



CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL REGULAR MEETING AND
PUBLIC HEARING
OCTOBER 19, 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 Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, City Solicitor Walton and Assistant City Clerk Clifton.

ORDINANCE 15-0921-01 TO AMEND CHAPTER 24 OF THE CITY CODE TO ELIMINATE PROVISIONS RELATING TO THE LICENSING OF DOGS WITHIN THE CITY OF DELAWARE CITY AND PROVISIONS ATTENDENT THERETO

City Solicitor Walton explained the purpose of this ordinance and stated that it had been drafted at the request of City Manager Cathcart. Discussion followed.

ORDINANCE 15-0921-02 TO AMEND CITY CODE SECTION 46-121(e) FOR THE PURPOSE OF MODIFYING THE PROCEDURES RELATING TO A VARIANCE REQUEST

City Solicitor Walton explained the purpose of this ordinance. Discussion followed.

ORDINANCE 15-0921-03 TO AMEND CITY CODE SECTION 46-147 FOR THE PURPOSE OF AMENDING FEE SCHEDULE TO REDUCE FEES ASSOCIATED WITH CERTIFICATES OF OCCUPANCY AND CERTIFICATES OF COMPLIANCE FOR RESIDENTIAL AND COMMERCIAL PROPERTIES

City Solicitor Walton explained the purpose of this ordinance was to clarify an ambiguity within the City Code.

PUBLIC COMMENTS

Mayor Green asked for public questions and/or comments about the three ordinances. There were no questions or comments.

407 HAMILTON STREET – PAUL FITZWATER, III – SUBDIVISION OF 1 LOT – 65’ X 209’ INTO 2 LOTS – 65’ X 104’ AND 65’ X 105’

City Solicitor Walton explained that when the time comes, the applicant will make a presentation upon the subdivision that was passed by the Planning Commission and for which certain variances were granted by the Delaware City Board of Adjustment.

City Solicitor Walton asked for a presentation upon this subdivision. Mr. Fitzwater’s engineer explained that the plan was to subdivide one lot into two lots. The owner is planning to build a house of the lot that is currently vacant. He explained that this had already been passed by the Planning Commission and that the requested variances were granted by the Board of Adjustment. City Solicitor Walton explained that the neighbors received a certified mailing for the Board of Adjustment and for this hearing. There have been no concerns voiced by neighbors.

PUBLIC COMMENTS

Mayor Green asked for questions and/or comments from the public about any of the ordinances or the subdivision. There were no questions or comments.

RECESS PUBLIC HEARING

Mayor Green recessed the Public Hearing at 6:07 pm.

RECONVENE PUBLIC HEARING

Mayor Green reconvened the Public Hearing at 6:25 pm. The mayor asked for questions and/or comments from the public or the Council regarding any of the ordinances or the subdivision. There were no questions or comments.

ADJOURN PUBLIC HEARING

Mayor Green asked for a motion to adjourn the Public Hearing. *Council Member Barrett made a motion to adjourn the Public Hearing. Council Member Malinowski 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. He also asked for a moment of silence to remember Bill Miller, a long-time city resident, who passed away. Mayor Green said Mr. Miller did an enormous amount of volunteer work throughout Delaware City and received a proclamation for his service during WWII.

ROLL CALL

Present were The Honorable Mayor Green, Council Members Konkus, Titus, Johnson, Malinowski and Barrett. City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, City Solicitor Walton, Assistant City Clerk Clifton and, Sergeant Wysock, acting for Police Chief Baylor, were also in attendance.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Hartman presented the Treasurer's Report for September 2015. There were questions regarding various line items. *Council Member Johnson made a motion to approve the September 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

September 21, 2015 Regular Council Meeting

Council Member Titus made a motion to approve the minutes of the September 21, 2015 meeting as written. Council Member Johnson seconded the motion. A vote was taken, all ayes, motion carried.

September 24, 2015 Special Meeting of Mayor and Council

Council Member Konkus made a motion to approve the minutes of the Special Meeting of the Mayor and Council, held on September 24, 2015, as written. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.

POLICE REPORT

Sergeant Wysock, representing Chief Baylor who was attending advanced training, reported the following:

- The River Towns Ride and Festival would be held on 10/31/2015; with road closures from 10:00 am to 4:00 pm. City Manager Cathcart said that Clinton Street would be reopened following the time trails at 11:30 am.
- There will be extra patrols on Mischief Night and Halloween. He asked the residents to leave their outside lights on for Mischief Night.

