



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
September 15, 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 Titus, Johnson, Malinowski, and Buchheit. Also present were City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, and Police Chief Baylor. Mayor Green reported that Council Member Konkus would not be present as she was attending the funeral service for her father who was being buried with full military honors at Arlington Cemetery.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Hartman presented the August 2014 Treasurer's Report. She addressed some questions about various line items. *Council Member Buchheit made a motion to approve the August 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 Buchheit made a motion to approve the minutes of the August 18, 2014 meeting as written. Council Member Malinowski seconded the motion. No discussion occurred. A vote was taken, all ayes, motion carried.

POLICE REPORT

Police Chief Baylor reported the following:

- A felony assault on August 2nd in the Mobile Home Park.
- A drug overdose on August 2nd in Harbor Estates.
- A residential burglary on Front Street on August 6th. An iPad was in plain sight from the window. The screen was cut and the iPad was stolen. The police recovered it.
- A theft of a generator and gasoline in the Mobile Home Park on August 9th.
- Theft of an unlocked vehicle on Warfel Drive on August 10th.
- Criminal Mischief to a vehicle when a vehicle was egged on August 17th.
- Criminal Mischief to a vehicle when tires were slashed. The police have a suspect.
- Burglary and theft on Clinton Street at around 8:00 pm on August 28th. It appears the victim was targeted by someone who knew him.
- Two reports of burglary in progress in residences on the business side of town. When police arrived at the address, the resident was asleep. When 911 called the number from which the call was placed, they found the call was made from a throw-away phone. The New Castle County Police have been receiving similar calls.
- Received a grant in the amount of \$8000+ to combat violent crime. The money will be used for body cameras for the police officers and some other equipment.
- There was a highway safety campaign which was focused on DUI and DUI enforcement. There were some DUI arrests made, as well as some other offences.
- Parents should remind their children not to walk in the street because it is getting dark earlier.
- Residents should pay particular to children getting on and off school buses each weekday.

Discussion followed regarding the rule for the mobile home park that says that residents with two felony convictions within a 12 month period are to be evicted from the park.

Discussion followed regarding protocol for police body cameras. Chief Baylor said there are two purposes for the cameras: 1. Allow administration to view to see how officers interact with the public and; 2. Protect the police officer.

CITY SOLICITOR'S REPORT

City Manager Cathcart made a report for City Solicitor Walton. He said the City Solicitor has been focused on writing new ordinances regarding building inspections, code enforcement, and a mixed-use code at Fort DuPont. He is also working on the Comprehensive Plan. When all this work has been completed, it will be reviewed and submitted to the Mayor and Council for review.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- Made a presentation on Fort DuPont redevelopment to the Associated Builders and Contractors (ABC) organization on August 20th.
- Without objection from Mayor and Council, Front Street between Clinton and Washington Streets will be converted into a one way north bound street. Current parallel parking on both sides of the street will be converted to front-end 45 degree parking. This will create additional parking capacity.
- Council requested that options be presented on the Jefferson Street (paper street) request to purchase. These options are as follows:
 1. Sell the property by public bid/negotiation.
 2. Lease the property as is.
 3. Do nothing by retaining ownership and prohibit private use.

After giving this careful consideration, City Manager Cathcart said it would be his recommendation to sell the property giving adjoining contiguous property owners the first option to buy. He suggested that this be put on the agenda next month and give the public a chance to comment.

Discussion followed.

- Met with the Town Manager of Elsmere concerning their management of building inspections and code enforcement. Kathy Clifton also participated in this meeting.
- Received a \$920,000 grant award letter from FEMA for the grant that was applied for last year.
- Thanked the refinery for the \$500 donation to the Community Center.
- The police boat has been sold to the Cedar Creek Marina for \$18,000-\$19,000. They were the parker for the boat while it was for sale. There were no other offers.

General Meetings

- Friends of the African Union Cemetery Friends Board meeting.
- River Towns Ride and Festival committee meetings. Meeting will be Thursday night at 6:00 pm.

