

*"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 AND  
PUBLIC HEARING  
JULY 20, 2015**

**CALL TO ORDER – PUBLIC HEARING**

The Honorable Mayor Green called to order the Public Hearing at 6:00 pm. The following Council Members were present: Konkus, Titus, Johnson, Malinowski and Barrett. Also present were Mayor Green, City Treasurer Hartman, City Solicitor Walton, and Chief Baylor.

**ORDINANCE 15-0615-01 – ORDINANCE TO AMEND CITY CODE SECTION 52-2 TO INCLUDE PROVISION REGARDING MAINTENANCE OF OUTDOOR FURNITURE AND LAWN FURNITURE**

City Solicitor Walton said the purpose of this ordinance was to clarify the property maintenance code as it relates to outdoor furniture, and outdoor property such as things that can be stored outside such as grills, mowers, etc.

**PUBLIC COMMENTS**

Patty Schrack, Lot 66, questioned outdoor storage. City Solicitor Walton read the section of the ordinance stating that "Items which are specifically designed or manufactured for outdoor use such as lawn furniture, barbeque grills, garden tools and children's outdoor play equipment may be stored outside, provided that they are maintained in good condition and stored in an orderly fashion and to the extent they are not, such items shall be considered prohibited furniture". Discussion followed regarding a citation.

Rita Marocco, 133 Adams Street, requested that all speakers use the microphone, as most people cannot hear what is being said. Ms. Marocco requested that the earlier quote from the ordinance be repeated. City Solicitor Walton repeated the quote as requested.

#### **ADJOURN PUBLIC HEARING**

Mayor Green asked for a motion to adjourn the Public Hearing. *Council Member Johnson made a motion to adjourn the Public Hearing. Council Member Barrett seconded the motion. A vote was taken, all ayes, motion carried.* The Public Hearing was 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 & MOMENT OF SILENCE**

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 Barrett. City Manager Cathcart, City Treasurer Hartman, City Solicitor Walton and Chief Baylor were also in attendance.

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

City Treasurer Hartman presented the Treasurer’s Report for June 2015 to the Mayor and Council. *Council Member Konkus made a motion to approve the June 2015 Treasurer’s Report, subject to audit. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.*

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

Council Member Titus pointed out a change that should be made on page 7, under New Business/Jefferson Street Paper Street. She said it should state, “They do not want to negotiate with interested parties for the lease and would rather set the lease amount”. *Council Member Titus made a motion to approve the minutes as amended. Council Member Konkus seconded the motion. A vote was taken, all ayes, motion carried.*

## **POLICE REPORT**

Chief Baylor reported the following:

- There have been a number of small equipment theft reports. He asked citizens to carefully secure lawnmowers and other small equipment. He also asked citizens to report any suspicious activity immediately to 911 which will trigger a dispatch of police vehicles from Delaware City and the City of New Castle or New Castle County.
- Have received a large number of loose dog complaints. Some dogs are terrors and some pose a threat to children, especially children riding their bikes. He asked people not to just let their dogs out to go to the bathroom, but rather to observe the leash law and keep dogs properly secured. One case of a repeat offender on Clinton Street was addressed.
- There have been numerous alcohol violations, either DUI's or people walking drunk through town. One individual was stopped at 4:00 pm, with a blood alcohol level of 2.45. That is three times the legal limit to operate a motor vehicle. The chief asked residents who are having parties to make sure they don't over serve guests. An individual with a blood alcohol level 2.45 could succumb to alcohol poisoning.
- There was only one arrest on Delaware City Day, which was a child abuse case. The parent of a three year old child was reported to the police by several people. The police took custody of the child and the parent was arrested and found to be intoxicated. Child Protective Services was called as well as the other parent. He commended the residents as there were really no issues due to the residents. He recognized the merchants for the assistance given to police officers of the different police agencies that worked that day.

## **CITY SOLICITOR'S REPORT**

City Solicitor Walton reported that he responded to at least three Freedom of Information Act requests over the past month. Two of those requests related to police records and one related to the solid waste franchise. He prepared an amendment to the Solid Waste Franchise Ordinance, which is on the agenda this evening for a first reading.