CITY SOLICITOR'S REPORT

City Solicitor Walton said he had no report.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- Reminder that the River Towns Ride and Festival is rescheduled for October 31st and volunteers are still needed.
- Met with DNREC officials to start discussions about creating and placing "Vehicle Recharging Stations" in Delaware City. Delaware City would be one of the first cities to do this. We will continue our dialog as we also search for grant opportunities. DNREC has suggested some possible grants to pay for this. The stations will be metered, so there will be no cost to the city.

- Met with DeIDOT officials and Senator Poore concerning a Streetscape Master Plan for the commercial block that is bordered by Clinton Washington, Front and Harbor Streets. This phase of the project is being funded by DeIDOT. The plans will be presented during a public hearing next month. This project will be paid for by DeIDOT.
- Met with Wally Poppe, Delaware City Fire Company, about a joint purchase of a four wheel drive all-terrain vehicle for police patrol and emergency response on the trail when it opens next spring. The fire company would use the vehicle to respond to emergencies on the trail.
- In cooperation with New Castle County Emergency Management, Dave Baylor and City Manager Cathcart implemented the Delaware City Emergency Preparedness Plan for the pending hurricane and nor'easter. Once again The Cutting Edge did an outstanding job in getting the sea panels installed and the emergency pumps set up.
- Met with officials of the New Castle County Chamber of Commerce about doing joint promotional effort with main Street Delaware City, Fort DuPont and the City. This effort would promote business opportunities and visitor opportunities in our town. There will be follow-up meetings.

General Meetings

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

Project Updates

- Branch Canal Trail: There will be some grading taking place this week to correct a drainage issue in the area of the cemetery.
- Dragon Run Tide Gate/Dike Repairs: Project is progressing. The temporary drainage pipe should be installed this week.
- Washington Street Flood Mitigation: The redesign is complete and engineer will start preparing the bid documents in the coming weeks.
- Fifth Street Bridge: No update.

Discussion followed regarding the vehicle recharging station and the proposed all-terrain vehicles.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

City Clerk Hartman introduced Deana Durand, the new administrative assistant at Town Hall.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street - Esther Lovely, Executive Director, reported the following:

- Recreating organizational base, which includes convening a nominating and bylaw committee.
- Redesigning the website to make it a mobile friendly site.
- Memorial Brick program is again moving forward. A minimum of five bricks must be ordered. The Cutting Edge will be placing the bricks in the

canal promenade, a service they perform at no charge. Asked residents who ordered bricks previously to contact Town Hall about the installation. There will be information about ordering bricks in the next City News.

- The Christmas parade will be held on Saturday, December 12, 2015 at 6:00 pm. Volunteers are needed and should contact Town Hall on 302-834-4573, ext. 120.
- Administering the Route 9 Bike/Pedestrian Grant between Delaware City, DNREC and DelDot.
- Applied for a Community Restructuring Cycling Grant through Bike Delaware that will focus on the Dragon Run trail.
- Participated in two site visits of the City for potential new tenants in the downtown business area.
- The first membership meeting will be held after the recreation of the organizational base.

OLD BUSINESS

Second Reading and Adoption – Ordinance 15-0921-01 Relating to Dog Licensing & Provisions

Council Member Titus made a motion to accept the second reading and adoption of Ordinance 15-0921-01, Relating to Dog Licensing & Provisions. Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken, all ayes, with Council Member Johnson having stepped out for an emergency phone call, motion carried.

Second Reading and Adoption – Ordinance 15-0921-02 Relating to the Procedures for a Variance Request

Council Member Malinowski made a motion to accept the second reading and adoption of Ordinance 15-0921-02, Relating to the Procedures for a Variance Request. Council Member Titus seconded the motion. There was no discussion. A roll call vote was taken, all ayes, with Council Member Johnson having stepped out for an emergency phone call, motion carried.

Second Reading and Adoption – Ordinance 15-0921-03 Relating to the Reduction of Fees for Certificates of Occupancy & Compliance

Council Member Malinowski made a motion to accept the second reading and adoption of Ordinance 15-0921-03, Relating to the Reduction of Fees for Certificates of Occupancy and Compliance. Council Member Konkus seconded the motion. There was no discussion. A roll call vote was taken, all ayes, with Council Member Johnson having stepped out for an emergency phone call, motion carried.

