

*"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  
MAYOR AND COUNCIL REGULAR MEETING &  
PUBLIC HEARING  
FEBRUARY 23, 2015**

**CALL TO ORDER – PUBLIC HEARING**

The Honorable Mayor Green called to order the Public Hearing at 6:30 p.m. Present were Council Members Konkus, Titus, Johnson, Malinowski and Buchheit. Also in attendance were City Manager Cathcart, City Treasurer Hartman, Assistant City Clerk Clifton and City Secretary Gwynn.

**ORDINANCE 15-0126-01 RELATING TO TECHNICAL CORRECTIONS TO FLOODPLAIN ORDINANCE 14-1117-01**

City Manager Cathcart explained these were technical amendments that were suggested by DNREC and FEMA. The amendments could be classified as housekeeping. The first two have to do with inserting the date of the original Flood Plain Ordinance which was February 1977 and the language that goes with that for new construction and new manufactured home park or subdivision. Section 2 spells out the duties of the Floodplain Administrator. Section 3 talks about the load resisting requirements of a foundation. Section 4 stipulates that the lowest horizontal structural member shall be located at or above the base flood elevation plus 12 inches.

Mayor Green asked if there were any questions or comments. There were no questions or comments

### **RECESS PUBLIC HEARING**

Mayor Green said he would recess the Public Hearing until 6:25 pm as there were no comments or questions. Recessed at 6:03 pm.

### **RECONVENE PUBLIC HEARING**

Mayor Green reconvened the Public Hearing at 6:25 pm. He asked again if there were any questions or comments. There were none. *Council Member Johnson made a motion to adjourn the Public Hearing. Council Member Konkus seconded the motion. A vote was taken, all ayes, motion carried. Public Hearing adjourned 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.

### **ROLL CALL**

Present were The Honorable Mayor Green, Council Members Konkus, Titus, Johnson, Malinowski and Buchheit. City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, Assistant City Clerk Clifton and Police Chief Baylor were also in attendance.

### **ACTION UPON THE TREASURER'S REPORT**

City Treasurer Hartman presented the Treasurer's Report for the month of January 2015. *Council Member Titus made a motion to approve the January 2015 Treasurer's Report subject to audit. Council Member Konkus seconded the motion. A vote was taken, all ayes, motion carried.*

### **ACTION UPON THE MINUTES OF THE PREVIOUS MEETING**

*Council Member Johnson made a motion to approve the minutes from the February 2, 2015, Mayor and Council meeting. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.*

### **POLICE REPORT**

Police Chief Baylor reported the statistics for the month of January. Chief Baylor also reported that there was a case of Sexual Abuse which was a late report from

2007 and one rape case that was a late report from 2011. He said the police are working with the Attorney General's office on these two cases.

He also reported that he had been informed by DELJIS that the Delaware City Police Department was the first agency in the State of Delaware to have all reports from 2014 submitted without any pending reports.

Chief Baylor also reported that the police department had received some grant money that would be used for crime reduction in town. Delaware City was also named the third safest city in the State of Delaware.

### **CITY SOLICITOR'S REPORT**

There was no City Solicitor's Report.

### **CITY MANAGER'S REPORT**

City Manager Cathcart reported the following:

- Participated in the New Castle County "All Hazards Mitigation Plan" (AHMP) Steering Committee to finalize the mitigation plan for New Castle County. Delaware City was probably the only municipality that had met all requirements and ready for the final mitigation plan.
- Finalized the shut off policy for delinquent water bill accounts. Any account that is more than 30 days late will receive a collection letter giving them 20 days to pay their bill. On day 18 they will receive a "Blue Sticker" informing that their water will be shut off in 48 hours if the bill is not paid. Currently we have \$39,370 in delinquent water bills for accounts over 60 days past due. This went into effect within the last couple days. Will take hardships into account. In the letter, the City requested that people contact town hall to make payment arrangement if they can't pay in full and if they do this, the water will not be shut off.
- Will be meeting with the City Solicitor within the next few weeks to discuss strategies for the collection of back real estate taxes. Delinquent property taxes amount to \$88,123.
- Met with the Babe Ruth league officers concerning improvements to the baseball complex and the expectations for the league to maintain field to new standards. Also talked about their 501c3 status and fund raising strategies. Have volunteered, along with the Mayor to help with fundraising. The City Solicitor's father is doing improvements to the ball fields gratis.

