

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING & BOARD OF APPEALS
NOVEMBER 17, 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 p.m.

PLEDGE OF ALLEGIANCE

The Honorable Mayor Green led the Pledge of Allegiance.

ROLL CALL

Present were The Honorable Mayor Green, Council Members Konkus, Titus, Johnson, Malinowski and Buchheit. City Manager Cathcart, City Treasurer Hartman and Police Chief Baylor were also in attendance. City Secretary Gwynn and City Solicitor Walton were not present.

RECOGNITION

Mayor Green recognized the Delaware City Police Department. Chief Baylor introduced the members as follows: Sergeant Kerr, Sergeant Wysock, Senior Corporal Kevis and Private First Class Davidson. The Chief said with all the officers combined, they have over 100 years service. He said they come from unique backgrounds needed for the Delaware City Police Department and today's law enforcement.

Mayor Green thanked the staff for working at Town Hall with no heat or water. He thanked Vice Mayor Johnson for running the October Mayor and Council

meeting. He thanked everyone for the concern and prayers for his and his grandson's well being. He thanked Dale Slotter for serving as the HPC chairperson and for continuing to serve as a commissioner when he resigned his position of chairperson. He congratulated Lynn Dilliplane for accepting the position of HPC chairperson following Dale Slotter.

Mayor Green said he was not pleased with comments that were made at the last meeting. However, he acknowledged that everyone is entitled to their opinion. He said he thought about them and is trying to move in the right direction. He said he will continue to serve the residents in a professional and honest capacity during the remainder of his term.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Hartman presented the October 2014 Treasurer's Report. Council Member Konkus made a motion to approve the Treasurer's Report subject to audit. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Council Member Buchheit made a motion to accept the minutes from the September 15, 2014 meeting as written. Council Member Johnson seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Buchheit made a motion to accept the minutes from the October 20, 2014 meeting as written. Council Member Malinowski seconded the motion. A vote was take, all ayes, motion carried.

POLICE REPORT

Police Chief Baylor reported the police activity statistics as follows:

- On November 5th, officers of the Delaware City Police Department were sworn in by the Attorney General for state-wide law enforcement powers.
- Some burglaries in Harbor Estates. The back door of one home was left open. The police are on foot patrol in Harbor Estate due to these burglaries.
- Day time burglary on Fifth Street. Entry was made through a basement window that was unsecured. Hope to have suspects within the next couple weeks.
- Instituted foot patrols downtown, the neighborhoods throughout town and the trailer park.
- Continuing enforcement of traffic violations. They do give warnings from time to time however tickets are issued as needed.

- Continuing to take an aggressive approach to parking violations. Gave an example of a resident parked in the wrong direction that pulled out in front of the Chief.
- Posted signage in the municipal parking area prohibiting tractor trailers from parking downtown. If they park there, they will be towed.

Chief Baylor asked for input from the citizens regarding any traffic, parking, etc. issues they may have. He said they appreciate the support from the Council.

Council Member Johnson asked City Manager Cathcart if the Charter would need to be changed in order for the police to have jurisdiction state-wide as the Charter states they have jurisdiction one mile outside of town. City Manager Cathcart said that would not be necessary as State law supersedes local law.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- Met with Tim Kelly from the Army Corp of Engineers to talk about the new Fifth Street Bridge and a proposal by the Corp to transfer ownership of the bridge and the Branch Canal to the City.
- Although a very wet and dreary day, the Hike Across Delaware had over 100 hikers participate in the annual hike.
- Participated in the wrap-up meeting of the Pike Creek Valley Running Club concerning their event in October. They had nearly 400 participants and are very much looking forward to returning next year. The race has been held for 34 years.
- The Grant-In-Aid grant applications were submitted to the State Controller General's Office.
- We are continuing the exploration of the replacement of our water meters and the various options that may be available to us to pay for same. We met with the Honeywell Corporation and will be visiting the City of Newark in the coming weeks which has recently completed their meter replacements. More info to come.
- \$19,000 check received for police boat.
- The Jefferson Street paper street - In 2012 the city received a proposal to purchase the paper street. There was a motion that was unanimously approved to sell the paper street. However the motion was rescinded a few months later. In 2014 there was another proposal, which was presented in August. Council asked the City Manager to return with options. This was done in September. That issue is still before Council. Reading the political climate, the City Manager doesn't think Council is interested in passing this, but he would like to see Council resolve this tonight.

