

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
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Delaware City, Delaware 19706  
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**MINUTES  
CITY OF DELAWARE CITY  
MAYOR AND COUNCIL MEETING  
MONTHLY MEETING  
Tuesday, September 1, 2020 at 6:30 p.m.  
DELAWARE CITY FIRE COMPANY  
815 FIFTH STREET**

**MONTHLY MEETING OF MAYOR & COUNCIL**

**CALL TO ORDER**

Mayor Johnson called the September 1, 2020 meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Johnson led the Pledge of Allegiance

**ROLL CALL**

In addition to Mayor Johnson, Vice Mayor Malinowski, Council Members Titus, Barrett, Konkus and Buchheit were present. City Manager and Chief of Police Baylor, City Solicitor Walton and City Secretary Loveland were also present.

City Engineer David Athey was Present

Building Code Official Kyle Bandler was present

Jeffery Randol Executive Director of Fort DuPont Corp. was present.

1. Overall Authority of the City
2. Overall Authority of Fort DuPont
3. Discussion of 6F Designation on Fort DuPont
4. Development of Grassdale Site

5. MOU and the Private Street Issue
6. Complaint Process for Fort DuPont

City Solicitor Walton gave the Following Presentation:

### **History**

- A decade ago, Fort DuPont was falling apart.
- The City had a number of uses that many felt were undesirable.
- There were insufficient resources to preserve the historic buildings at the site.
  
- Due to the proximity to the City, this was naturally a concern for the City government.
- The City's 2008 Comprehensive Plan identifies the following goals as it relates to Fort DuPont:
  - Pursuit of annexation of the Governor Bacon/Fort DuPont site; and
  - Work with State and other stakeholders to preserve the historic character of the Fort DuPont site while allowing the introduction of appropriate private and public uses.
- (2008 Plan p. 20, 38, 42)
- In furtherance of this goal, the City partnered with DNREC to find resources to study Fort DuPont and create a vision for its future.
- DNREC commissioned Sasaki Associates to perform an assessment and develop a master plan for the site.
- Following a year of study, which included numerous community meetings, comments, and interviews with various stakeholders, the Sasaki master plan was completed.
- I will not try to summarize all of the conclusions of that study, but a few key takeaways were that:
  - Without intervention, there were many facilities at Fort DuPont that need repair and that there would be no net economic benefit to the State or the City absent changes.
  - Fort DuPont was an underutilized resource.
  - And a governance entity was needed to develop programming and activities as well as to handle operation and maintenance of the redevelopment.
  - I invite anyone to review the Sasaki master plan that wants to read it.

[http://www.dnrec.delaware.gov/Admin/Documents/Final\\_Draft\\_FortDuPont\\_MasterPlan.pdf](http://www.dnrec.delaware.gov/Admin/Documents/Final_Draft_FortDuPont_MasterPlan.pdf)

- Following the Master Plan, significant investigation was done regarding the redevelopment of former military organizations.
- Taking the lead from the experience of other redevelopment efforts of former military bases, and in line with the vision of the Sasaki plan, a bill was introduced in the General Assembly to create the Fort DuPont Redevelopment and Preservation Corporation.
- The bill was sponsored by Representative Longhurst and Senator Poore.
- It was passed into law, and the enabling legislation for the Fort Corp. is codified at 7 Delaware Code, Chapter 47, and Subsection II.

### **The Enabling Legislation**

- The enabling legislation has been changed from its initial form slightly, but from the beginning, it contained the key provisions discussed below.
- First, the Act has the following policy and purposes:
  - 2) To preserve and protect the historical and recreational amenities within the Fort DuPont Complex and to expand economic opportunities therein, additional

capital will be required to improve infrastructure, renovate certain historic structures, and make additional improvements to said Complex;

Redevelopment and renovation of the Fort DuPont Complex is both desirable and necessary, provided that:

- a. The Fort DuPont Complex will remain a public destination, with its historic, natural, and recreational resources maintained for public enjoyment;
- b. Fort DuPont's National Register status (where applicable) will be maintained, and historic building and landscape resources will be rehabilitated and reused to the extent possible;
- c. Redevelopment and infill will be concentrated within several defined areas, and will be complementary to existing historic buildings and landscapes;
- d. Fort DuPont and Delaware City will grow together as "one city" with strong physical and visual connections and complementary land uses;
- e. Diverse land and building uses will be supported at Fort DuPont to achieve a shared vision for a "live-work-learn-play-and-visit" community; and
- f. Community engagement will continue to be a key component for ongoing planning for Fort DuPont's future.