He also prepared, consistent with House Bill 192, legislation dealing with whether or not you can permit the open carrying of firearms in municipal buildings. He drafted the template ordinance for the Delaware League of Local Government on this topic. As a result, there will be no charge to the City for that work as it was done for everyone at the same time.

The City Solicitor worked with City Manager Cathcart on a number of issues including a zoning code interpretation.

His staff members worked with City Clerk Hartman to update the City's employment policy, which was needed for review.

He has been working to standardize the ordinance introduction process and it will be unveiled at the next meeting.

He is working on a program for the collection of back taxes. Will begin filing against the residents who owe the most money.

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

City Manager Cathcart reported the following:

- Had a meeting with the owners of the New Castle Weekly about starting a Delaware City News Paper. Will provide an update as we progress through the process of getting this established.
- Worked with the Delaware City/ New Castle Babe Ruth League to plan and host the 2015 State Regional Qualifier Tournament. The winner of the tournament went on to the Regional Tournament in New York State.
- Met with DEMA concerning issues with the Washington Street Flood Mitigation Project. As a result of poor soils samples the storm water storage has to be redesigned. We also resolved some reimbursement issues for pre award expenses the City incurred.
- Delaware Business Times did a photo shoot at various locations throughout the City for a feature article to be published in August.
- Coordinated the installation of the Fourth Street Playground with Green Lane Contractors.
- Participated in the interview process to hire legal counsel for the Fort DuPont Redevelopment and Restoration Corp. The corporation hired Max Walton.
- Met with Tim Kelly and Jeff Randol (Executive Director of Fort DuPont Corp.) on issues related to the transfer of the Branch Canal.
- Rep. Longhurst, at Chief Baylor's request, coordinated a meeting with various agencies that provide housing and house repair services. The city is trying to be pro-active in identifying agencies that can provide our home owners assistance to make necessary repairs as a result of various code violations.
- Attended a New Castle County Pre- Disaster Mitigation Briefing/
- Attended a mandatory Clean Water Revolving Loan Fund Workshop that will fund the water meter replacement project.

#### **General Meetings**

- Friends of the African Union Cemetery Board Meeting.
- Fort DuPont Corporation Board Meeting.
- Historic Preservation Commission Meeting.
- Delaware City Day Committee Meeting.

#### **Project Update**

- Branch Canal Trail: Contractor back on site to complete the installation of the third and final lift.

- Dragon Run Tide Gate and Dike Repair: Bids were opened last week and an award is anticipated to be made this week.
- Washington Street Flood Mitigation: Because of poor soils samples there needs to be a redesign of the storm water storage and a re-location of the pump house to the north side of Washington Street.
- Fifth Street Bridge Replacement: Because of a very long lead time for steel the project will be pushed back up to six months. City Manager Cathcart said there is no firm date at this time. He said, however, that it may be pushed back as much as one year so that the bridge is not closed for the summer season.

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

There were none.

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

Delaware City Day – Council Member Johnson reported that Delaware City Day was a success. He said there were no major issues. He thanked all the volunteers who helped.

Playground Committee - Council Member Johnson announced that the playground has been installed and is complete and being used on a daily basis.

Delaware City Fire Company – Jim Watson thanked everyone for the success of Delaware City Day. He said they did get a few calls but all went well. Parking went better this year than it ever did.

He notified everyone that the Fire Company would be hosting the Cumberland Valley Volunteer Fireman’s Association Convention. This will be held next Wednesday, Thursday and Friday and will culminate on Saturday with a parade at 1:00 on Clinton Street. He summarized the schedule of events and the history of the association.

### **OLD BUSINESS**

#### **Second Reading & Adoption – Ordinance 15-0615-01 Relating to Outdoor Equipment**

*Council Member Malinowski made a motion to accept the Second Reading and Adoption of Ordinance 15-0615-01 Relating to Outdoor Equipment. Council Member Titus seconded the motion. Discussion followed. When asked about the appeal process, City Solicitor Walton said an appeal would go to the City Manager, then to the Board of Adjustment and finally to Superior Court. A roll call vote was taken, with the Council Members voting as follows: Konkus – aye, Titus – aye, Johnson – aye, Malinowski – nay, and Barrett – aye. Motion carried.*

**RECESS**

The Honorable Mayor Green called for a five minute recess at 7:04 pm.

