attendance who wished to question or comment on this ordinance. There were no public comments for questions.

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 Johnson 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 6:02pm.

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 14-0721-01, an ordinance Relating to Standards for Solicitation.

Helene Malgiero, 311 Monroe Street, asked for clarification of the ordinance. City Manager Cathcart said as a result of complaints about a group of people soliciting electric power, the City determined it was time to do something about solicitation. Discussion followed regarding various non-profit/religious groups which would be exempt from this ordinance. City Manager Cathcart said if any individual homeowner put out a sign stating "No Solicitation", these groups could not go to those homes.

Deb Sellers, 400 Clinton Street, asked if this were approved, what residents can do if someone comes to their door soliciting. City Manager Cathcart said they should call 911. Chief Baylor explained how the police would handle it.

Helene Malgiero, 311 Monroe Street, asked if Girl Scouts would be exempt. If a homeowner has a sign posted, the Girl Scouts would not be allowed. However, the police would not come unless the resident calls the police. Mayor Green told Ms. Malgiero that the ordinance contains a description of charitable organizations that would be exempt.

ADJOURN PUBLIC HEARING

Council Member Johnson made a motion to adjourn the public hearing. Council Member Konkus 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, Johnson, Malinowski, and Buchheit. Also present were City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn and Police Chief Baylor.

ACTION UPON THE TREASURER'S REPORT

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

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Council Member Konkus made a motion to approve the minutes of the July 21, 2014 Mayor and Council meeting as written. 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 incident on Delaware City Day occurred at the corner of Front and Clinton Streets. The individual who was assaulted was walking on Clinton Street toward Fifth Street. The street light was out because of the fireworks. When the individual got to the intersection there was a group of people having an altercation. The individual stepped in and tried to stop the altercation and became a victim of the altercation. He fell to the ground, was punched, kicked and dragged. Chief Baylor and Sargent Kerr and other officers responded. They originally thought the individuals involved went into an apartment. After checking out the apartment, the victim's brother confronted the Chief, an altercation occurred and he was taken into custody and arrested. They would have liked to continue the investigation but the victim's brother prevented this by taking their attention away from the investigation. After investigating the assault, the police were able to make an arrest and charged the individual, who was a juvenile, with a felony assault. He has subsequently been charged with another felony assault on an incident that occurred in the mobile home park. He is now incarcerated. The investigation continues. The individuals involved all seem to be juveniles and they are from our town. They were not people who came into town for Delaware City Day.
- There was an incident of a 4-5 year old child roaming about town at 7:00 am without any parent or guardian. Fortunately, the nurse from the doctor's office noticed the child took him into custody and called the police. The police took the child into custody and eventually found the parent. Called the Division of Family Services.
- There were a couple incidents of underage consumption of alcoholic beverages.
- A sex offender was stopped after 11:00 pm, with two minor girls in his vehicle. He was taken into custody and turned over to Probation and Parole.
- The activity that is occurring in our streets after midnight is troubling. There is a lot of foot traffic and people driving in town who don't live in the City. The police are attempting to address this.
- Full-time Officer Jay Davidson was hired. Another officer will be starting at the end of September. The City is looking into hiring a 3rd full time officer – deciding if they want to hire a certified officer or if they want to hire an individual and send them through the academy.

CITY SOLICITOR'S REPORT

City Manager Cathcart gave the City Solicitor's Report as City Solicitor Walton was not asked to attend the meeting by the Mayor and Council. He reported the following:

- Fort DuPont Legislation was recently signed. The City has to start to make Code changes because of this and because New Castle County will no longer be doing the City's code enforcement or building inspections. The City Solicitor has been working on a lot of this legislation. There are five pieces of that, including building inspection and code enforcement, a new building code, a Property Maintenance Code, new zoning for Fort DuPont which is called the Historical Preservation and Redevelopment District, and a subdivision code. All drafts have been reviewed and are now in the second draft.
- Has completed the second draft of the Comp Plan revisions that now will go to the State for review. Everything will then be presented to the Mayor and Council for a vote.
- Sent a letter to the Mayor and Council and the Planning Commission relating to the Ft DuPont Development and Preservation Authority as it relates to making public comments and having discussions about that project.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- Fort DuPont legislation was signed by Governor Markell at the Fort on July 23rd. The Governor had many positive things to say about the City.
- Starting to have preliminary meetings concerning the substantial required replacement of water meters in town. We met with Honeywell Corp this month.
- Met with Linda McKay, Greater Wilmington Visitors Bureau to update information and discuss promotional ideas for the City.
- Met with a reporter and photographer from the New York Times concerning Fort DuPont redevelopment and the connection/impact to the City. The article ran last week.
- Met with a reporter from Out and About magazine about the many things happening in the City and the positive impact it has had over the past few years. The article should be in the September issue.
- I have been approached once again for consideration of selling the property consisting of the paper street Jefferson Street. Would like to get the Council thoughts about declaring this property surplus and going through a public process to sell the property. Discussion followed. Mayor Green asked City Manager Cathcart to put something in writing, state the

options and return with it to the Mayor and Council. Additional discussion followed. City Manager Cathcart reminded the Mayor and Council that there is a public and transparent process that needs to occur before surplus property can be sold. Council Member Johnson asked for a list of pros and cons at the next meeting.

- When asked about the sale of the boat, City Manager Cathcart said he had been contacted by Cedar Creek Marina and was given two options: 1) The boat needs to be detailed, all police equipment removed and get it in running condition (need estimates) 2.) He offered to buy outright without doing any of this work at the cost of \$19,000. Will look at appraisal and it can be discussed in the future. Discussion followed.

GENERAL MEETINGS

- Friends of the African Union Church Cemetery Board meeting.
- River Towns Ride and Festival Committee.
- Delaware City Jaycees Organizational Meeting.
- Historical Preservation Commission.
- Planning Commission.

PROJECT UPDATES

- Branch Canal Trail: In the final stages of completing the first lift.
- Community Center/Dragon Run Trail Master Plan: The Final draft of the Master Plan will be presented September 11, 2014 at 6:30 in the Community Center.
- American Birders Association will be moving in their new headquarters the week after Labor Day.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

There were no appointments, announcements or communications.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Delaware City Day Committee – Mayor Green reported that Council Member Konkus would not be involved with Delaware City Day in 2015. He thanked her for seven years of devoted service to make Delaware City Day a grand event. City Manager Cathcart said he would not serve as the chairperson in 2015. Mayor Green and Vice Mayor Johnson agreed to chair Delaware City Day next year.

Mayor Green announced that Senator Poore was in attendance. He thanked her for all she has done for the City.

OLD BUSINESS

Second Reading & Adoption – Ordinance 14-0721-01 Relating to Standards for Solicitation

City Manager Cathcart reminded the attendees that this ordinance was triggered by the aggressive behavior of the energy sales people. There are some non-commercial solicitors who are aggressive and “No Soliciting” signs placed on house by resident would prohibit that. This is a complaint driven ordinance which means the residents would need to report any complaints. Discussion followed regarding penalties. *Council Member Johnson made a motion to accept Ordinance 14-0721-01 as presented. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

NEW BUSINESS

Authorizing Beer to be Served at The River Towns Ride on October 4, 2014

City Manager Cathcart said last year was the first time craft beers were served in the parks. The event was a huge success with no problems at all. The second River Towns Ride will be held on October 4th. All servers would be required to have serving cards and the same protocol, including controlled access and egress, will be used as last year. *Council Member Konkus made a motion to authorize craft beers to be sold in the park at the River Towns Ride on October 4, 2014. Council Member Johnson seconded the motion. A roll call vote was taken, with Council Members voting as follows: Konkus – aye, Titus – aye, Johnson – aye, Malinowski – nay and Buchheit – aye. Motion carried.*

MAYOR AND COUNCIL REPORTS

Council Member Konkus said she was talking to DNREC police officer who suggested that the sign, “For Police Boat Docking Only”, be removed from the police boat docking space because it is not being used. That space could then be used as additional town docking space. City Manager Cathcart and Chief Baylor said that the sign could be removed.

