



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  
DECEMBER 21, 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, Chief of Police Baylor and Assistant City Clerk Clifton.

**ORDINANCE 15-1019-01 – RELATING TO UPDATING THE CITY'S ZONING MAP**

City Solicitor Walton explained that this ordinance was brought forth at his recommendation, as the purpose was to update the zoning code map and see that it conformed to changes that have been made throughout the years. These changes did not change the zoning of any property in the City of Delaware City.

**ORDINANCE 15-1116-01 – TO AMEND CITY CODE 47-2 TO CORRECT ERROR REGARDING ADOPTING BODY**

City Solicitor Walton said this ordinance was also brought forth by him because he found an error in the code that has probably been there for a long time. It listed the Planning Commission as the official body responsible for adopting the Comprehensive Plan when it needs to be the City Council under State Law. This ordinance simply corrected this error and there were no substantive changes to the code.

**PUBLIC COMMENTS**

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

**RECESS PUBLIC HEARING**

*Council Member Titus made a motion to recess the Public Hearing until 6:25 when it would be reconvened. Council Member Konkus seconded the motion. A vote was taken, all ayes, motion carried. The Public Hearing was recessed at 6:05 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 either of the ordinances. There were no questions or comments.

**ADJOURN PUBLIC HEARING**

*Council Member Johnson 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**

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 Secretary Gwynn, City Solicitor Walton, Police Chief Baylor and Assistant City Clerk Clifton were also in attendance.

**ACTION UPON THE TREASURER’S REPORT**

City Treasurer Hartman presented the Treasurer’s Report for November 2015. *Council Member Barrett made a motion to approve the November 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 Johnson made a motion to approve the minutes of the Regular Meeting of the Mayor and Council, held on November 16, 2015, as written. Council Member Konkus seconded the motion. A vote was taken, all ayes, motion carried.*

**POLICE REPORT**

Chief Baylor reported the following:

- An arrest was made for the Bayard Street robbery that was reported last month. The individual was arrested in Harbor Estates and charged with robbery. He is in jail and will remain in jail as he cannot make bail. The robbery was drug related.
- Delaware City Police Department and New Castle County Police responded to 68 Clinton Street for a domestic related incident. The female stabbed the subject with a kitchen knife. The female was taken into custody. There was a related incident during which another victim fled on foot, and was later identified and taken into custody. After organizing the various incidents, the appropriate people were charged and medical assistance was provided where needed. One suspect is still incarcerated.
- Shots were fired in the air on Fifth Street due to another domestic related incident. The police recovered the casing. A K-9 unit from Middletown was brought in and the suspect was tracked to his residence on Hamilton Place. The weapon was found at his residence where he was arrested. Mayor Green commended the police for doing an excellent job.
- Still having problems with juveniles walking in the street at night without a light. The police will begin to take more aggressive action, as this is dangerous.

Chief Baylor introduced Jose Perez, the new Code Enforcement Officer. He is a retired Wilmington Police Officer with a wealth of experience. He has been working with the City for about a month.

Discussion followed regarding police hours and staffing. Council Member Barrett said she would like to see a greater police presence. She said she would like to see more police patrols throughout the town and not just downtown.

**CITY SOLICITOR'S REPORT**

City Solicitor Walton reported that he drafted a new subdivision code procedure, which is on the agenda for tonight. He also drafted a revised procedure for Council initiated zonings, which is also on the agenda for a first reading this evening. He also worked on a code interpretation related to 51–59 Washington Street for permitted uses in the C-1 District.

## **CITY MANAGER'S REPORT**

City Manager Cathcart reported the following:

- Met with Andy Mears, JMT, concerning the final draft of the Community Center/Dragon Run Trail Master Plan. A draft copy of the final draft will be distributed to committee members this week, soliciting their final comments. A final report will be issued after the first of the year.
- Met with Wally Poppe, Delaware City Fire Company, to discuss continued relationships and common interest issues. This meeting takes place at least once a year.
- Attended the MS4 Stormwater Consortium meeting held in New Castle. This meeting is held to talk about Stormwater Discharge Permit issues. We are just beginning to quantify the added cost to the City to comply with new mandates. The City must comply with these mandates.
- Hosted a meeting with the USDA and Kevin Donnelly, Soil Conservation District, to discuss the Branch Canal Trail status as it relates to the USDA grant. This was their first site visit.
- Met with Paul Johnson and Don White, Delaware City Jaycees, about helping to move their annual circus fundraiser to Fort DuPont. They asked the City to help coordinate this event. More details to follow.
- Received the award letter for the playground equipment. Will order the equipment this week and have it installed in January. This was a \$45,000 grant which is matched by \$45,000 raised by the City.