(4) . . . it is in the best interest of the State to enable the creation of an entity to manage, oversee, and implement the redevelopment and preservation of the Fort DuPont Complex in accordance with the Redevelopment Plan and the provisions of this subchapter.

- o Fort DuPont functions as a governmental body, with the DNREC being the sole member.
- o The Fort Corp. is a body corporate and politic, with corporate succession, constituting a public instrumentality of the State, and created for the purpose of exercising essential governmental functions.
- o This is similar to the Port Corporation or the Municipal Electric Corporation – both established under the Delaware Code.
- o The City of Delaware City has five of the fifteen seats on the Board – and the City Manager holds one of those seats.
- o Seven directors are State appointees and three are elected by the Board.
- o Thus, based upon Board composition, the Board is set up to be a type of partnership between Delaware City and the State to achieve the purposes of the legislation.
- o For this reason, the Fort Corp. is unique – it is a State entity with significant municipal representation.
- o The enabling legislation provides the Corporation broad powers. These powers are "without limitation and notwithstanding any other laws." The powers include the authority to:

Act generally in a planning and development capacity, and in connection therewith, to hold, own, preserve, develop, improve, construct, rent, lease, sell, or otherwise acquire or dispose of any real property, including without limitation any real property comprising the Fort DuPont Complex or any portion thereof transferred to the Corporation;

Have and exercise any and all powers available to a corporation organized pursuant to Chapter 1 of Title 8, the Delaware General Corporation Law;

Take such other lawful actions that are consistent with the purposes of this subchapter as may be necessary or desirable to oversee, manage, and implement the redevelopment and preservation of the Fort DuPont Complex in accordance with the redevelopment plan and the provisions of this subchapter;

These powers “being necessary for the prosperity and welfare of the State and its citizens, shall be liberally construed to effect the purposes hereof.”

## **History**

- Thus, the Fort Corp. therefore has broad powers to act in a redevelopment and proprietary capacity – but it exercises governmental functions.
- After its formation, the Board was established for the Corporation, and the process began for the transfer of the land designated by the enabling legislation as the Fort DuPont Complex to be transferred to the Corporation.
- During this same time, the City of Delaware City, through an appropriation from the State, prepared a slew of new ordinances establishing building, property maintenance, subdivision and other standards – which were adopted in 2015.
- These ordinances were funded by the General Assembly in the bond bill.
- On March 14, 2016, the Corporation obtained title to the Fort DuPont Complex (three of the four parcels listed in the legislation).
- Two days later, the Corporation Board passed a resolution requesting annexation of the Complex into the City of Delaware City.
- The May 5, 2016 annexation referendum was passed by a vote of 287 to 150.
- Council unanimously passed an ordinance on June 20, 2016 which officially annexed the Complex into the City.
- Once that occurred, Fort DuPont was officially part of the City of Delaware City.

## **Authority**

- Upon annexation, the Fort Corp. and the lands in the Complex became subject to the laws, guidelines, and processes of the City of Delaware City.
- The Complex is zoned HPR – which is a mixed use zoning classification.
- The Delaware City Code states, the same as it stated when the HPR district was adopted in 2015, as follows:
- It is anticipated that the Fort DuPont Redevelopment Authority will adopt its own use, design and construction standards, which may be more restrictive than the standards of the Delaware City Code. In case of conflict between the use, design and construction standards of the Fort DuPont Redevelopment Authority and Delaware City standards, the stricter of the two standards shall govern.
  
- So, let there be no misunderstanding – Delaware City laws govern the Fort’s building, subdivision, construction, floodplain, and other standards.
- But, the Corporation may impose more restrictive standards.
- The system is that there are two governmental bodies that govern the uses of the land – which is functionally the same as if the State owned property within a municipal jurisdiction.
- Thus, the redevelopment of the Complex must follow the rules set by both entities.
- But, when it comes to how the land is used (as authorized by the Delaware City Code), who to sell or lease it to, and how it is managed, that is the authority of the Fort Corp.