Project Updates

- Community Center and Dragon Run Creek Trail Master Plan was presented to the Public on September 11th at the Community Center. Although it was a small turnout we did receive public comment.
- Branch Canal Trail first lift is completed and will now sit about three months to settle.
- American Birders are now an official resident organization in town as of this past Friday. Please stop in and introduce yourself and welcome them to the City.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Mayor Green said he wanted to make the following appointments to the Planning Commission: Tim Dilliplane and Jill Snow. He said he also wanted to make the following appointments to the Historic Preservation Commission: Miqui Beaston, Laura Lee and Dale Slotter. All of the people being appointed are currently serving on these committees.

Council Member Johnson made a motion to accept the appointment of Tim Dilliplane to the Planning Commission. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.

Council Member Buchheit made a motion to accept the appointment of Jill Snow to the Planning Commission. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

Council Member Johnson made a motion to accept the appointment of Miqui Beaston to the Historic Preservation Commission. Council Member Malinowski seconded the motion. A roll call vote was taken, all ayes, motion carried.

Council Member Johnson made a motion to accept the appointment of Dale Slotter to the Historic Preservation Commission. Council Member Titus seconded the motion. A roll call vote was taken, with the Council Members voting as follows: Titus- aye, Johnson – aye, Malinowski – aye, and Buchheit – nay.

Council Member Johnson made a motion to accept the appointment of Laura Lee to the Historic Preservation Commission. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.

Mayor Green said he needed to appoint a chairperson and co-chairperson for Delaware City Day. City Manager Cathcart said according to the City Solicitor, the Mayor is not required to get confirmation from the Council because the Delaware City Day Committee was not created by ordinance. He said the Mayor

could ask for the confirmation if he chose to. The Mayor said he would serve as the chairperson and he had asked the Vice Mayor to serve as co-chairperson. Mayor Green said he needed to make four appointments to the Fort DuPont Redevelopment Directors, as follows: Richard Cathcart – 3 year term, Dale Slotter – 2 year term, Dana Renoll – 1 year term, and Laura Lee – 1 year term.

Council Member Johnson made a motion to accept the appointment of Richard Cathcart for a three year term. Council Member Titus seconded the motion. Discussion followed. City Manager Cathcart gave a copy of City Solicitor Walton's opinion, as to whether he could be appointed to this Board, to Council Member Buchheit. A roll call vote was taken, all ayes, motion carried.

Council Member Malinowski made a motion to accept the appointment of Dale Slotter for a two year term. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.

There was no motion to appoint Dana Renoll to the Fort DuPont Redevelopment Directors. Discussion occurred regarding the fact that Mr. Renoll had not been in Delaware City very long and he was not a resident. City Manager Cathcart said the governor was going to call the first meeting this month so the City needed to fill all positions.

Council Member Titus made a motion to appoint Laura Lee for a one year period. Council Member Malinowski seconded the motion. Discussion followed. City Manager Cathcart said he had a discussion last week with the Secretary of the Department of Natural Resources to make sure there was no conflict of interest with the fact that Ms. Lee is a State of Delaware employee who had lived at Fort DuPont. A roll call vote was taken with the Council Members voting as follows: Titus – aye, Johnson – aye, Malinowski – aye, and Buchheit – nay.

Mayor Green said he would like to appoint the following to the Fort DuPont Redevelopment Advisory Board: Herb Netsch for two years, Paul Parets for three years, David Curran for one year and David Turley for one year. He gave a brief summary of the appointees' qualifications.

Council Member Buchheit made a motion to accept Mayor Green's appointment of Herb Netsch for a two year term. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

Council Member Malinowski made a motion to accept the appointment of Paul Parets for a three year term. Council Member Johnson seconded the motion. A roll call vote was taken with Council Members voting as follows: Council Member Titus – nay, Council Member Johnson – aye, Council Member Malinowski – aye and Council Member Buchheit – nay. The Honorable Mayor Green voted "aye" in order to break the tie vote. This is the first time a Mayor of Delaware City has voted to break a tie.

