

*"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  
APRIL 20, 2015**

**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, and Malinowski. City Manager Cathcart, City Secretary Gwynn, Assistant City Clerk Clifton, City Solicitor Walton and Police Chief Baylor were also in attendance. City Treasurer Hartman arrived after the roll call.

**ACTION UPON THE TREASURER'S REPORT**

City Manager Cathcart said the Treasurer's Report being presented to the Council was for the month of March 2015. He said, as City Treasurer Hartman had not arrived yet, to email her any questions they may have. Council Member Titus made a motion to approve the March 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 Konkus made a motion to approve the minutes as written. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.*

**CERTIFICATION OF THE ELECTION – READING APRIL DEBENEDICTUS CHAIRPERSON OF ELECTION BOARD**

Election Board Chairperson DeBenedictus read into the minutes the attached Cancellation of Election.

**SWEARING-IN OF THE NEWLY ELECTED MAYOR**

Vice Mayor Johnson performed the swearing-in of Mayor Stanley E. Green.

**SWEARING-IN OF THE NEWLY ELECTED COUNCIL MEMBERS**

Mayor Green performed the swearing-in of Council Member Betty Barrett and Council Member Robert Malinowski.

**ELECTION AND SWEARING-IN OF THE VICE MAYOR**

*Council Member Malinowski made a motion to nominate Council Member Paul Johnson as Vice Mayor. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green performed the swearing-in of Vice Mayor Paul H. Johnson, Sr.

**POLICE REPORT**

- Police Chief Baylor announced that the efforts of the Delaware City Police Department assisted in the arrest of a suspect who committed an armed robbery near Newark, around the beginning of the year. He said that unfortunately, the suspect was a resident of Delaware City. However, due to the arrest, he is no longer in the area. He was a threat to our community. He commended the work of the officers in making this arrest before anyone else was victimized by this individual.
- Chief Baylor reported the burglary of a storage shed at Second and Clinton Streets. He urged citizens to report any suspicious activity.
- The Chief informed the attendees of stop sign violations in Harbor Estates. The police will address this. There will be no warnings. He said because of the area involved and the safety risk to children getting on and off school buses, there will be a zero tolerance policy.
- There have also been stop sign violations on Adams Street and Jefferson Street. The Chief said, for the record, there are stop signs in our

community and the police will enforce them aggressively and vigorously. He said the signs are there for a reason. Chief Baylor said if the police do not take an aggressive stand now, someone is going to get hurt. He added that the stop signs also slow traffic in the town.

- Chief Baylor said they have made some DUI arrests recently. He said that, while the City wants people to enjoy our community, the police will be out there enforcing DUI laws.
- There will be some speed enforcement, particularly on Route 9, as a joint operation with the New Castle County Police.

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

City Solicitor Walton reported that he and City Manager Cathcart attended a meeting with the Center for Community Progress regarding vacant and zombie properties. The City of Delaware City, Elsmere, and the City of Newark negotiated a contract with this organization which helped the municipalities address these problems. In addition, this organization is working to get money for the municipalities from the Bank of America settlement. They looked at Delaware City's vacant property registration program and suggested changes for state law which will be circulated. Those suggested changes are on the agenda for a first reading tonight.

City Solicitor Walton said his office helped the City staff work through a couple revisions to some of the ordinances that were passed, specifically related to building permits and other fees which will apply when the City brings on the new building inspector.

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

- The City started doing our own Code Enforcement of April 6, 2015 with a part-time code enforcement officer.
- The City started doing our own plan reviews and building inspections on April 8, 2015. The City will be using Building Inspection Underwriters, Inc. as our contractor to perform this function.
- Participated in a daylong meeting with the City of Elsmere and Newark, along with the three City Solicitors, to discuss and formulate solutions to vacant "Zombie" properties. We will now develop state legislation that the consultant recommended and the group worked through that will make it easier for the towns to start eliminating these properties. Discussion followed.
- Significant improvements to the Baseball Complex are now being completed and about to be completed that will make our fields safe to play on and make them more functional for league games. This has all been made possible by the generosity of Max Walton and his father at no cost to the City and the fund raising results of the Mayor's Ball.

- Meeting with Tim Kelly of the Army Corp of Engineers tomorrow to review the most recent design of the new Fifth Street Bridge. Also to be discussed is a more firm construction schedule.

#### General Meetings

- Friends of the African Union Church Cemetery.
- Fort DuPont Redevelopment and Preservation Board.
- Planning Commission.
- Historical Preservation Commission.
- Association of Builders and Contractors Event Committee.