- Board because, under State law, the Fort Corp. acts in a “planning and development capacity, and in connection therewith, [may] to hold, own, preserve, develop, improve, construct, rent, lease, sell, or otherwise acquire or dispose of any real property.”
- Naturally, there are challenges to this dual governmental set-up.
  - For example, the Delaware City HPC generally reviews applications for things that occur in the historic district.
  - The Fort Corp., however, has stricter standards because it must preserve the entire areas that are subject to the historic designation.
  - To resolve this dual jurisdictional issue, the Delaware City HPC has approved the stricter historic standards of the Fort Corp. HPC – and a second review by the Delaware City HPC is not required.
  - The Fort Corp.’s governance of the property, especially the governance of property sold within the Complex, is governed by the Board of Directors and a master declaration and deed restrictions.
  - These govern the uses and standards, control what can and cannot be done with private residences, and set rules and regulations etc.
  - All amenities are installed and maintained by the Fort Corp. – roads, sewer lines, pickle ball courts, stormwater management areas and the like.
  - Residents are assessed CAM charges – which are generally capped at \$500 per residential unit and are on a sliding scale. Other commercial establishments are assessed at a different rate.
  - These restrictions, and any amendments thereto, are approved by the Fort DuPont Board of Directors.
  - Deed restriction control of land is very common set up for numerous developments in an around New Castle County.
  - For new subdivisions in the County, there are mandatory deed restrictions put in place by the developer that are required to be followed by the persons living in the community.
  - Regulatory entities, such as the City, generally do not enforce private deed restrictions (color schemes, uses on properties, rules, sheds, etc.). \*\*There are exceptions to this rule for covenants written in favor of the government having zoning jurisdiction.
  - Rather, the governing body having zoning jurisdiction only enforces the subdivision code and other laws.
  - So, Fort DuPont enforces its rules in the declaration and Delaware City enforces its rules in the Delaware City Code.
  - All have to be followed by residents and users at Fort DuPont.

### **Ambiguities**

- As some of you may recall, in establishing the codes governing the City subdivision and other laws, if we get it 80% right, we have done well because of the complexity of the Complex and the relationship of the two governmental parties.
- One of the areas of ambiguity rests with the roads and who controls parking standards in Fort DuPont.
- As noted in the minutes of the March 16, 2016 Council meeting which occurred prior to the annexation, Fort DuPont was always intended to bear the costs of the roads in the Complex.
- The roads were never dedicated to DelDOT because they were not constructed, acquired by or accepted by DelDOT prior to annexation.
- The roads are within the municipality which is outside of DelDOT’s jurisdiction. 17 Del. C. Sec. 134.

- But the City does not build, maintain, plow the Fort DuPont roads, or otherwise take on the cost of repair or maintenance of such roads.
- Construction, maintenance and repair are the obligation of the Fort Corp.
- The roads, however, are not private roads because they are owned by a governmental entity and dedicated for a public use. 17 Del. C. Sec. 131 (e).
- Thus, the Fort Corp. as a public entity with a park, cannot put a gate at the front and bar the public (and homeowners) from entering the Complex.
- Under its enabling act, Fort DuPont must remain a public destination.
- Under this set-up, there should be no question that the City of Delaware City police have jurisdiction to enforce the motor vehicle code and other laws within Fort DuPont because Title 21 Section 101 of the Delaware Code defines a “Private road or driveway” as “every road or driveway not open to the use of the public for purposes of vehicular travel.” See also Charter 10-01.
- The Fort Corp.’s roads are open, and must remain open, for use by the public.
- When an issue like the road parking arises due to the dual governmental system, and there will be others, there is ambiguity regarding what jurisdiction should determine parking standards and enforcement. As it stands now, there is likely concurrent jurisdiction.
- The Fort Corp. Board and the City Council of the City of Delaware City need to reach an agreement on how to correct the road parking anomaly because we have public roads that are owned and maintained by the Fort Corp. on land the Fort Corp. owns.
- So, for Council’s review, and for the Fort Corp. Board’s review, a MOU has been prepared which, upon agreement, will resolve the ambiguity.
- Again, that agreement has not been vetted, commented upon, or adopted by either group.
- But the proposal is for the Fort Corp. to make clear that Delaware City will have enforcement of parking issues within the Fort DuPont Complex. The dual governments need to reach agreement on how this issue should be handled.

### **Delaware City Revenue**

- Because Delaware City is the government entity having zoning authority, Delaware City gets property tax revenue upon sale, receives transfer tax on the second sale, and obtains building permit revenue, subdivision revenue and the like.
- The Fort Corp. must take on the expense of all maintenance of the roads/drive isles, amenities and grounds at Fort DuPont, and everything that goes with it – from curb repairs, to grass cutting, stormwater management, snowplowing and the like.
- The City, and its non-Fort DuPont residents, do not bear any of that cost. So, it functions akin to a subdivision in the County – just in a larger form and footprint.
- Other potential sources of City revenue are lodging and RV park revenue. A lodging tax for hotel uses are in place.
- At present, Delaware City does not have the ability to impose an RV tax.
- As Council is aware, a resolution has been passed to obtain authority from the General Assembly for the authority to impose a tax (similar to a lodging tax) on RV’s. (Resolution 20-0127-01 – passed January 27, 2020).
- Due to covid related issues, this will be presented to the General Assembly in 2021 for consideration.

