

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
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**CITY OF DELAWARE CITY  
MAYOR AND COUNCIL MEETING  
April 21, 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 Barrett, Titus, Johnson, Malinowski, and Buchheit. Also present were City Manager Cathcart, City Secretary Gwynn, Director of Public Safety Baylor, Assistant City Clerk Clifton and City Solicitor Walton.

**ACTION UPON THE TREASURER'S REPORT**

There were neither questions nor discussion regarding the March 2014 Treasurer's Report. *Council Member Buchheit made a motion to approve the March 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 March 24, 2014 meeting as written. Council Member Titus seconded the motion. No discussion occurred. A vote was taken, all ayes, motion carried.*

**CERTIFICATION OF THE ELECTION**

City Secretary Gwynn read the Election Certification into the minutes, due to the absence of Miqui Beaston, Chairperson of the Election Board.

**SWEARING-IN OF NEWLY ELECTED COUNCIL MEMBERS – Paul H. Johnson, Sr., Elizabeth (Beth) Konkus, and Margaret (Megan) Titus**

The Honorable Mayor Green conducted the swearing-in ceremony of the new Council Members: Paul H. Johnson, Sr., Elizabeth (Beth) Konkus, and Margaret (Megan) Titus.

**RECOGNITION**

Mayor Green recognized outgoing Council Member Betty Barrett for her years of service to the City of Delaware City by presenting her with a Community Service Award.

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

*Council Member Buchheit nominated Council Member Johnson for the position of Vice Mayor. 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 – nay, and Buchheit – aye. Mayor Green swore Paul H. Johnson, Sr., as Vice Mayor.*

**SWEARING-IN OF PUBLIC SAFETY DIRECTOR**

Mayor Green introduced the new Public Safety Director, David Baylor, who retired from the State Police as a Major. Mayor Green then swore in Public Safety Director Baylor.

**POLICE REPORT**

Public Safety Director Baylor said he didn't have a regular police report as he had only been on the job for a week. He gave the attendees his philosophy and vision for the Police Department. He said the City is seeking two full-time officers and one part-time officer. He has interviews set up for this week and hopefully he will be able to make recommendations fairly quickly. He said he is community oriented and feels the police should get back to the people they serve in a short

period of time. He said everyone will have access to him and should get a return phone call within a 24-hour time period. He committed to keeping the Mayor and Council informed of what is going on in the City. He encouraged the Mayor and Council to challenge him to do the best job possible, as that should be expected from him.

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

City Solicitor Walton had nothing to report.

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

City Manager Cathcart reported the following:

- Fort DuPont Redevelopment: As many of you have probably noticed this project is starting to get a lot of media attention. The News Journal did a great article on the project only to see the Editorial Board follow up with a critical editorial. This past weekend there was a great article on the Theater. My article in response to the editorial appeared in today's News Journal and I was interviewed by Chanel 10 this afternoon.
- The FEMA Grant agency is waiting for minutes from the most recent HPC meeting and they will have all the required information needed to make a final decision on the \$900,000 Grant request. The draft minutes were sent this afternoon.
- The Community Center Management Agreement contract has been brought back in-house until we decide what direction we're going in including the future Master Plan. This is effective May 2014.
- The Police Boat survey has been completed with an appraised value of \$30,000. The appraiser suggested that the boat be taken to a Parker broker down state to get the best deal. This is probably the route we will take. The cost of the appraisal was approximately \$250.
- Met with DeIDOT, Eastern State Contractors, URS, Dave Baylor and the Mayor concerning the closing of Cox Neck Road between 5<sup>th</sup> and 7<sup>th</sup>. Reached an agreement the street would be closed between the hours of 8:30 AM and 5:00 PM Monday through Friday and opened to traffic on weekends. Got a complaint today about the dust from the work being done. Contacted the contractor, instructing him to keep the dust down.