#### Project Updates

- Branch Canal Trail: Finishing third and final lift of the trail base. Soil Test borings have been completed for the two bridge abutments. Still on schedule for early fall opening.
- Washington Street Flood Mitigation: Design is progressing. We have submitted our first expenditure reimbursement request.
- Dragon Run Floodgate and Dike Restoration: Design nearing its final phase.
- Fifth Street Bridge: In final design phase.

Council Member Titus reported that the potholes are still bad on Clinton Street. City Manager Cathcart said The Cutting Edge will be hot patching the potholes throughout the town.

Council Member Titus questioned the speed limit sign on Route 9, as the 35 MPH sign fell down and has not been replaced. Chief Baylor said it was right in front of the ball field and he would rather see people continue to drive 25 MPH through that area. He said he is going to ask the State to reduce the speed limit in the ball field area to 25MPH. He added that the speed limit by Seventh Street Park should also be 20-25 MPH. City Manager Cathcart said they will start to work on the speed limit reductions.

Council Member Barrett asked for the name of the part-time Code Enforcement Officer. Chief Baylor replied that it is Ed Hojnicky.

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

Mayor Green thanked City Solicitor Walton and his father for all the work they have done at the ball field.

Mayor Green asked for a motion to reappoint Michelle Hartman as City Treasurer. *Council Member Johnson made a motion to approve the appointment of Michelle Hartman as City Treasurer. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green asked for a motion to reappoint Dawn Gwynn as City Secretary. *Council Member Titus made a motion to approve the appointment of Dawn*

*Gwynn as City Secretary. Council Member Konkus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green reported that Joe Dionne resigned from the Board of Adjustment, effective immediately. The mayor read Mr. Dionne's letter of resignation. *Council Member Johnson made a motion to accept Mr. Dionne's resignation from the Board of Adjustment. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.*

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

Delaware City Library – Librarian Josias Bartram gave a written report, showing the circulation and fundraising totals, to the Mayor and Council. He reported that the Career Fair would be held on the following Friday. He asked people to spread the word. Mr. Bartram also reported upcoming events at the Delaware City Library.

Delaware City Day Committee – Council Member Johnson said the committee meets the second Monday of each month at Town Hall, at 6:00 pm. He said the meeting is open to anyone who is interested in attending. He said the plans are moving ahead for Delaware City Day.

The Mayor's Ball – Chairperson Jill Snow thanked Council Member Titus for all the great work she does with the animals in town, and presented her with a letter of thanks, a picture of Stumpy and a \$500 check, payable to the Humane Society.

### **OLD BUSINESS**

There was no Old Business.

### **NEW BUSINESS**

Set Special Meeting to Approve Annual Assessment FY16 (between 5/1 and 5/15) & Discuss Date for Annual Board of Appeals FY16 (usually the May Regular M & C Meeting)

It was determined the meeting to approve the Annual Assessment FY16 would be held May 4, 2015, at 6:00 pm, in Town Hall.

Mayor Green said the Annual Board of Appeals FY16 would be held during the May regular Mayor and Council Meeting.

Discuss Jefferson Street Paper Street

*Council Member Malinowski made a motion that the Council authorizes the City Manager to draft a lease agreement with an annual or monthly rental rate for a portion of the Jefferson Street paper street. That this agreement shall include:*

- *The portion to be leased will begin 60 feet from the north edge of the paved portion of Fifth Street and extend north for 225 feet. The mentioned 60 feet shall only be used for ingress and egress. The sign presently installed in this 60 feet portion of the paper street will be permitted to stay.*
- *An initial term of five years with an option to extend for additional five year terms at the sole discretion of the City.*
- *The City has the option to cancel this lease agreement without cause and at the City's sole discretion with an advance notice to the lessee of 90 days.*
- *The sole use of the property shall be restricted to parking of vehicles with a gross vehicle weight of less than 10,000#s.*
- *For the avoidance of doubt the following uses are expressly prohibited: storage of boats, RV's, travel trailers, utility trailers, industrial/construction equipment, tires, cartons, containers, barrels, wire and cable spools, storage pods, fuel storage tanks, snow plows and inoperable/unregistered motor vehicles; repair of motor vehicles, sale of motor vehicles.*
- *Three dumpsters are allowed. Capacity of dumpsters not to exceed 175 cubic feet. To be maintained at the north end of the leased property.*
- *Future improvements shall conform to the City's codes and be approved by the City Manager.*
- *The City Manager or City Code Inspector may enter the leased property with 24 hours notice to the lessee.*
- *Within 30 days of the acceptance of this lease, the lessee shall install a 5 foot evergreen landscape screen between the leased portion of the paper street and the adjacent R-1 property and between the leased portion of the paper street and the remaining unleased portion of the paper street. (Behind dumpsters) Privacy fencing in not acceptable.*
- *There shall be no intrusive exterior lighting.*
- *The lessee shall maintain liability insurance with includes the leased property.*
- *The City Manager shall provide Council a copy of the proposed lease for Council's approval at the May 2015 meeting.*