General Meetings

- Friends of the African Union Church Cemetery
- River Towns Ride and Festival

- Fort DuPont Redevelopment Board
- Planning Commission
- Historic Preservation Commission

Project Updates

- Branch Canal Trail second lift has been completed and the third and final lift is scheduled for March of 2015.
- Washington Street Project is still in design.
- Dragon Run Flood Gate and Dike restoration is still in design.
- Fifth Street Bridge Replacement design – 3-% complete.

Discussion followed about the water meter replacement, possible funding and how the existing meters are about 20 years old and are required by law to be replaced. Discussion followed regarding Route 9 Bridge and the trash collection in the trailer park. City Manager Cathcart said a letter would be sent soon regarding the trash collection as the change would be effective January 2, 2015. City Manager Cathcart said he would put an article in the City News regarding benefits of the Solar Farm.

CITY SOLICITOR’S REPORT

There was no City Solicitor’s Report.

RECESS MAYOR AND COUNCIL MEETING

Council Member Johnson made a motion to recess the Mayor and Council meeting. Council Member Titus seconded the motion. The meeting was recessed at 7:00 pm.

CALL TO ORDER BOARD OF APPEALS – 2ND QUARTER SUPPLEMENTAL TAX FY15

Mayor Green called to order the Board of Appeals – 2nd Quarter Supplemental Tax FY15 at 7:00 pm. Mayor Green asked if anyone was present to appeal their tax assessment. There was no one present to appeal.

RECESS BOARD OF APPEALS

Mayor Green recessed the Board of Appeals.

RECONVENE MAYOR AND COUNCIL MEETING

Mayor Green reconvened the Mayor and Council meeting at 7:02 pm.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

The Honorable Mayor Green recommended that Wally Poppe be appointed to the Fort DuPont Advisory Board. He said he had sent Mr. Poppe’s resume to all

members of Council. He said he also let each Council Member know that he was available for discussion and to answer any questions they might have had regarding this appointment. *Council Member Johnson made a motion to appoint Wally Poppe to the Fort DuPont Advisory Board. Council Member Konkus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

There were no reports.

OLD BUSINESS

Discussion of Jefferson Paper Street

Discussion followed regarding the most recent action that was taken by the Council in 2012. Council has received letters from Henry Walton and Jill Snow, stating that they don't want to see the paper street sold. Council Member Titus said she is concerned that the sale of the paper street would reduce the property value of Mr. Walton's contiguous property. *Council Member Titus made a motion to lease the paper street to Preston Carden on a yearly basis at whatever the going rate is for commercial property. The motion was not seconded. Additional discussion followed. Council Member Johnson made a motion to table the discussion until after the public had a chance to comment. Council Member Konkus seconded the motion. A vote was taken, all ayes, motion carried.*

NEW BUSINESS

Presentation of WILMAPCO 2040 Regional Transportation Plan Update

Dave Gula, a representative from the Wilmington Area Planning Council, presented the updates to the 2040 Regional Transportation Plan.

Introduction and First Reading of Ordinance 14-1117-01 Relating to the Floodplain

City Manager Cathcart said this ordinance is required by FEMA that ties in with the insurance study and the results thereof. This must be in place by February 2015. He said this is the introduction and first reading and a public hearing will be held in December. There were no questions.

Introduction and First Reading of Ordinance 14-1117-02 Relating to Fees for Floodplain Code

City Manager Cathcart said this is a companion piece to Ordinance 14-1117-01. This is the introduction and first reading and a public hearing will be held in December. There were no questions.

Resolution 14-1117-01 Relating to Extra Trash Cart Fee Increase

City Manager Cathcart said this resolution requires action at this meeting. He said the cart fees paid by the City have gone up but the City has not passed

along this increase to the residents. Each parcel gets a trash cart at no cost to the resident. The fees this resolution is referring to are for extra trash carts. Discussion followed regarding out of town fees. Residents with one cart would not be affected by the increase. Discussion followed regarding future requirements for trash carts for structures with more than one dwelling. *Council Member Buchheit made a motion to accept Resolution 14-1117-01 Relating to Extra Trash Cart Fee Increase. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Easement for African Union Church Cemetery

City Manager Cathcart summarized the improvements that have been made to the cemetery by the Friends of the African Union Church Cemetery. He reminded the attendees that when the City wanted to install the trail, the church gave an easement to the City. Now in order to complete the plans for the cemetery, the City would need to grant an easement, approximately 60' X 120', to be used for a plaza, benches and landscaping. He asked for a motion authorizing him to move forward to enter into an easement agreement with the African Union Church. *Council Member Konkus made a motion authorizing the City Manager to enter into an easement agreement with the African Union Church. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.*

COUNCIL COMMENTS

Council Member Johnson – announced that the Delaware City Day Committee will meet on the second Tuesday of December in Town Hall at 6:30. All are welcome.