### **General Meetings**

- Friends of the African Union Church Cemetery.
- Fort DuPont Redevelopment and Preservation Corporation Board.

### Project Updates

- Branch Canal Trail: Started the approach from Fifth Street to the main trail.
- Washington Street Flood Mitigation: In Design Phase.
- Dragon Run Floodgate and Dike Restoration: In Design Phase.
- Fifth Street Bridge Replacement: In Design Phase.
- Community Center/Dragon Run Trail Master Plan: Final Report being finalized.

Discussion followed regarding the water shutoff process. Police can arrest people, for theft of services, who turn the water back on after it has been shut off. Additional discussion followed regarding the status of the Jefferson Street paper street. This has been on hold because of an illness in the Walton family and because the City doesn't know what Mr. Carden's plans are.

### **APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS**

There were none.

### **REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS**

Delaware City Day Committee – Council Member Johnson reported that the duties have been assigned to the subcommittees. Set up the website. The committee meetings will be the second Monday of each month, at 6:00 pm at town hall. Mayor Green thanked Dale Slotter for helping with the website.

Reedy Point Players, Gail Wagner, gave a report on the activities of the Reedy Point Players who have been meeting, rehearsing and performing at the Community Center since 2001. Reedy Point Players is an award winning theater group. They have competed in the Delaware Theater Association's One Act Festivals for seven years. Plays selected in the state festival progress to the regional festival which consists of theater groups from Maryland, Pennsylvania and New York. Reedy Point Players has won awards at the Delaware Theater Association Festival and the Eastern States Theater Festival for various categories. "The Outsiders" won awards for Best Play for Non-Professional, Best Ensemble in a Play for Non-Professional, and Best Director for Delaware City resident Erin Miller.

### **OLD BUSINESS**

Second Reading and Adoption of Ordinance 15-0126-01 Relating to Technical Corrections to Floodplain Ordinance 14-1117-01

*Council Member Malinowski made a motion to adopt Ordinance 15-0126-01 Relating to Technical Corrections to Floodplain Ordinance 14-1117-01. Council Member Konkus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

## **NEW BUSINESS**

### **Approval on Contract Extension of Public Works Contract**

City Manager Cathcart reported that there are two years left in the contract for the City's public works contractor, The Cutting Edge. He added that he met with the principals of The Cutting Edge and asked if they could hold their prices where they are for an additional five (5) years. They agree to do so. The City Manager asked for authorization from the Council to lock in those rates for an additional five years. He said there are two one-year extensions that could be added to that if they would agree to hold the rates level. *Council Member Konkus made a motion authorizing the City Manager to enter into an agreement with The Cutting Edge for an additional five-year term with two one-year extension options.*

Discussion followed regarding the lease on the public works facility. City Manager Cathcart said that contract was separate from the actual maintenance contract. *Council Member Titus seconded the motion. A roll call vote was taken, with the Council Members voting as follows: Konkus – aye, Titus – aye, Johnson – aye, Malinowski – aye, and Buchheit – nay. Motion carried.*

### **Authorizing City Manager to Enter into a Contract with the Center for Community Progress to Obtain Settlement Proceeds from Citibank and Bank of America**

City Manager Cathcart informed the Council that Citibank and Bank of America were fined for unfair business practices several years ago. Those monies, which can be used for housing improvements and a number of other opportunities, are to go to all the states. A recent newspaper article reported that the Attorney General was planning to spend \$35 million to improve housing in the City of Wilmington and hire additional police officers. The City Manager found that municipalities are entitled to receive some funds also. An attorney who has been following this case has offered to work as an attorney/consultant with Delaware City and two other municipalities to get some money from this. There is a cost of \$6000 which would be divided among the municipalities, \$2000 each. City Manager Cathcart said this looks like it would be a good investment. He asked for a motion from Council authorizing him to enter into a contract to obtain settlement proceeds. *Council Member Johnson made a motion authorizing the City Manager to enter into a contract with The Center for Community Progress to obtain settlement proceeds from Citibank and Bank of America. Council Member Malinowski seconded the motion. A Roll call vote was taken, all ayes, motion carried.*

## **COUNCIL COMMENTS**

Mayor Green reported that the Mayor's Ball would be held on February 28<sup>th</sup> at the Delaware City Fire Hall. He said the proceeds from the ball would go to Fort Delaware, the Delaware City Little League and Babe Ruth ball fields. There would be an additional donation going to the Delaware Humane Association from the ball's good will ambassador, Stumpy the cat. Mayor Green also reported the meetings he had attended.