*Council Member Barrett seconded the motion. Discussion followed.*

*Council Member Titus made a motion to amend the motion to include "the spacing of trees to be not less than five feet apart". Council Member Malinowski seconded the motion. A voice vote was taken for the amendment, all ayes, motion carried.*

*A roll call vote was taken on the amended motion, all ayes, motion carried.*

Introduction and First Reading – Ordinance 15-0420-01 Relating to Amending the City Code Sections 46-4 (addition Zoning Districts C1-L and C1-M) and Section 46-147 (Fees)

Mayor Green introduced and read Ordinance 15-0420-01, OMNIBUS ORDINANCE TO AMEND CITY CODE SECTIONS 46-4 AND 46-147 FOR THE PURPOSE OF CORRECTING AN OMISSION OF DISTRICTS AND AMENDING THE MUNICIPAL FEE SCHEDULE TO INCLUDE DETAILED BUILDING FEES AND FEES FOR VIOLATION OF PROPERTY MAINTENANCE CODE. He said this was strictly a first reading and no vote would be taken. He informed the Council that they all had a copy of this ordinance.

Introduction and First Reading – Ordinance 15-0420-02 Relating to Amending the City Ordinance 14-1215-03 to Correct Scrivener Errors and Appeals Process

Mayor Green introduced and read Ordinance 15-0420-02, ORDINANCE TO AMEND CITY CODE SECTION 52-2 TO CORRECT SCRIVENER ERRORS, AMEND CERTAIN APPEAL PROCEDURES AND TO AMEND PROVISIONS RELATING TO CONTINUING VIOLATIONS. He said this was strictly a first reading and no vote would be taken. He informed the Council that they all had a copy of this ordinance.

Introduction and First Reading – Ordinance 15-0420-03 Relating to Amending the City Code Section 22-8 Vacant Properties

Mayor Green introduced and read Ordinance 15-0420-03, ORDINANCE TO AMEND CITY CODE SECTION 22-8 FOR THE PURPOSE OF CLARIFYING WHEN A VACANT PROPERTY REGISTRATION IS FIRST REQUIRED AND TO ESTABLISH FEES FOR THE FAILURE TO TIMELY FILE INITIAL REGISTRATION. He said this was strictly a first reading and no vote would be taken. He informed the Council that they all had a copy of this ordinance.

Council Member Titus said there were a couple typographical errors in the ordinances and she would give them to the City Secretary. City Manager Cathcart said it was not necessary to have a motion for the introduction and first reading of ordinances. He said he would be happy to answer any questions the Council had regarding these ordinances.

**PLAYGROUND COMMITTEE**

*Council Member Malinowski made a motion to dissolve the ad hoc playground committee that was formed in June 2013. Council Member Johnson seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.*

*Council Member Malinowski made a motion to form a new ad hoc playground committee. Council Member Barrett seconded the motion. Discussion followed regarding a permanent playground committee that formed a few months ago. Council Member Malinowski withdrew his motion to form a new ad hoc playground committee.*

Council Members Malinowski and Johnson volunteered to co-chair the playground committee. Mayor Green said he would need to make additional

appointments to the committee. City Solicitor Walton said the mayor would need to appoint Council Members Malinowski and Johnson at the next meeting, as it would need to be posted. Discussion followed regarding resumes for potential members and FOIA ramifications. City Solicitor Walton explained that any meeting of a City committee, under FOIA, needs to be posted. He suggested that the exact language of the motion, calling for resumes, be reviewed. He added that this could then be discussed at the next meeting.

### **COUNCIL COMMENTS**

Council Member Barrett said it felt good to be back on this side of the table. She said she is ready to go to work.

Council Member Malinowski reported that he attended Valerie Longhurst's press conference on suicide prevention and the Fort DuPont Redevelopment and Preservation Corporation Board of Directors meeting. He also worked on the Jefferson Street paper street motion.

Council Member Johnson talked to the City Manager about possibly bringing on some summer youths to do some small, menial tasks around town at no cost to the City. New Castle County is going to hire about 200 summer youths. He said he is currently working to get some supervision. There will be additional information at the next meeting.