### **GENERAL MEETINGS**

- HPC Meeting
- Friends of the AUCC Board Meeting
- Colin O'Mara, Sec. DNREC (Funding Fort DuPont Start-Up)
- Fort DuPont Steering Committee (Teleconference)

- Delaware City Fire Company
- Delaware City Day Committee
- NPDES Meeting
- Masonic Jackson Lodge (Speaker)

**Project Update**

- Branch Canal: Contractor back on site and has continued the project.
- Street and Sidewalk project started on Good Friday.
- Community Center/Dragon Run Trail Master Plan Steering Committee meets May 14<sup>th</sup> at 4:30 PM in Town Hall.

Council Member Titus said there was a notice from the contractor in their door, stating that the contractor would permit residents impacted by the construction to get to their homes during the day if possible. Public Safety Director Baylor said he would check periodically to make sure there is a flag person on site to move the barrier if someone needs to get to their house.

**APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS**

Mayor Green thanked State Representative Valerie Longhurst for attending the Mayor and Council meeting.

**REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS**

Main Street – Christine Chura reported that the town wide yard sale will be Saturday, April 26<sup>th</sup>.

Delaware City Fire Company – Cheryl Dennis, reported that she has been appointed as the fire company liaison to the Mayor and Council. She thanked Mayor Green for his recognition of members with 50+ years of service.

**OLD BUSINESS**

Main Street Power Point Presentation – Mark Chura  
There was no presentation.

**NEW BUSINESS**

Appointment of an Acting Police Chief

City Manager Cathcart reminded the Mayor and Council that in order to hire a Director of Public Safety, which was discussed and approved at the last meeting, legislation was required. It would mean a change to the City Charter. The way

the Charter currently reads, the police department can be supervised by a Chief of Police only. The revision will state that the police department can be supervised by a Director of Public Safety. He asked for a motion in order to proceed. The wording would be for a Chief of Police and/or a Director of Public Safety to supervise the police department. *Council Member Johnson made a motion stating that the Council of Delaware City supports a change in the charter or appropriate change in the State Law to allow the Director of Public Safety to serve in the capacity of Chief of Police. Council Member Konkus seconded the motion. Clarifying discussion occurred. A roll call vote was taken, all ayes, motion carried.*

Set Special Meeting to Approve Annual Assessment FY15 (between 5/1 and 5/15) and Discuss Date for Annual Board of Appeals.

City Manager Cathcart said he would email some possible dates for the meeting. He asked if the meeting could start at 5:00. Everyone was in agreement.

It was also determined that the Annual Board of Appeals would be held the same date as the May Mayor and Council Meeting, which will be 5/19/14.

**MAYOR AND COUNCIL COMMENTS**

Council Member Konkus reported that she has lived in Delaware City for seven years. She said she and her husband own and operate the marina. She said she is thrilled to be here and hopes for a great working Council.

Council Member Titus said she had nothing to report yet on the cat grant.

Council Member Malinowski had nothing to report.

Council Member Buchheit addressed the following:

- Congratulated Mayor Green for doing an excellent job since he has been in office. He also thanked Council Member Barrett for her years of service. Council Member Buchheit welcomed Director of Public Safety Baylor. Thanked Main Street for everything they do.
- Talked with Preston Cardon about lighting up Delaware City for Christmas. Mr. Cardon volunteered his time and employees to do the electrical work free of charge. The City would need to purchase the lights. Crabby Dick's, Pampered Pets and the Delaware City Marina donated \$500 each to start the fundraiser. He asked the Mayor to form an ad hoc committee in order to organize this project. City Manager Cathcart said Mr. Cardon would, in

addition to installing the lights, install receptacles on the telephone poles so in the future, the lights would only need to be plugged in. Mayor Green told the attendees that Council Member Buchheit donated the money for the prizes for the Christmas decorations last year. He added that Tim Konkus from the Delaware City Marina suggested that boats could also be decorated for the holidays.