### **6F**

- Part of the Fort DuPont Complex is governed by a 6F parkland designation.

- A 6F classification refers to Section 6F of the Land Water Conservation Fund.
- That act requires conversion of lands subject to the designation to be used for public outdoor recreational facilities unless the National Park Service approves.
- Any conversion must be in accord with any then existing comprehensive statewide outdoor recreation plan and upon such conditions as the Secretary deems necessary to assure the substitution of other recreation properties of at least equal fair market value and reasonable equivalent usefulness and location.
- There is a requirement to replace land for a conversion.
- Neither Delaware City nor the State determines whether a 6F classification can be changed and the merits of such alteration.
- That is done by the National Park Service.
- The parade ground is not protected under the 6F designation – which makes it eligible to be protected if other lands are removed from the 6F.
- Grassdale is not part of the 6F designation.

### **Blue Water Campground Proposal**

- Because Grassdale is not subject to the 6F designation, and because the Fort Corp. has the authority to sell and convey the property it owns “notwithstanding” other laws and without limitation, the Fort Corp. has the authority to sell and develop Grassdale.
- The decision to sell or lease property is that of the Fort Corp. Board of Directors. The General Assembly gave it that right.
- An RV Park is a permitted use in the HPR district in Delaware City.
- To operate and get a certificate of occupancy for the use, Blue Water must satisfy all Delaware City standards.
- And that process has been ongoing.
- In June 2019, the Corporation’s Board voted in favor of the proposed RV park agreement with Blue Water.
- In August 2019, the Delaware City Planning Commission voted unanimously to provide provisional conditional approval of the Blue Water concept plan for the RV Park.
- In January 2020, the Council passed a resolution requesting the ability to impose an RV park tax.
- On March 2, 2020, the Delaware City Planning Commission provided its approval for the Blue Water/RV Park proposal.
- Blue Water is now in the process of obtaining its final approvals for the site – DelDOT, DNREC, Fire Marshall and the like.
- Under the Code and under the common law, if the subdivision meets all requirements of the Code, the application must be approved – but reasonable project based conditions may be added.
- I know the City received a second legal opinion on that issue as well.
- I am not going to discuss the specifics of the Blue Water application because that is the applicant’s job.
- The Council, however, cannot vote down the proposal simply because it disagrees with the General Assembly’s decision to allow the sale of Grassdale as part of the establishment of the Fort Corp.
- The Council’s job is to assure that Delaware City standards are met.
- While I am not here to make Blue Water’s case, one of the questions I was asked at a Council meeting was whether there are wetland buffers in the Delaware City Code.
- There are not any buffer requirements.
- To address this, the City Manager and the City Engineer wrote a letter to Blue Water urging it to provide additional wetland buffers.

- It is my understanding that Blue Water may provide an average wetlands buffer of approximately 25 feet.
- Moreover, the allegation that the wetlands will be destroyed is incorrect.
- There, however, will be some wetlands crossings – Blue Water will need to explain the specifics as part of its presentation when its subdivision application is before Council.

### **Complaints**

- As a general matter, if any resident has a concern regarding an alleged violation of the Delaware City Code, or other laws, that is rightfully directed to the City.
- But, if there is a Complaint regarding the operation of the Complex, that Complaint should be addressed to the Fort Corp.
- The City generally lacks jurisdiction regarding enforcement of deed restrictions and Fort Corp. rules.

### **Meetings**

- The Fort Corp. generally meets on the second Wednesday of each month, usually at 8:30 a.m. Agendas can be found on its website.
- This month the meeting will be held on September 16, at 8:30 – and it will be a zoom meeting.
- Delaware City Council generally meets at 6:00 for public hearings and 6:30 for regular meetings on the third Monday of each month.

### **Council Questions**

Council was asked to submit questions prior to the meeting so I could be able to answer them. I think a number of questions have been resolved by the above presentation – but I wanted to, the best I am able, answer the remaining questions by group.

