



CITY OF DELAWARE CITY

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**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING AND
PUBLIC HEARING
JULY 18, 2016**

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: Greene, Fitzwater, Malinowski and Barrett. Also present were Mayor Green, City Manager Cathcart, City Secretary Gwynn, Assistant City Clerk Clifton and City Solicitor Walton.

ORDINANCE 16-0620-01 – ORDINANCE TO AMEND CITY CODE SECTION 46-63 FOR THE PURPOSE OF CLARIFYING THOSE LOTS SUBJECT TO SUBDIVISION LIMITATIONS

City Solicitor Walton explained that this ordinance is proposed for the Fort DuPont Corporation, as they will be subdividing numerous large lots during several different phases of development. Mayor Green asked if there were any questions or comments regarding this ordinance.

Linda Heeren, 303 Jefferson Street, asked what constitutes a large lot. City Solicitor Walton explained that this zoning ordinance would only apply to the 200+ acres that make up Fort DuPont. He said it would not change anything in the City proper.

ORDINANCE 16-0620-02 – ORDINANCE TO AMEND CITY ORDINANCE 46-137 TO CORRECT SCRIVENER ERRORS

City Solicitor Walton explained that the purpose of this ordinance was to correct errors in the City Code. Mayor Green asked if there were any questions or comments regarding this ordinance. There were none.

RECESS PUBLIC HEARING

Mayor Green recessed the Public Hearing at 6:05 pm.

RECONVENE PUBLIC HEARING

Mayor Green reconvened the Public Hearing at 6:25 pm. City Solicitor Walton reiterated his comments from the beginning of the meeting regarding the ordinances. Mayor Green asked if there were any questions or comments regarding either of the two ordinances on the agenda. There were none.

ADJOURN PUBLIC HEARING

Mayor Green adjourned the Public hearing at 6:28 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 AND MOMENT OF SILENCE

Mayor Green led the Pledge of Allegiance to the Flag. He asked for a moment of silence in memory of the police officers, who have recently been killed in the line of duty, and their families. He also asked for a moment of silence for the family who tragically lost a loved one in a senseless act of violence at Third and Adams Streets.

ROLL CALL

Present were The Honorable Mayor Green and Council Members Greene, Fitzwater, Malinowski and Barrett. City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, Police Chief Baylor, Assistant City Clerk Clifton and City Solicitor Walton were also in attendance.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Hartman presented the June 2016 Treasurer's Report. *Council Member Greene made a motion to approve the June 2016 Treasurer's Report, subject to audit. Council Member Fitzwater seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.*

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Council Member Greene made a motion to approve the minutes of the June 20, 2016 Mayor and Council meeting, as written. Council Member Malinowski seconded the motion. There was no discussion. A vote was taken, all ayes, motion carried.

POLICE REPORT

Police Chief Baylor gave the statistics for the month of June 2016 and reported the following:

- Two Saturdays ago, at 2:00 pm, the New Castle County Police and Chief Baylor were dispatched to 231 Adams Street reference a suspicious death. Upon arrival, following an investigation, it was decided that further investigation was warranted. They did not know how the person in the residence had died. At that time, they requested assistance from the New Castle County Detective Unit. Their detectives were tied up on two other cases, so assistance was requested from the Delaware State Police. Upon their arrival, they believed the death appeared to be a homicide. The Medical Examiner was called in and determined that the cause of death was homicide. An autopsy was performed and findings showed that the cause of death was blunt force trauma to the head area. Delaware State Police detectives and Delaware City Police officers have been working the case. They have narrowed it down to two or three people as suspects in this case. They appreciate the assistance that has been given by residents/businesses in town. Chief Baylor said he didn't know when an arrest would be made but felt the investigation is heading in the right direction to put the case together. He stressed that everyone in Delaware City is safe.
- Delaware City Day was uneventful for the Police Department, possibly due to the rain that caused some people to leave town early. Chief Baylor stated that he is concerned about some of the people who are coming to our town, leaving their trash and mistreating the town. He is concerned that Delaware City Day has lost some meaning. Some people were not here to celebrate Delaware City. There has to be give and take from everyone. Some residents do not realize that city streets are not their property. He commended Beth Konkus, Mayor Green and others who were directly involved. He said the police have identified some needed improvements. Discussion followed.

CITY SOLICITOR'S REPORT

City Solicitor Walton said he had no report for the month.

CITY MANAGER'S REPORT

- Finalized our application for the State Low Interest Loan for the replacement of water meters.
- Interviewed for the City Code Enforcement Officer. Selected Adam Poplos who will start working on July 25th. We will introduce him at the next Mayor and Council meeting.
- We closed on the WSFS loan which is a refinancing of the Citizens Bank loan.
- Received the award of the Certified Local Government (CLG) in the amount of \$4,774. This grant is in partnership with the University of Delaware's Center for Historical Architecture and Design (CHAD) to complete Phase II of the National Register Historic District update survey. The entire project is going to take the next three to four years to complete.
- Received the award of the Community Center Grant-In-Aid in the amount of \$40,000.
- Received the award of the Delaware City Day Grant-In-Aid in the amount of \$33,000.