### **General Meetings**

- Planning Commission Meeting
- Delaware City Babe Ruth League
- Fort DuPont Redevelopment Board Meeting
- AUCC Friends Group Board Meeting
- Historical Preservation Commission Meeting

### **Project Updates**

- Branch Canal Trail: Projected Opening April 2016.
- Dragon Run Tide Gate/Dike Replacement: Progressing slowly.
- Washington Street Flood Mitigation: On Schedule.
- Fifth Street Bridge Replacement: No update.

## **APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS**

Mayor Green said he would like to re-appoint Tim Dilliplane and Ray Fruytier to the Board of Ethics.

*Council Member Konkus made a motion to appoint Tim Dilliplane to the Board of Ethics 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.*

*Council Member Johnson made a motion to appoint Ray Fruytier to the Board of Ethics for a three year term. Council Member Konkus 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 - Esther Lovely, Executive Director, reported the following:

- New by-laws were adopted and a new Board of Directors was elected, with Tim Konkus as the new president.
- Changed fiscal year to July 1<sup>st</sup> through June 30<sup>th</sup>.
- Memorial bricks have been installed on the promenade and donors were notified.
- Christmas parade was held on December 12<sup>th</sup>, with thanks to the Jaycees for their support and assistance.
- On December 19<sup>th</sup>, the Annabelle's Annual Toy Drive was a success, with recognition of Council Member Beth Konkus for her help. She also thanked the Jaycees and Mayor Green for helping distribute the toys.
- Notice to proceed in regards to the Route 9 Bike Pedestrian Grant between the City, DNREC and DeIDOT. Main Street is the administrator of the grant. The first meeting to prepare the RFP took place on December 14<sup>th</sup>.
- Were notified that the Dragon Run Trail/Community Restructuring Cycling Grant was not awarded to Main Street. It was awarded to Bridgeville.
- Recently applied to Delaware Preservation Fund to repair the existing, deteriorating fence surrounding the eastern lock of the canal in Battery Park.

Delaware City Day Committee – Chairperson/Vice Mayor Paul Johnson reported that the first meeting will be held in January. The committee will meet with the police and fire departments to discuss any parking and crowd control issues that may have occurred last year. Mayor Green announced that he would be working with Vice Mayor Johnson on this committee.

## **OLD BUSINESS**

Second Reading and Adoption – Ordinance 15-1019-01 – Relating to Updating the City's Zoning Map

*Council Member Malinowski made a motion to accept the second reading and adoption of Ordinance 15-1019-01, Relating to Updating the City's Zoning Map. Council Member Johnson seconded the motion. There was no discussion. City Solicitor Walton added, for the record, that this map does not change the zoning of any property in the City of Delaware City. A roll call vote was taken, all ayes, motion carried.*

Second Reading and Adoption – Ordinance 15-1116-01 – To Amend City Code 47-2 to Correct Error Regarding Adopting Body

*Council Member Malinowski made a motion to accept the second reading and adoption of Ordinance 15-1116-01, To Amend City Code 47-2 to Correct Error Regarding Adopting Body. Council Member Konkus seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

**NEW BUSINESS**

Introduction and First Reading – Ordinance 15-1221-01 Relating to Property Owner Requested Rezoning Procedures

City Solicitor Walton explained that there were two amendments that needed to be made. The first change was to remove the words “by adding” in Section 1. The second change was in the last line of the attachments Exhibit A and Exhibit B. The exhibits refer to City “Counsel” and should refer to City “Council”. Discussion followed.