Council Member Malinowski – no report

Council Member Buchheit – reported that the Council received a letter from Kate O'Donnell regarding Veteran's Day. He said he was surprised that the American Legion and the VFW don't do anything for Veteran's Day. He would like to see some recognition of Veteran's Day at the point.

Main Street will hold their first public meeting, in quite some time, on December 9th at 6:00 pm at Crabby Dick's.

The Annabell Toy Run will be a little different this year as distribution of food and clothing, such as coats and sweatshirts, will take place as well as the toy distribution. There is a Santa Box at town hall so that children, families and friends may make requests. If anyone is requesting clothing, they would need to provide sizes.

Council Member Buchheit said he would like to contribute to the heating bill at the community center as it was freezing.

Council Member Konkus – asked about the Christmas decorations. She said they had collected \$1000 for decorations and had an additional \$500. City Manager Cathcart said the decorations have not been purchased yet. He said he knows Preston Carden volunteered to hang the decorations as well as to help acquire them.

Mayor Green announced that Representative Longhurst won the juried leadership in the House of Representatives.

Council Member Titus – no report.

CITIZENS QUESTIONS AND COMMENTS

Karen Cebenka, 122 Adams Street, asked if there had been an announcement about being ticketed for parking in the wrong direction. Assistant City Clerk Clifton said the announcement was in the *City News* about two quarters ago. Ms. Cebenka said she had tried to access the City website for the date and time of the meeting, but the website seemed to be down. Assistant City Clerk Clifton said the state had been working on the website and it was down for about two days, but it had been operational other than that. She added that it is updated daily and gave the correct website address. Council Member Konkus asked if the announcement could be put in the next issue of the *City News* as a reminder.

Kate O'Donnell, 109 Washington Street, said the communication is hit or miss as far as newsletters go. She would like to see a monthly newsletter and the website is not always up to date. She has not seen any information about the Fifth Street bridge construction and the first she heard about it was at this meeting. City Manager Cathcart said the *City News* is sent quarterly, due to budget constraints and the time needed to write, print, fold and mail it. He said there have been frequent updates about the bridge at these meetings whenever he hears from the Army Corps of Engineers. The construction will begin in the fall of 2015. The bridge will be closed for three to four months. The reason for the lengthy construction is because the Army Corps won't know about the condition of the pilings until construction begins.

Linda Heeren, 265 Mumford Drive, owns three properties on Jefferson Street. Asked about selling and leasing a public street that is supported by public money. She asked why or if the City is planning to open the street. She also asked if it was the only paper street in Delaware City. City Manager Cathcart said there is no need to open the street at this time. Council Member Johnson addressed the street from the fire company point of view. Preston Carden spoke up about the plans he had for the paper street. City Manager Cathcart said there are six other paper streets in the City at this time and there are no plans to open any of those streets either. Ms. Heeren asked: 1) how the town leases a paper street; 2) if anyone could lease a paper street; 3) if it would be advertised; and, 4) what the qualifications would be to lease. City Manager Cathcart said the City

has never leased a paper street. He said the City would first go to the property owners contiguous to the street, then advertise publically, lease it for fair market value and negotiate the lease amount.

David Veasey, 400 Adams Street, said his property backs up to the paper street. He said it would devalue properties if the property were to be sold. Mr. Veasey asked if the whole paper street would be sold as there is currently a wooded area behind his house. He asked if there would be restrictions as to what could be done with the property. He said there is a noise issue at this time. He said he doesn't think it should even be leased. City Manager Cathcart said depreciation is a moot point as the Council has already voted not to sell the property. He said the noise won't change if the property is leased as there is already noise. He said to be clear, the paper street is not open at all. It is strictly a paper street. Discussion followed. Mr. Veasey would object to removing the trees on the paper street.

Ray Fruytier, 909 Fifth Street, said if the Mayor and Council decide to lease the paper street, it should be stated that the trees cannot be removed, no additional improvements to area would be allowed and no changes could be made to the property that would allow access to Fourth Street.

