

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
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**MINUTES  
CITY OF DELAWARE CITY  
MAYOR AND COUNCIL REGULAR MEETING  
SEPTEMBER 21, 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 & MOMENT OF SILENCE**

Mayor Green led the Pledge of Allegiance to the Flag.

**ROLL CALL**

Present were The Honorable Mayor Green, Council Members Titus, Johnson, Malinowski and Barrett. 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 August 2015. There were some questions about various line items. *Council Member Barrett made a motion to approve the August 2015 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 Barrett made a motion to approve the minutes of the August 17, 2015 meeting as written. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.*

## **CITY SOLICITOR'S REPORT**

There was no report at City Solicitor Walton was not present.

## **CITY MANAGER'S REPORT**

City Manager Cathcart reported the following:

- The River Towns Ride and Festival is scheduled for October 3<sup>rd</sup>. We are still looking for volunteers. Council Members welcomed to help. Profits from the event will go towards the playground fund.
- Applied for three planning grants for Fort DuPont: 1. Waste Water Management Planning grant; 2. Surface Water Matching Planning grant; and 3. Drinking Water Planning grant. May need a resolution from Council to accept the grants, but that will be addressed in the future if the grants are approved. City Manager Cathcart explained that this was strictly for planning, not construction. He used the drinking water as an example, saying that the City has a water system, as does Fort DuPont. He said the State has been requesting a cross connection for years, so that if the City's water were to go out the system could be switched to the Fort DuPont system and vice versa. This grant would allow for the hiring of engineers to study this.

### **General Meetings**

- Friends of the African Union Church Cemetery Friends Group
- Fort DuPont Redevelopment and Preservation Corporation
- River Towns Ride and Festival
- Planning Commission

### **Project Updates**

- Branch Canal Trail: Looks like an open date of Early Spring of 2016.
- Dragon Run Tide Gate/Dike Repairs: Construction has started.
- Washington Street Flood Mitigation Project: Waiting for final "redesign" plans.
- Fifth Street Bridge Replacement: Contract to be awarded soon. This should establish lead time on steel, thus define construction schedule.

When asked, City Manager Cathcart said the old playground equipment would be removed on Thursday.

City Manager Cathcart was asked about the status of the Jefferson Street paper street, but he had not received an update from the City Solicitor, as City Solicitor Walton was out of the office due to family matters. City Manager Cathcart said he would send an email to the Mayor and Council when he gets updated



information. The City Manager said he would also discuss with the City Solicitor, the fact that the lighting has not been reduced on this property.

### **POLICE REPORT**

Chief Baylor reported the following for the month of August 2015:

- Over 68 calls for service through 911, some of this was due to an increase in foot traffic in Harbor Estates, particularly kids.
- 2 Domestic Complaints
- 2 Assaults
- 2 Disorderly Conducts (could be kids hanging out on street corners or cutting through residents' yards)
- A couple houses in Harbor Estates have been focused on for illegal drug activity. Have passed the information to the State Police, New Castle County Police and the DEA. The police know it is there and will use any legal method to deal with these people. The Chief said most of them are not people from our town. They are people who come into our town and prey on our kids, using money to get them to buy drugs, use drugs and sell drugs. He added that if anyone sees the police stopping cars in Harbor Estates, it is usually connected with the drug trade.
- There is a speed sign by fire house, which can capture the number of vehicles and the speed limits. This sign was implemented through the efforts of Representative Longhurst and DelDOT. This device can be moved into various neighborhoods.
- Were awarded a Combat Violent Crime grant in the amount of \$8600. It will be used to purchase equipment to back-up the police server and the videos captured from the police officers' body cameras.
- Partnered with Safe Kids Coalition and will help with child safety seats and proper installation of those seats. There will be a seminar held to educate the community.
- Will distribute gun safety locks to any interested citizens.