**RECONVENE MAYOR AND COUNCIL MEETING**

The Honorable Mayor Green reconvened the Mayor and Council Meeting at 7:10 pm.

**OLD BUSINESS CONTINUED**

Jefferson Street Paper Street

City Manager Cathcart said all Council Members received the marked up lease last week. He said it was up to Council to discuss this and make a decision. City Manager Cathcart said there were a number of changes to the original proposal in the counter proposal. Discussion followed regarding: the decision that was made at the June meeting, the draft lease, and the counter proposal that was prepared by Mr. Carden's attorney.

*Council Member Konkus made a motion to reject the counter proposal submitted by Mr. Carden for the Jefferson Street Paper Street. Council Member Malinowski seconded the motion. Discussion followed. A roll call vote was taken with the Council Members voting as follows: Konkus – aye, Titus – aye, Johnson – nay, Malinowski – aye, and Barrett – nay. Motion Carried.*

**NEW BUSINESS**

Jefferson Street Paper Street

*Council Member Malinowski made a motion instructing the City Manager to have the Jefferson Street Paper Street vacated by any and all users. Also, any signs, ramps or steps installed on the paper street without an easement agreement granted by the City are to be removed. Council Member Titus seconded the motion. Discussion followed. Council Member Malinowski made an amendment to give Mr. Carden seven business days to accept the original proposal. Council Member Titus seconded the amendment. A roll call vote was taken, with the Council Members voting as follows: Konkus – aye, Titus – aye, Johnson – nay, Malinowski – aye, and Barrett – nay. Motion carried.*

Introduction and First Reading of Ordinance 15-0720-01 Relating to Firearms

City Manager Cathcart said the ordinance was drafted by City Solicitor Walton and presented to the Delaware League of Local Governments. City Solicitor Walton explained that one of the continuing issues was the open carry of firearms at municipal meetings. He spent his time working in a pro bono capacity with DLLG and the NRA to come up with a bill that was reasonably agreed upon to be considered by the General Assembly, which was House Bill 192, which was

passed by the General Assembly. It allows municipalities to regulate the open carry of firearms and precluded, if Council were to choose, within municipal buildings and police stations. It does not take away anyone's rights, nor can you under House Bill 192. This would not impact anyone with a concealed permit to carry, nor would police officers be prohibited from carrying a gun. City Solicitor Walton added that it had been passed by many municipalities. Mayor Green said there would be a public hearing regarding this ordinance in August.

*Council Member Titus made a motion to accept. Council Member Konkus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

#### Introduction and First Reading of Ordinance 15-0720-02 Relating to Trash Franchise

City Solicitor Walton explained that the City of Delaware City has a solid waste franchise, addressed in 7.1 and 7.2 of the City Code. The amendment that Council Members Johnson and Barrett have proffered adds the RMM district into the City's Grant of Franchise. Discussion followed.

*Council Member Johnson made a motion to introduce Ordinance 15-0720-02 Relating to Trash Franchise. Council Member Barrett seconded the motion. A roll call vote was taken, with the Council Members voting as follows: Konkus – nay, Titus – nay, Johnson – aye, Malinowski – nay and Barrett – aye. Motion defeated.*

#### Parking on Clinton Street

Council Member Johnson said the Delaware City Fire Company has a concern about the parking east the Central Hotel where the curb juts out. They are concerned about the driving area being too narrow for the buses to go through and kids running out into the street. He asked if this area could be restricted to deliveries and not used for parking. He asked if the City Manager would look into that. Police Chief Baylor said he would note the recommendation.

#### **COUNCIL COMMENTS**

Council Member Titus – no comments

Council Member Konkus, said there was a towing incident recently and that the woman who had her car towed could not get her car until the next morning. Chief Baylor clarified that if a car is towed after hours, the towing company would not come back to the yard for the purpose of letting one person retrieve their car. He said that after 6:00 pm is usually considered to be after hours. He said it is standard procedures. The Chief said the police worked with the woman and got the towing fee reduced.

She commended Council Members Malinowski and Johnson for the work that was done at Fourth Street Park.