- Multiple wires, lines, cables that have not been removed from the buildings/poles on Clinton Street are eyesores. He said when a tenant moves from a property, the utility company leaves the wires when they disconnect the service. He asked if the City could pass an ordinance that would require the utility to remove the wires when the service is disconnected. City Solicitor Walton said he would have to research it. City Manager Cathcart said it was worth looking into.
- Asked about tagging the trash carts that have been left out. Discussion followed.
- Asked not to have the tree replaced that is being removed from in front of 42-44 Clinton Street. City Manager Cathcart said it did not need to be replaced. Discussion followed.
- Asked if Wi-Fi is available in the gym where the Council Meetings are held.
- Reported that the handicapped parking places on Clinton Street, across from the Post Office, seem to be mismarked. Asked to have them looked at.
- DNREC said they do not report the names of people who complain about odors to the refinery.
- Asked to have sign at the ball field advertise the Yard Sale. City Manager Cathcart said that sign training will be conducted as soon as someone is available.
- Asked to have the graffiti cleaned up at Seventh Street Park.
- Complained about the mess at the pump house on Canal Street. City Manager Cathcart said it is a New Castle County project and they are planning to demo the old building. He said he would contact the County to see the status. Council Member Konkus said there is a smashed sewer line that gives off a bad odor.
- Asked if it is necessary for the City Solicitor to attend every Mayor and Council meeting as it costs the City money. City Solicitor Walton said he currently attends every meeting at the request of Council. He said it is not necessary and he would rather work with the City Manager and attend only if needed. City Manager Cathcart said, previously when the City Solicitor was not coming to every meeting, he would ask the City Solicitor

to attend if there was something on the agenda that he thought needed input from the City Solicitor. In addition, if a Council Member requested the City Solicitor to attend a meeting, he would contact him and ask him to attend. City Solicitor Walton said he would also come to a meeting if he saw something on the agenda that he felt warranted his attendance. Discussion followed. *Council Member Johnson made a motion to leave it to the City Manager's discretion whether the City Solicitor should attend a Mayor and Council meeting. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Council Member Johnson reported about 250 people on the City's Facebook page.

Mayor Green reported the profits from the Mayor's Ball totaled \$40,000. As a result, \$20,000 will be donated to Fort Delaware and \$20,000 to the playground fund. He thanked all the volunteers and attendees.

He said he also presented two proclamations to the Delaware City Fire Company. He thanked Cheryl Dennis for serving as a liaison to the Mayor and Council.

Mayor Green reported attending the following meetings: Delaware League of Local Governments and the Fort DuPont Project.

He also thanked the Council for the in depth conversation and debate regarding the annexation of Fort DuPont. Mayor Green said it was one of the most dynamic and citizen healthy conversations he had ever been involved in.

### **CITIZEN COMMENTS**

Kerry Rhoades, 124 Clinton Street, welcomed Council Member Konkus to the Council and Director of Public Safety Baylor to the City. Mr. Rhoades said the fencing around the ball field is chain link with barbed wire. He asked if the barbed wire could be removed from the fencing along the road so it looks friendlier coming into town. Discussion followed. City Manager Cathcart said it is City property and he would look into it.

Lisa Webster, 100 Clinton Street, said she made an offer to the City, about a year and half ago, to present a City seal. She re-presented the two versions of the City seal which she prepared: the heron and a trader which would have been on the water at the time of the City's founding. She asked the Council to reaffirm which seal they would prefer so this project can be finalized. Discussion followed. Ms. Webster volunteered to provide the artwork for whichever seal the Council

decided on. *Council Member Buchheit made a motion to accept the heron. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.* Mayor Green thanked Lisa Webster for her fine work and the time she spent on this project.

**ADJOURNMENT**

*Council Member Buchheit made a motion to adjourn the Mayor and Council Meeting. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried. Meeting adjourned at 7:25 PM.*

Respectfully submitted,  
*Dawn K. Gwynn*  
City Secretary