Council Member Buchheit made a motion to accept the appointment of David Curran for a one year term. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

Council Member Buchheit made a motion to accept the appointment of David Turley for a one year term. Council Member Malinowski seconded the motion. A roll call vote was taken, all ayes, motion carried.

Council Member Johnson asked how the vacant position on the Fort DuPont Redevelopment Board would be filled. Mayor Green said he would be contacting each Council Member to ask for recommendations and a special meeting would be scheduled. Council Member Johnson said, for the record, he would like to recommend Todd Foraker who is a lifelong resident and a business owner. Mr. Foraker indicated that he would be interested. Council Member Buchheit said he would like to appoint Council Member Malinowski and Council Member Johnson. City Manager Cathcart said it would be necessary to consult with the City Solicitor about appointing Council Members. Council Member Johnson said that if Mr. Foraker was interested, he would respectfully decline.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Delaware City Library - Josias Bartram reported that he will make monthly reports to the Mayor and Council. He reported that the summer reading program had a record number of participants. He also reported that the Library is offering ongoing computer classes. Now have iPads for the children in the kids' area.

OLD BUSINESS

Resolution 14-0915-02 – Adopting the Hazard Mitigation & Climate Adaptation Action Plan.

Council Member Buchheit made a motion to adopt Resolution 14-0915-02, a Resolution Adopting the Hazard Mitigation & Climate Adaptation. Council Member Malinowski seconded the motion. Discussion followed. A roll call vote was taken, all ayes, motion carried.

MAYOR AND COUNCIL COMMENTS

Council Member Johnson – Reported that there will be a Heroin Alert Program in conjunction with the New Castle County Police and Chief Baylor, on September 17, 2014 at 6:00 in the Community Center. He said it is a very worthwhile program because heroin is here in Delaware City.

Council Member Titus – Reported that 227 cats have been spayed/neutered due to Delaware City Kitty. She has 13 cats lined up so the 250 limit should be reached by next month. She is going to apply for additional funding.

She also reported that a customer told her bag worms are on the little evergreen trees in the pots in the park.

Council Member Malinowski – Reported that the City has a beaver problem as they have been felling trees on Canal Street. City Manager Cathcart asked Representative Longhurst to look into this as DNREC would have to capture and relocate them. He added that the trees they've chewed down are private trees, not City trees.

Council Member Buchheit – Reported the following:

- Met with Council Member Malinowski to discuss Delaware City Day.
- Planning a Halloween parade in the park on Friday night, 10/31, for all ages.
- Working with PSC on the locations for the Christmas decorations. They are looking into putting in the lights across the streets and leaving them there, as long as they are high enough for trucks and buses to get through.
- Thanked City Manager Cathcart for getting the lights in the park and on the streets repaired.
- Contributed \$420 to the playground fund from Cordelia's Bakery.

Mayor Green – Reported that he attended the refinery CAP meeting, worked on the River Town Ride fundraising and attended the boards and commission meetings. He has been preparing for the Mayor's Ball that will be coming up soon.

He also reported that the City had received a \$1000 donation for the playground fund which is going to be used to purchase a TV set to be auctioned off at the River Towns Ride. He said he thought the money made from selling chances could triple the cost of the TV set.

NEW BUSINESS

Delaware City Day - Discussion

Council Member Malinowski said he and Council Member Buchheit asked to have this added to the agenda. He said the question is, "Are the fireworks and

the crowds they bring benefiting the City?" He said the crowds are getting larger to the point they have become a public safety issue and the day is too long. Discussion followed regarding house parties, drinking on the streets, changing the fireworks to Sunday night, discontinuing the fireworks, and the importance of the day and the fireworks to local residents. Additional discussion occurred regarding public safety issues from Chief Baylor's and City Manager Cathcart's points of view. City Manager Cathcart said the crowds were managed very well. He said the town was empty within 30 minutes after the conclusion of the fireworks. More discussion followed about Grant-In-Aid funding and the possibility of using St. Anthony's celebration as a model, stopping coolers/beverages in the park.