NEW BUSINESS

Introduction and First Reading – Ordinance 15-1019-01 relating to updating the City's Zoning Map

City Manager Cathcart said Ordinance 15-1019-01 would be tabled due to discrepancies but there will be an Introduction and First Reading of this ordinance at the next meeting.

Certification of the 2nd Quarter FY16 Supplemental Tax Assessment

Council Member Titus made a motion to accept the Certification of the 2nd Quarter FY16 Supplemental Tax Assessment. Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken, all ayes, with Council Member Johnson having stepped out for an emergency phone call, motion carried.

407 Hamilton Street – Paul Fitzwater, III – Subdivision of 1 Lot – 65’ x 209’ into 2 Lots – 65’ x 104’ and 65’ x 105’

Mayor Green reminded the Council that this was approved by the Planning Commission and the Board of Adjustment. *Council Member Malinowski made a motion to approve the subdivision of 407 Hamilton Street, subdividing one lot, 65’ x 209’ into two lots, 65’ x 104’ and 65’ x 105’. Council Member Titus seconded the motion. Discussion followed. A roll call vote was taken, all ayes, with Council Member Johnson having stepped out for an emergency phone call, motion carried.*

FY17 Grant-in-Aid Applications

City Manager Cathcart said he needed the approval of Council to submit the annual Grant-in-Aid applications for the Community Center and the Delaware City Day Celebration. *Council Member Titus made a motion authorizing the City Manager to submit the Grant-in-Aid applications for the Community Center and Delaware City Day for FY17. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, with Council Member Johnson having stepped out for an emergency phone call, motion carried.*

COUNCIL COMMENTS

Council Member Titus – No Report

Council Member Malinowski – No Report

Council Member Barrett - Had a question for the City Code Enforcement Officer, but would hold the question until the next meeting, when he will hopefully be present.

Council Member Konkus – Asked if the old playground equipment was going to be removed. City Manager Cathcart said there were requests to keep the old playground equipment in place and install bollards to prevent vehicles from running into the playground. He said this would be a cost neutral proposition, as the City would not need to pay to remove it and have in installed at the ballpark. It is being kept in place because the new playground equipment seems to draw one age group while the old playground equipment seems to draw a different age group.

Council Member Konkus commended The Cutting Edge for doing a great job during the hurricane/nor’easter.

Council Member Konkus also reported that there were over 250 coats, hats and scarves donated during the coat drive. There were about 30 remaining coats that were donated to the PAL Center.

Mayor Green – reported the following:

- Commended The Cutting Edge for working long hours during the hurricane/nor'easter to make sure that all was working as it should be.
- Commended City Manager Cathcart for implementing the contingency plan that worked exactly as it was designed to work.
- Assisted the UAME Church with the installation of a new back deck, leading into the church. He said Lowe's sent in a team of volunteers to work in the banquet area as follows: painting, spackling, installing carpet, repairing bathrooms and working on the landscape.
- Thanked Kerry Rhoades for assisting with the first Street Golf Outing. He said they played golf on the street with golf clubs and tennis balls.
- Completed the fundraising for the River Towns Ride and Festival, donating a sizeable amount to the Playground Fund.
- Visited Rene Miller, Bill Miller's widow. Asked residents to keep her in their thoughts and prayers.

CITIZENS COMMENTS

Donald Russell, 11 Warfel Drive, contacted Town Hall about an unlicensed contractor doing a job in Delaware City. He said he was told it was none of his business and was referred to New Castle County. He said the general contractor doing the job was not a licensed plumber. City Manager Cathcart said Delaware City is not responsible for licensing contractors, as New Castle County handles that. When the City issued the permit, the City checked to see if the contractor was licensed. He said he didn't know about the response Mr. Russell received from Town Hall, but would check into it. Discussion followed. Mayor Green said everyone is concerned about the way Mr. Russell said this was handled by Town Hall. The mayor asked Mr. Russell to call City Manager Cathcart tomorrow so he can follow up.

ADJOURNMENT

Council Member Malinowski 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 7:03 pm.

Respectfully submitted,
Dawn K. Gwynn
City Secretary