Council Member Barrett – asked Chief Baylor if he would introduce the gentleman sitting with him. He introduced Antony Facciola who is employed part time as the Code Enforcement Officer for Delaware City. Mr. Facciola said he is a full time Code Enforcement Officer for the City of Elsmere. He stated his qualifications. He said his hours in Delaware City are 5:00 pm to 9:00 pm, Monday through Friday.

Council Member Malinowski – said he attended the Fort DuPont Redevelopment Board of Directors meeting.

Vice Mayor Johnson – no comments

Mayor Green – Worked on the ball field with other volunteers, attended the Fort DuPont Board of Directors meeting, attended the meeting at the refinery for security and the business process and worked on Delaware City Day with other volunteers. He commended Beth Konkus for all the years she organized the vendors, which is a huge job. He attended the Riverfest meeting, the Main Street meetings and went to the refinery where they made donations to the Library and Fire Department.

### **CITIZENS COMMENTS**

Patty Schrack, Lot 66, reminded all that she asked the residents of the mobile home park to clean up their property. She said when they went out to help the residents clean up their property, they found there any many residents who just can't do it because they may be elderly or disabled. She thanked the people who assisted with the clean up. Ms. Schrack thanked the people who assisted with the clean up. Ms. Schrack said she received her tax bill. She asked why the City should charge her taxes but not pick up her trash. She also asked why the City should want to make money on the Jefferson Street Paper Street.

Kate O'Donnell, 109 Washington Street, said she has noticed some intersections to not have any street signs whatsoever. She said she has been asked for directions and probably misdirected the pedestrian as she didn't see any street signs. She said the street sign at Third and Washington Sts. is turned crooked. She said she would walk/bike around town and make a list of missing street signs.

Pam Pollack, Lot 82, asked when Delaware City became so money oriented that people don't matter. She said people matter. She said she wanted to raise her children here and wants to see her grandchildren raised here. She is ashamed to say she lives in Delaware City. She said she grew up in Holloway Terrace where people were part of the community. Everyone should be part of the community in Delaware City.

Fran Pollack, Lot 82, asked how the other residents could look at themselves in the mirror when they get trash pickup and the mobile home park residents don't. He asked what else they get for their taxes other than trash pickup. He said they don't get snow removal like the rest of the town. He asked why the ice cream man isn't allowed to sell ice cream anymore and why he had to get a license. He asked why city officials are allowed to be business owners in Delaware City.

Harold Craig, Lot 73, said his family had money when he was a child, came to Delaware City every weekend to eat crabs in Sterling's. He said he was involved in an accident and became homeless. He moved here because he loves Delaware City. He would like for Delaware City to consider some alternative so they don't lose their trash pickup. He patronizes the local merchants.

Rita Marocco, 133 Adams Street, asked for clarification regarding the First Reading of the Trash Ordinance. She asked if there wouldn't be a public hearing at the next meeting because the Trash Ordinance was voted down tonight and if the trash collection in the mobile home park would end on August 1<sup>st</sup>. It was confirmed that Ms. Marocco was correct.

Ms. Marocco thanked Chief Baylor for bringing the Code Enforcement Officer to the meeting this evening. She said there has been a couch in her neighbor's front yard for about eight weeks. She said she and her husband moved it for Delaware City Day, but said it needs to be disposed of.

John Buchheit, 210 Clinton Street, said he works with Catholic Heart Work Camp who comes out every year and do work around peoples' homes. He asked Patty to give him a list of names who need help cleaning up their property.

Mr. Buchheit said that when he was Mayor he met with Mr. Leeds, the owner of the mobile home park. He said he would live in any of the properties that he owns, but Mr. Leeds wouldn't live in the mobile home park. Every landlord has to supply trash collection to their tenants and this should include the mobile home park. He said the ice cream man had to get a business license to sell in town, just as all the other businesses in town do. He said it takes money to run a city.

Patty Schrack, Lot 66, said she would like to see an itemized list of what their taxes pay for.

Wes McCormick, Lot 12, said there are some people in the mobile home park who are struggling to make ends meet. He said he works every week, Monday through Friday, at Stapleford's. If the city takes away the trash collection, there will be some people who won't be able to have their trash picked up, which could lead to rats, etc.

**ADJOURNMENT**

*Council Member Konkus 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 7:55 p. m.*

Respectfully submitted,  
*Dawn K. Gwynn*  
City Secretary