Linda Heeren, 265 Mumford Drive, said the noise has increased. A new structure was built with very bright lighting. In the back of the building, there are dumpsters and many vehicles are parked there in the evening. There is a lot of activity at the back of the warehouses in the late evening. She said she would object to leasing the property without very stringent restrictions. It was stated that the property is zoned commercial.

Kelly McVey, 308 Jefferson Street, said she would like to see the trees stay and doesn't want the street to go through to Fourth Street. She said you can't blame Preston for having a successful business. Discussion followed about contiguous properties.

Preston Carden said he has owned the property where his business is located for 17 years. When he purchased it, it was a mud hole with broken down cars and 9 rundown trailers that dated back to the 1930's. He said he has been taking care of that part of that street since then. He added topsoil, brought in millings to improve the property and paved it. He said he would like to blacktop it and make it look nice. If the lights are a problem he will make adjustments. He said the contiguous property values have to have improved from when the run down body shop and old trailers were on the property. He said he is just trying to move on with his business. He said it is legal to sell paper streets, as he knows Smyrna has sold three paper streets. It would cost the City ½ million dollars to pave the street. He would like to black top the street, install a nice black iron fence with a gate and cameras.

Jill Snow, 212 Clinton Street, said she had two realtors look at their property to see if it would be devalued by the sale. She said they must have come on a bad day as there was tires piled high with a car seat on top. She said the realtors said that not only would it devalue the property by not ever being able to open the street, but the stuff that was sitting on the property wasn't doing any good either. She said they would like to put the house on the market soon. Ms. Snow said the City should look for a grant to open the street.

David Veasey, 400 Adams Street, said the only time he complained about Mr. Carden was when he used the property behind Mr. Veasey's house as a dump.

Linda Heeren, 265 Mumford Drive, asked why the City did not approve the plan that he and Mr. Whittaker proposed years ago. Mr. Carden said the City wanted him and Mr. Whittaker to pay for the paving and they were opposed to the types of buildings that were going to be constructed which would have taken income from Mr. Carden and Mr. Whittaker.

Council Member Konkus said she wants Mr. Carden to pay for what is already being used and not to go any further back on Jefferson Street and for the woods to not be removed.

Council Member Titus said she agreed with Council Member Konkus, but has a concern because a long term lease would not be acceptable because of property devaluation.

Council Member Buchheit said he would like some time to digest the discussion and suggested that this be tabled.

Preston Carden pointed out that the property Ms. Snow and Ms. Heeren were discussing has access on three sides. If the street were opened it would be a win/win for them, but Mr. Veasey would lose the woods.

Mayor Green summarized as follows: the people don't want the sale of the street, but if it's going to be leased, it must be done for fair market value, that the wooded area would be left alone and not abused in any way and that if Mr. Carden were to lease it and put additional money into improvements, he would like a long term lease. Also a review of the property to determine fair market value would be done. Discussion followed. Mayor Green said there was a consensus to table the discussion until the next Mayor and Council meeting. Additional discussion followed.

RECESS MAYOR AND COUNCIL MEETING

The Honorable Mayor Green recessed the Mayor and Council meeting in order to reconvene the Board of Appeals.

RECONVENE THE BOARD OF APPEALS – 2ND Quarter Supplemental Tax FY15

The Honorable Mayor Green reconvened the Board of Appeals at 8:35 pm. He asked if anyone was present to discuss the 2nd Quarter Supplemental Tax FY15. As there were no questions or comments, the Mayor said he would like to adjourn the Board of Appeals.

ADJOURN THE BOARD OF APPEALS

The Honorable Mayor Green adjourned the Board of Appeals at 8:36 pm.

RECONVENE MAYOR AND COUNCIL MEETING

The Honorable Mayor Green reconvened the Mayor and Council meeting at 8:36 pm.

Council Member Johnson suggested that the Mayor appoint an ad hoc holiday committee to coordinate the decorations, the toy drive, the parade, etc. Mayor Green said he would meet with Council Member Johnson to discuss this.

ADJOURNMENT

Council Member Johnson made a motion to adjourn the meeting. Council Member Buchheit seconded the motion. A vote was taken, all ayes, motion carried. Meeting adjourned at 8:38 pm.

Respectfully submitted,
Dawn K. Gwynn
City Secretary