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

Mayor Green announced that Jean Bonner had submitted her resignation from the HPC, but has agreed to continue to serve until her replacement has been appointed. He added that Ms. Bonner is an outstanding person and a great citizen.

Mayor Green said he wanted to reappoint Lynn Dilliplane to the Historic Preservation Commissioner for a three year term. *Council Member Titus made a motion to approve the appointment of Lynn Dilliplane to the HPC for a three year term. Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he wanted to reappoint Allen Toby Williams to the Planning Commission for a three year term. *Council Member Malinowski made a motion to approve the appointment of Allen Toby Williams to the PC for a three year term. Council Member Titus seconded the motion. There was a short discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he wanted to reappoint Michael Hendry to the Planning Commission for a three year term. *Council Member Johnson made a motion to approve the appointment of Michael Hendry to the PC for a three year term. Council Member Titus seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he wanted to reappoint Laura Lee to the Fort DuPont Board of Directors for a three year term. *Council Member Malinowski made a motion to approve the appointment of Laura Lee to the Fort DuPont Board of Directors for a three year term. Council Member Barrett seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he wanted to reappoint David Curran to the Fort DuPont Advisory Board for a three year term. *Council Member Johnson made a motion to approve the appointment of David Curran to the Fort DuPont Advisory Board for a three year term. Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green said he wanted to reappoint David Turley to the Fort DuPont Advisory Board for a three year term. *Council Member Malinowski made a motion to approve the appointment of David Turley to the Fort DuPont Advisory Board for a three year term. Council Member Johnson seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Mayor Green announced that Dawn Gwynn, due to her retirement, had resigned from the Tree Commission. He recommended that Deana Durand be appointed to the Tree Commission to complete Ms. Gwynn's term that ends in 2017. *Council Member Titus made a motion to approve the appointment of Deana Durand to the Tree Commission, to complete Ms. Gwynn's term ending in 2017. Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

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

Main Street - City Manager Cathcart introduced Esther Lovely as the new full time program director of Main Street. He said this is the first time Main Street has had a full time program director. Ms. Lovely gave a report, saying that she wanted to thank the City staff for all the help they have given her to get settled in.



She said she walked around the town today to hand out the posters and flyers for the River Towns Ride and Festival. She added that she met today regarding the Route 9 and 13 Bicycle and Pedestrian Path. She will be overseeing that in partnership with DNREC, DeIDOT and the City. There are some meetings set up with the potential candidates to fill vacancies in town. She added that she is going to work toward having Delaware City designated as a cycling community.

Delaware City Fire Company – Mike McMichaels thanked the City for all the help they gave the fire company during the Cumberland Valley Convention. He said all went well. He also reported that the Community Services open house will be held at the fire hall on October 25, 2015 from 10:00 am to 2:00pm. He said the fire company is always looking for new, younger members.

Mr. McMichaels reported that the Delaware City Fire Company won five trophies at the annual Firefighters Convention and Parade. They won the following: first place for best ambulance, first place for best command vehicle, third place for ladies auxiliary marching unit, third place for firemen's marching unit and second place for best pumper engine.

### **OLD BUSINESS**

There was no Old Business.

### **NEW BUSINESS**

#### River Towns Festival – Approval to Sell Alcohol

Mayor Green asked for a motion to approve the sale of alcohol. *Council Member Titus made a motion to approve the sale of alcohol for the River Towns Festival. There was no second.* Mayor Green said he would bypass this and return to it.

Mayor Green explained that a new process for introducing and performing the first and second readings of ordinances was going to be implemented at this time. He said he would introduce the ordinance, Council would vote on it and it would then be opened to discussion.

#### Introduction and First Reading Ordinance 15-0921-01 Relating to Dog Licensing & Provisions

*Council Member Malinowski made a motion to accept Ordinance 15-0921-01 Relating to Dog Licensing and Provisions for Introduction and First Reading in abstract and title only. Council Member Titus seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.* Mayor Green said a public hearing would be held prior to the next Mayor and Council meeting. Mayor Green said he stood corrected on the discussion, as the procedure is to go right from the vote to acceptance.