Council Member Konkus asked who owns the fence around the old boat lock. She said people are crossing over the fence and fishing in the lock. City Manager Cathcart said it is City property and he would discuss it with Chief Baylor.

Council Member Konkus asked to have the trash in the park picked up Friday. Now it is being picked up on Thursday and it is overflowing by Saturday morning and only gets worse as the weekend progresses.

She asked what the timeline is for the work to be done on Fifth Street Bridge. City Manager Cathcart said the latest information he has from the Army Corps is that construction will begin in October 2015.

She also asked when the business licenses will go into effect. City Manager Cathcart said the police department is going door to door in the business district to get names and contact information. The City will then use that information to contact each business regarding the licenses.

Council Member Titus said she was happy to see Mr. Fruytier at the meeting as he is one of the City's most ardent supporters. When she asked him why he stopped attending, he said that he couldn't hear the speakers. She reminded everyone that they need to speak up.

She reported that Delaware City Kitty has spayed/neutered 203 cats with 12 pending because they are not old enough or heavy enough. There are sufficient funds to do 39 more cats. She has been talking to landlords, asking them to require that tenants have spayed/neutered animals before they rent to them. She talked to the trailer park also.

She said she noticed the bus stopping at various locations on Clinton Street to drop off or pick up passengers. Discussion followed regarding buses speeding on Washington Street and people loitering in the M&T ATM facility while waiting for a bus.

Council Member Buchheit said the corner of Front and Clinton Streets has been a problem for a long time. He said the light at the corner was not out because of Delaware City Day, as he had been trying to get it take care before Delaware City Day. He added that various street lights are out throughout town. City Manager Cathcart said they should be reported to Town Hall.

Council Member Buchheit referred to a letter from Mike McMichael about Delaware City Day. Discussion followed. City Manager Cathcart said he and Chief Baylor have met to discuss ways to control it.

Council Member Buchheit said Council voted to remove the two police parking signs on Clinton Street. They were removed and now they have been reinstalled. He also said parking on Clinton Street and Front Street is a problem because residents think they have reserved parking. Discussion followed regarding these

issues. City Manager Cathcart said they are going to have lines painted on the newly paved areas of Washington Street. As repairs are done further up Washington Street, lines will be painted there also. Chief Baylor said he would move any trash carts he sees to reserve parking. If he gets calls about residents blocking parking spaces he will address it.

Council Member Buchheit complained about food vendors setting up on Clinton Street. There was a bake sale set up. Discussion followed.

He asked Mayor Green if he had set up the ad hoc committee to look at extending the power of HPC so they don't act in an advisory capacity only. Mayor Green replied that he had not set that up.

Council Member Buchheit said he would be shopping for Christmas decorations for the business district with Preston Carden.

He thanked Senator Poore for getting a "Delaware City" Sign on Route 1. He asked her if she could see that the graffiti was removed from the sign on the northbound side.

Council Member Buchheit said a power scam is being perpetrated on homeowners. Residents and businesses have received calls saying their power will be turned off if they don't pay immediately. Caller ID says "Delmarva Power".

He questioned street vendor licenses. City Manager Cathcart said as soon as the business licenses are implemented that law will be enforced.

Council Member Malinowski had no report.

Council Member Johnson reported that he attended a couple meetings and a seminar about the increased rail traffic that will take place at the refinery. All fire departments and State agencies are bulking up resources and providing training and implementing policies and procedures in preparation for a hazmat incident. In case of a major incident, there would be reverse 911 calls made to necessary areas. There will be additional information about this in the future.

Mayor Green said he would talk to Mike McMichaels regarding the letter he sent about Delaware City Day.

Mayor Green said he is assisting the Mayor of South Bethany to review the Chief of Police applicants.