*Council Member Titus made a motion to accept Ordinance 15-1221-01 – Relating to Property Owner Requested Rezoning Procedures, as amended, for the Introduction and First Reading in abstract and title only. Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Introduction and First Reading – Ordinance 15-1221-02 Relating to Subdivision Code Procedures

*Council Member Konkus made a motion to accept Ordinance 15-1221-02 Relating to Subdivision Code Procedures for the 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.*

Audit FY15 – Vince Barbone, Haggerty & Haggerty

Vincent Barbone of Haggerty & Haggerty summarized the City Audit for Fiscal Year 2015. He stated that they issued unmodified opinions, which are the highest opinions that can be issued. He highlighted various line items. Mr. Barbone pointed out that the total assets dropped from \$8.3 million in FY14 to \$8.1 million in FY15 because the City used the Texaco Settlement funds, \$352,000, for their intended purpose.

He stated that under the government wide report, the activities of the City are reported by function, such as public safety, code enforcement, etc. In that report, the City had a surplus of \$224,358 for FY15 versus a deficit of \$6934 for FY14. So the City had a better year in FY15 than FY14.

He reported that the water fund generated a positive cash flow when you back out depreciation expense, which means it brought in approximately \$80,000 of actual cash flow to help subsidize the total operation of the City.

He also reported that the City's cash is FDIC insured or if not FCIC insured, it is collateralized by the bank's assets. If the banks should fail, the City would not lose any deposits.

Comparing the budget to actual, the City budgeted a deficit of \$25,000 before transfers from the water fund, but actually closed out the year with a deficit of \$9,483. This resulted in a favorable variance of approximately \$16,000.

Mr. Barbone said there were some recommendations made which, if implemented, would prevent problems in the future. They hope the recommendations would be implemented during the next fiscal year.

City Manager Cathcart said they will discuss raising the cap on the budget reserves at the budget workshop. He said the cap is currently at \$500,000 and the surplus keeps growing so he will make the recommendation for the increase at the budget workshop.

*Council Member Johnson made a motion to accept the Audit draft FY15 as presented. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

### **COUNCIL COMMENTS**

Council Member Barrett – No Report

Council Member Malinowski – Reported that he attended the Fort DuPont Redevelopment Meeting

Council Member Konkus – Thanked City Clerk Michelle Hartman and Main Street Director Esther Lovely for organizing the toy drive list. She said Jack Reed donated all of the gift wrap, tape, ribbons and many toys. She also reported that Assistant City Clerk Clifton took a whole family and donated the items they needed. She offered kudos to the Lion's Club for the food they donated to the families and to Betty Barrett for her work with the food closet throughout the year. She also thanked the ten ladies who wrapped the gifts and the refinery for donating canned goods and gift certificates to purchase hams.

Council Member Titus – No Report

Council Member Johnson – Thanked City Manager Cathcart for working with the Jaycees in order to bring the circus to Delaware City. He also thanked the City Manager for all the work he did on the playground grant. He said that, without the grant, the Seventh Street Park probably would not have been possible.

Mayor Green –

- Reported that Vice Mayor Johnson was a huge asset when it came to installing the parks.

- He said he did a swearing in ceremony for the new police officer and attended his graduation from the police academy. City Manager Cathcart interjected that the cadet won the top academic award and the Attorney General's Award. His was also the only injury in the class.
- He reported that he worked on the PAL race with City Manager Cathcart and Police Chief Baylor.
- He attended grand opening of the new yoga shop and the Main Street meeting led by president Tim Konkus.
- He also made a proclamation to City Solicitor Walton's father, Mr. Walton, for donating materials and equipment as well as manpower for work done at the Little League and Babe Ruth fields.
- Attended a Delaware City Babe Ruth Baseball League meeting. He said City Manager Cathcart has been spearheading this project.
- Visited the Senior Citizen's Center.
- Assisted with handing out toys during the toy run.
- Attended the Fort DuPont Redevelopment meeting.

#### **CITIZENS COMMENTS**

There were none.

#### **ADJOURNMENT**

*Council Member Johnson 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 7:20 pm.*

Respectfully submitted,  
*Dawn K. Gwynn*  
City Secretary