Mayor Green recommended that he meet with City Manager Cathcart, Vice Mayor Johnson and Police Chief Baylor to work on this and make recommendations to the Council. A public hearing was suggested so that the public's opinions could be heard. Discussion followed. *Council Member Johnson made a motion to hold a public hearing about Delaware City Day before the next scheduled Mayor and Council meeting. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried.* Discussion followed regarding possible date. It was determined that the City would try to schedule the meeting on 9/29 or 9/30, provided that was a good time for the Mayor and Council.

CITIZEN COMMENTS

Todd Foraker, 302 Clinton Street, said the children are walking in the streets because the sidewalks are so bad and it is easier to walk in the street. He said he knows the property owners are responsible for the sidewalks, but since the City has planted the trees that are displacing the bricks, he asked if the City could repair some of the sidewalks.

Ray Fruytier, 909 Fifth Street, said Delaware City is grouped in with Bear and Glasgow in the Sunday News Journal. He said Delaware City should not be grouped in with these two as they are bad areas.

He said he doesn't have any problem with Bud's Repair Shop except the alley that is right behind there is unsafe. Two residents can't use the alley to access their backyards because of the hazardous materials that are stored there. Mr. Fruytier passed out pictures of the alley in question. He said it is filled with tires and barrels of some kind of liquid. He said if this caught fire, the residents' homes would be gone. He said he is totally against selling the paper Jefferson Street. He said it should not be sold.

Mr. Fruytier said drivers are speeding on Fifth Street and questioned the radar watches. He said it is worse on weekends and some of the speeders are residents and not just people from out of town. Chief Baylor gave a list of the number of hours that radar was run on Fifth Street and the number of tickets issued. He said he will do his best to address the issue.

Lisa Lindsey, Delaware City Refinery, said Route 9 will be closed at the railroad tracks where River Road intersects with Reybold IT Branch. It will take place from Saturday, September 20th until Friday, October 3rd. For detour information, she informed residents to go to www.deldot.gov.

Vicki Johnson, 320 Washington Street, said that to take away the fireworks from the Delaware City Day celebrations would be devastating to the children. She said she has lived here 53 years and Delaware City Day has always had fireworks, for generations. She said it would be better to control the liquor.

Helene Malgiero, 311 Monroe Street, said she wanted to give an update on her son's case after the assault. She said she is very disappointed about the lack of witnesses. Her son will be in court tomorrow. The Attorney General said there is nothing they can do about it. They know the names and addresses of the people who were there, who won't step forward as witnesses. She said she would like to work with Council in any way possible in order to improve Delaware City Day to make it safer and more family friendly. Ms. Malgiero said there was an awful lot of drinking by underage people and drug use in town. She said above all, the City needs to look at the safety of the citizens, not just the fun times.

Chief Baylor said the investigation is not over. He said the police ran into a road block when trying to get people to cooperate. It is not a police state and the police will not go into people's homes to look into underage drinking. No underage drinking was reported to the police or they would have addressed it. He said everyone in town must take ownership for their homes and town. He said he is proud of how his officers and the way they responded to this assault. He said the case will remain open and the police will do their due diligence to make sure all citizens are safe. He said the police rely on people to give them the information to make the appropriate arrests legally.

Kelly McVey, 308 Jefferson Street, said the residents are passionate about Delaware City Day. Ms. McVey said the incident this year was an isolated incident. She has never seen anything like this happen in the last thirty years. She said Delaware City Day is a family event and that this assault was caused by bad parenting.

Mike Hendry, 400 Clinton Street, said he spent a lot of money on their sidewalk, but can't touch the tree, as it is a street tree, that is causing the damage to the sidewalk. He said the tree is a liability.

ADJOURNMENT

Council Member Johnson made a motion to adjourn the Mayor and Council Meeting. Council Member Buchheit seconded the motion. A vote was taken, all ayes, motion carried. Meeting adjourned at 8:05 pm.

Respectfully submitted,
Dawn K. Gwynn
City Secretary