Council Member Johnson – no report

Council Member Malinowski – no report

Council Member Buchheit reported the Delaware Restaurant Hospitality Group will host a server training class at Lewinski's on March 8<sup>th</sup> at 9:00 am. This would enable attendees to obtain an ABC card so they could serve alcohol. This would also help volunteers for City events to get ABC cards.

He also reported the Delaware City Library would be offering "How to Write a Resume and Job Development Workshops" on 3/17/15 at 10:00 am, 3/19/15 at 6:00 pm and 3/22/15 at 12:00 pm. In addition, there will be a job fair on 3/27/15 at the Delaware City Library from 10:00 am to 2:00 pm. He thanked DeNiece Barger for setting these up.

Council Member Buchheit reminded the attendees that 3/6/15 would be the last day to file for Council candidacy. He said he has been honored to serve the City of Delaware City as Mayor and Council Member. He reported that he had decided not to run again for Council. Mayor Green commended Council Member Buchheit for all that he has done for the City.

Council Member Konkus – no report

Council Member Titus – no report

### **CITIZENS QUESTIONS AND COMMENTS**

Mike McMichael, 121 Washington Street, reported that the Delaware City Fire Company would be hosting the Regional Firefighters Convention in Delaware City from 7/29/15 through 8/1/15. This will be attended by firefighters from seven states. They are expecting from 300 to 400 attendees. Delaware City Fire Company Vice President McMichael summarized the activities, including a significant parade on 8/1/15, which will probably mimic the route of the Delaware City Day Parade. He said they had concerns about the construction to be done on the Fifth Street Bridge. Mr. McMichaels said they will be seeking sponsors to advertise in the program book. He added that they meet the first Monday of the month at the Fire Hall and invited any interested parties to attend. He said Fire Company President and Deputy Chief Wally Poppe will also be in attendance this evening.

### **RECESS MAYOR AND COUNCIL MEETING**

Mayor Green recessed the Mayor and Council Meeting at 7:00 pm.

### **CALL TO ORDER BOARD OF APPEALS FOR 3<sup>RD</sup> QUARTER FY15 SUPPLEMENTAL TAX ASSESSMENT**

Mayor Green called to order the Board of Appeals for 3<sup>rd</sup> Quarter FY15 Supplemental Tax Assessment at 7:00 pm. He asked if there was anyone

present to appeal their tax assessment. There was no one present for that purpose.

**RECESSED BOARD OF APPEALS FOR 3<sup>RD</sup> QUARTER FY15 SUPPLEMENTAL TAX ASSESSMENT**

Mayor Green recessed the Board of Appeals at 7:01 pm but said this would be reconvened before the adjournment of the Mayor and Council Meeting.

**RECONVENE MAYOR AND COUNCIL MEETING**

Mayor Green reconvened the Mayor and Council Meeting at 7:01 pm. He asked if there were any additional public comments. There were none.

**RECESS MAYOR AND COUNCIL MEETING**

Mayor Green recessed the Mayor and Council Meeting at 7:02 pm.

**RECONVENED BOARD OF APPEALS FOR 3<sup>RD</sup> QUARTER FY15 SUPPLEMENTAL TAX ASSESSMENT**

Mayor Green asked if there was anyone present to appeal their tax assessment. There was no one present to make an appeal.

**ADJOURN BOARD OF APPEALS FOR 3<sup>RD</sup> QUARTER FY15 SUPPLEMENTAL TAX ASSESSMENT**

*Council Member Buchheit made a motion to adjourn the Board of Appeals. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried. Board of Appeals adjourned at 7:03 pm.*

**RECONVENE MAYOR AND COUNCIL MEETING**

Mayor Green reconvened the Mayor and Council Meeting at 7:04 pm.

**ADJOURNMENT**

*Council Member Johnson made a motion to adjourn the Mayor and Council Meeting. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried. The meeting was adjourned at 7:05 p. m.*

Respectfully submitted,  
*Dawn K. Gwynn*  
City Secretary