Council Member Konkus reported that the basketball nets are gone from the hoops in Seventh Street Park. She asked if they could be replaced immediately.

Council Member Titus had not report.

Mayor Green reported that he presented a proclamation to J. W. Dennis, a Delaware City resident, who was promoted to Eagle Scout. Mayor Green attended the following: Fort DuPont Redevelopment Board Meeting, viewing for Ms. Beaston, Delaware League of Local Government meeting, the Main Street meeting, the New Castle Little League and Babe Ruth League coaches meeting and Opening Day, and assisted Charles Stapleford to organize his motorcycle enduro race.

### **CITIZENS QUESTIONS AND COMMENTS**

Jill Snow, 212 Clinton Street, asked if the amount of the lease for Jefferson Street paper street had been established. City Manager Cathcart said it had not been established yet. Ms. Snow asked if, once the lease amount has been established, the opportunity to lease the property would be offered to the adjacent property owners. City Manager Cathcart said that is not required by ordinance or law, but he would do whatever the Council directed him to do. Council Member Titus said she recalled that if the property were to be sold, it



would be offered to adjacent property owners. Discussion followed. Mayor Green said this motion was just passed this evening. City Manager Cathcart will research and present his findings to Council. Council will then decide what direction they want to take. City Manager Cathcart reiterated that there is no requirement in City ordinance that requires a lease to be offered to adjacent property owners. He said, however, that Council could take that into consideration at the next meeting.

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

The Honorable Mayor Green recessed the Mayor and Council meeting in order to go into Executive Session to discuss vacation time for City Manager Cathcart. City Solicitor Walton stated the rules for Executive Session as follows: the attendees must remain on topic that is presented, all that happens during the Executive Session must remain confidential, all votes must be taken in the public process so neither votes nor straw poles may be taken during the Executive Session, there must be a motion to go into Executive Session, and because the Executive Session is relating to City Manager Cathcart he has the opportunity under the statute to request that the proceedings occur in public. City Manager Cathcart said he would waive that opportunity.

*Council Member Barrett made a motion to go into Executive Session. Council member Konkus seconded the motion. A roll call vote was taken, all ayes, motion carried. The Mayor and Council meeting was recessed at 7:30 pm.*

City Solicitor Walton announced that the Mayor and Council meeting would be reconvened following the Executive Session. At that time there may be some business conducted.

### **RECONVENE MAYOR AND COUNCIL MEETING**

The Honorable Mayor Green reconvened the Mayor and Council meeting, following the Executive Session. *Council Member Konkus made a motion to grant the City Manager an additional two weeks of vacation. Council Member Malinowski seconded the motion. A roll call vote was taken, all ayes, motion carried.*

### **ADJOURNMENT**

*Council Member Barrett made a motion to adjourn the Mayor and Council Meeting. The motion was seconded. A vote was taken, all ayes, motion carried. The meeting was adjourned at 7:50 p. m.*

Respectfully submitted,  
*Dawn K. Gwynn*  
City Secretary

*"A Historic Past"*



*"A Bright Future"*

**CITY OF DELAWARE CITY**

407 Clinton Street - P.O. Box 4159

Delaware City, Delaware 19706

302-834-4573  
March 10, 2015

**NOTICE**

**CANCELLATION OF ELECTION**

ONLY ONE (1) CANDIDATE FOR THE OFFICE OF MAYOR FILED AND ONLY TWO (2) OFFICIAL CANDIDATES FILED FOR THE TWO (2) AVAILABLE COUNCIL POSITIONS IN DELAWARE CITY THIS YEAR; THEREFORE, IN ACCORDANCE WITH SECTION 8-08 OF THE DELAWARE CITY CHARTER AND CODE BOOK CHAPTER 2, ARTICLE II, ELECTIONS, THERE WILL BE NO FORMAL MUNICIPAL ELECTION IN DELAWARE CITY IN 2015. NO VOTING MACHINES WILL BE MADE AVAILABLE FOR VOTING OR FOR WRITE-IN CAMPAIGNS ON THE DAY OF ELECTION.

THE OFFICIAL CANDIDATES ARE FOR MAYOR, STANLEY E. GREEN AND FOR COUNCILMEMBERS, ROBERT MALINOWSKI AND BETTY (TRANTHUM) BARRETT. THEY WILL BE SWORN INTO OFFICE AT THE APRIL 20, 2015 ORGANIZATIONAL MEETING OF THE MAYOR AND COUNCIL.

*April DeBenedictis*  
APRIL DEBENEDICTIS, CHAIRPERSON  
DELAWARE CITY BOARD OF ELECTIONS

3-10-15