General Meetings

- Planning Commission

Project Updates

- Washington Street Flood Mitigation Project: Out to Bid on July 6, 2016; Pre-Bid Meeting July 20, 2016; Bid Deadline is August 10, 2016.
- Fifth Street Bridge Project: Construction Start Date remains September 6, 3026.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

There were none.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

There were none.

OLD BUSINESS

Second Reading and Adoption of Ordinance 16-0620-01 – Amending City Code Section 46-63 Clarifying Lots Subject to Subdivision Limitations

Mayor Green said this ordinance was introduced for a First Reading at a prior Mayor and Council meeting and a public hearing was held. *Council Member*

Fitzwater made a motion to accept the Second Reading and Adoption of Ordinance 16-0620-01 – Amending City Code Section 46-63 Clarifying Lots Subject to Subdivision Limitations. Council Member Barrett seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.

Second Reading and Adoption of Ordinance 16-0620-02 – Amending City Code Section 46-137 to Correct Scrivener Errors

Mayor Green said this ordinance was introduced for a First Reading at a prior Mayor and Council meeting and a public hearing was held. *Council Member Greene made a motion to accept the Second Reading and Adoption of Ordinance 16-0620-02 – Amending City Code Section 46-137 to Correct Scrivener Errors. Council Member Fitzwater seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

Jefferson Paper Street Lease (Potential Executive Session)

Mayor Green requested that the Mayor and Council go into an Executive Session to discuss the Jefferson Paper Street Lease. *At 6:45 pm Council Member Barrett made a motion to go into an Executive Session. Council Member Malinowski seconded the motion. There was no discussion. A roll call vote was taken, all ayes, motion carried.* Mayor Green asked that City Manager Cathcart not attend the Executive Session. He said the City Solicitor would run the Executive Session and that they would return to conclude the meeting.

Mayor Green reconvened the Mayor and Council meeting at 7:15 pm. *Council Member Barrett made a motion to table the Jefferson Paper Street Lease until next month. Council Member Fitzwater amended the motion to include the reason for tabling, which was, the City Solicitor and the applicant's representative need to discuss issues raised at the executive session concerning the lease. Council Member Barrett accepted the amendment. Council Member Greene seconded the motion as amended. There was no discussion. A roll call vote was taken, all ayes, motion carried.*

NEW BUSINESS

Tree Removal Program

Council Member Malinowski made a motion that any tree scheduled for removal be posted (on the tree), two weeks prior to its removal, and all Council Members and the Tree Committee be notified of the scheduled removal, at the time of posting. Discussion followed. Council Member Greene seconded the motion. A roll call vote was taken, with Council Members voting as follows: Barrett – aye, Malinowski – aye, Fitzwater – nay, and Greene – aye. Motion carried.

COUNCIL COMMENTS

Council Member Barrett – No Comments

Council Member Malinowski – Comments

Council Member Fitzwater – No Comments

Council Member Greene – No Comments

Mayor Green Comments:

- Thanked City Manager Cathcart for his assistance with Delaware City Day. He also thanked Beth Konkus for doing an outstanding job chairing the Delaware City Day Committee.
- Initiated steps to hire a new City Manager by contacting the Delaware League of Local Governments (DLLG), asking them to notify other municipalities of the position opening.
- Attended contractors crab feast at Fort DuPont. The City will receive a donation from the contractors.
- Will attend the New Castle County Police Academy graduation with Chief Baylor. A Delaware City Police Officer will be graduating.

CITIZENS COMMENTS

Laurie Adams, 32 Clinton Street, said that her mother and sisters were visiting two weeks ago when her mother took a terrible fall and was injured in front of Sunset Market. She said she wanted to let the Mayor and Council know about the accident, as the sidewalk poses a tripping hazard. She said that two days later a pregnant woman tripped but did not fall at the same location. She said she didn't know who would be liable but she wanted to notify the City.

John Buchheit, 210 Clinton Street, said that when he was Mayor, he appointed Richard Cathcart to the position of City Manager. He said he is so proud of the job Dick Cathcart has done. He said Dick Cathcart has made Delaware City a desirable area to live and for people to visit. He said it will be tough for someone to fill his position. He thanked Dick Cathcart. This was followed by a standing ovation.

Kate O'Donnell, 109 Washington Street, said she was glad that Chief Baylor brought up the idea of splitting up the fireworks from Delaware City Day. She said it would be more effective if the fireworks were held on the Fourth of July. Ms. O'Donnell said the fireworks were so loud that her windows vibrated and the dog was under the bed. She said they seemed louder this year.

ADJOURNMENT

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 7:30 pm.

Respectfully submitted,
Dawn K. Gwynn
City Secretary