He said he is working on the River Towns Ride and has met with Main Street. He attended the meeting at Fort DuPont when Governor Markel signed the redevelopment bill.

He followed up on a citizen complaint when there was a bad accident at Wrangle Hill Road and Route 9. A section of Fifth Street was closed and some people couldn't leave their house.

CITIZEN COMMENTS

Ray Fruytier, 905 Fifth Street, said the Jefferson Street paper street should not be sold to Preston Carden. Mr. Fruytier explained the various reasons why it should not be sold to Mr. Carden, including breaking his word about building a fence behind his facility, failing to install a sidewalk in front of the new building he just built, and the alley by the storage facility that is used to store tires, oil drums, etc. That is an alley way that should not be blocked as it is the only access to back yards for two residents. Mr. Carden told Mr. Fruytier that he didn't care if the City sold him the paper street or not "I'm using it for free". Mr. Fruytier said the City doesn't need the money that bad and should not sell the paper street to Mr. Carden. He added that the City should enforce what he is supposed to be doing now.

Helene Malgiero, 311 Monroe Street, said she was the mother of the young man who was assaulted on Delaware City Day. She said it is not definitely known that he tried to break up an altercation. She said her son was minding his own business, visiting a business owner, left and walked fifty feet when he was viciously attacked from behind by quite a few people. Mrs. Malgiero gave a detailed description of the injuries. She said two people came from either end of the street, yelling to stop the beating and grabbing people which helped to stop it. She said her older son heard reports of what happened to his brother, came to site of the attack and did loose it. She said he was tazed by the police. She said it was residents of town who did this. She pleaded with people to support the City to help find the people who did this to her son. She said a witness said one person in the group beating her son had a gun. She thanked the people who saved his life. She said there are insolent, dangerous people walking these streets. She asked if anyone hears anything to please let the police know. Ms. Malgiero described the lasting effects of this beating. She said she thanks God that her son is alive and thanks the people who saved him from being killed.

Police Chief Baylor said Delaware City is a beautiful town with great potential. He said there are people in town who have no respect for other people. The Chief said if it hadn't been for John Buchheit and some others running down the street,

trying to stop the fight, he didn't know what condition Ms. Malgiero's son would be in. He said until he leaves this town, he will do everything in his power to find the people who did this. He said this is a different day and the police will do what it takes to bring people to justice for doing this, so everyone's kids are safe. Chief Balor said there are people in town with guns, not just in Wilmington. He pledged to continue to vindicate this assault, but everyone needs to know this could happen to anyone unless we take ownership of our town.

He reminded everyone that school starts next week. He said it is very important that the children get to school safely. He encouraged everyone to take precautions to make sure they get to the bus stops safely. He said anyone with concerns should contact him.

Mayor Green assured Ms. Malgiero that the Mayor and Council are behind the Chief of Police and City Manager in trying to resolve this. He thanked Chief Baylor for making this statement.

Andre Smith, Pastor of the Family Worship Church on Fifth Street, said he and his wife, his mother and other members of his church attended Delaware City Day for the first time. They had such a great time and were so impressed they offered to help in the future with Delaware City Day and want to be part of it.

He said he wanted to address the attack on Ms. Malgiero's son, as his son was attacked in a similar beating in Milford three years ago. He said this incident sparked something in him that, with his background in education, led him to develop a program called "YGOP" or Young Gentlemen of Purpose. This is a mentoring program which he implemented through the YMCA in Milford. It went well. When he moved here, he implemented the program in the Thurgood Marshall School. He said he found there are a lot of good children who have bad upbringing. These children need good role models. He wants to bring his program to Delaware City. He said he will talk to the Chief of Police and the City Manager about starting the program here. He said they have a number of certified teachers in his congregation who would tutor community children at no cost.

ADJOURNMENT

Council Member Johnson made a motion to adjourn the meeting. Council Member Titus seconded the motion A vote was taken, all ayes, motion carried. Meeting adjourned at 7:45 PM.

Respectfully submitted,
Dawn K. Gwynn
City Secretary