Introduction and First Reading Ordinance 15-0921-02 Relating to the Procedures for a Variance Request

*Council Member Malinowski made a motion to accept Ordinance 15-0921-02 Relating to the Procedures for a Variance Request for Introduction and First Reading in abstract and title only. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried. Mayor Green said a public hearing would be held prior to the next Mayor and Council meeting.*

Introduction and First Reading Ordinance 15-0921-03 Relating to the Reduction of Fees for Certificates of Occupancy & Compliance

*Council Member Titus made a motion to accept Ordinance 15-0921-03 Relating to the Reduction of Fees for Certificates of Occupancy and Compliance for Introduction and First Reading in abstract and title only. Council Member Malinowski seconded the motion. A roll call vote was taken, all ayes, motion carried. Mayor Green said a public hearing would be held prior to the next Mayor and Council meeting.*

River Towns Festival – Approval to Sell Alcohol

Mayor Green reminded the Council that alcohol has been sold at the River Towns Festival for two previous years. He added that the City of New Castle is doing exactly the same thing Delaware City has been doing, which is to sell craft beers. He said the proceeds from the sales go to the Playground Fund.

*Mayor Green said he had a motion previously to approve the sale of alcohol. He asked again for a second. There was no second.*

City Manager Cathcart said this was an eleventh hour surprise. He said the committee has been working on this 3<sup>rd</sup> Annual River Towns Ride and Festival for a year and asked why any issues weren't brought up before. He said this created a huge problem and didn't know if Delaware City would participate on October 3<sup>rd</sup>. Mayor Green said he raised \$7600 for playground equipment, explaining that the events would be the same as the two previous years.

*Mayor Green asked again for a second to the motion. There was no second. Mayor Green asked for discussion. There was no discussion. He asked again for a second. There was no second.*

**COUNCIL COMMENTS**

Council Member Titus spoke against the way Council dealt with the sale of alcohol for the River Towns Ride and Festival. She said the children would suffer as there wouldn't be money to purchase playground equipment.

Council Member Johnson – No Report



Mayor Green reported the following: spoke at Fort Delaware as a representative for Delaware City regarding the rededication of a plaque that was given by the Polish American Society in commemoration of an officer who served during the Civil War; raised \$5700 for the River Towns Ride (the \$7600 that was mentioned earlier in the meeting should have been \$5700) to be used for another project if the money doesn't have to be returned; attended and participated in golf tournaments for Wounded Warriors, Mary Campbell Center and the Diabetes Foundation; assisted with decorating the downtown area with the color teal to bring attention to ovarian cancer, which is very important to the mayor because of a 31 year old close friend, who was diagnosed one week and died the next, and because he has four sisters and three daughters; attended a PAL board of directors meeting and worked with other board members and City Manager Cathcart to bring a PAL run to Delaware City this year.

Council Member Malinowski – No Report

Council Member Barrett – No Report

### **CITIZENS COMMENTS**

Ray Fruytier, 909 Fifth Street, expressed his disappointment with the Council for not discussing the River Towns Ride. He said people have been working hard on this event for the past year and now the Council won't even bring it to a vote.

Natalie Green, 202 Seventh Street, commended the Council for not approving the sale of alcohol during the River Towns Ride. She said the Council would not explain but she knew that citizens were opposed to selling alcohol.

Mike McMichaels, 129 Washington Street, thanked the City for repairing the pot holes on Washington Street.

### **ADJOURNMENT**

Mayor Green had to leave during Citizen's Comments so Vice Mayor Johnson asked for a motion to adjourn. *Council Member Barrett made a motion to adjourn the Mayor and Council Meeting. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried.* The meeting was adjourned at 7:00 p. m.

Respectfully submitted,  
*Dawn K. Gwynn*  
City Secretary