- Does the City have the authority rezone or change the zoning of the Complex? Yes
- What is the IRS designation for the Corporation? 115 Gov. Corp.
- Did I write the substitute bill for the Corporation and who paid for it? He was involved in the first draft but Governors Council wrote the second draft. He spent 100+ hours on the first draft. It is now modeled after the diamond state fort corp. Max Walton said he billed 99 hours and was paid \$1700 and most was done pro bono
- Why were changes made from the initial bill? Governors Council
- Was notice given to the General Assembly that the protection status of Grassdale was removed? No. “notwithstanding other laws”
- Who is the oversight body of the Executive Director of the Fort Corp.? Board
- Who is the principal of Blue Water? Todd Verbage & Sun National
- Did I advise that the property would be classified as private before annexation? No because the property is not private.
- Why are the Fort DuPont parcels not owned by DNREC? The legislation was written to put them in the name of the corporation.
- There is a question regarding a scrivener's error in a revised draft of the Declaration for Fort DuPont. That will be addressed at the next Fort Corp. Board meeting.
- What are the wetlands permits required to be received by Blue Water?
- Is a new TIS required for the RV Park?

City Solicitor Walton turned it over to City Engineer David Athey to answer the last two questions.

Mr. Athey from AECOM said they made an application to the Army Corp. for the wetland permit and as far as the TIS, the Fort Corp prepared a TIS and it was amended as the Master Plan amended. Blue Water is making the Claim that the amount of traffic generated by the RV Park will be less than the original Master Plan. All of those approvals will be needed before the Camp Ground can be approved.

Mr. Athey gave a Power Point Presentation as follows:

### **AECOM's Role**

- Review Subdivision and Land Development Plans
- Review and Approve Floodplain Development Permit Apps
- Assure Development is in Compliance with City Code
- Coordinate with City's Other Contractors
- Respond to Information Requests
- No Approvals of Road / Traffic or Utility Plans
- No Approvals of Sediment and Stormwater Plans
- No On-site Inspections or Review of 3<sup>rd</sup> Party Reports

### **Master Plan**

- Incorporated into 2014 Comprehensive Plan
- Periodic Amendments Made
- Apparently No Requirement for City Approvals

### **Code Revisions**

- Zoning Code 2017 – Amended Dimensional Standards for Marina District
- Subdivision Code 2017 – Recognized Private Nature of Fort DuPont
- Floodplain Code 2018 – Clarified "Substantial Improvement" in Context of Historic Structures

### **Submittal Summary**

- Officer's Row – approved 9/19/2016
- Floodplain Development Permit Application – approved 3/28/2017
- Canal District – approved 5/21/2018
- Canal District Resubdivision – approved 11/8/2019 by City Manager
- Old Battery Lane – Floodplain Issues – No Activity Since August 2018
- Individual Floodplain and Building Permit Applications – ongoing
- Letters of Map Revision – ongoing
- Campground and RV Resort – pending
  - Agency letters of approval not yet provided
    - Including wetland disturbance (Corps) and stormwater management (DNREC)
  - Uncertainty regarding traffic circle
    - Traffic Impact Study amendments and timing of construction
  - Plan modifications being made to increase wetland buffers
  - Apparently no official response to PLUS comments

- Meetings Held with DNREC and FEMA in Fall 2018
- Ability to Certify Not Yet Determined
- No Formal Submittal to City to Date
- Roads and Sidewalks
- Stormwater Management Areas
- Open Spaces

#### Questions from Council

#### Council Member Barrett

Did you inform Mayor and Council about writing the new Rules and Regulations? City Solicitor Walton said yes. She asked if the New Residents were aware and City Solicitor Walton said he has no idea because that was done at settlement and he wasn't there.

#### Council Member Konkus

She Asked when Max Walton became involved with the development of Fort DuPont. City Solicitor Walton said he has been involved from the beginning.

She asked about Title 7 and being a part of the initial title seven, when they made changes did you being that to Council. City Solicitor Walton said yes, City Manager Cathcart did.

She asked AECOM if a new traffic study will be done. Mr. Athey said an amended study was already done. After the change to the originally master plan the campground still generated less traffic than the original master plan.

Council Member Barrett said Reedy Point Bridge is owned by the Army Corp so why did Del Dot do the study and not Federal. He said Deldot handles traffic and the Core does not do Traffic studies.

Council Member Konkus asked what would be the threshold for not having a roundabout. Mr. Athey said he cannot answer that. The original study showed that an improvement needed to be done. He said they cannot get the fiftieth building permit until the improvement is complete.

#### Council Member Titus

She asked City Solicitor Walton asked why when we adopted our own City codes, why did you add a buffer code. City Solicitor Walton said he doesn't know and it wasn't anything intentional.

She asked if it reverts to the County code since we do not have one. He said no, it follows Delaware City code.

She asked if he brought anything to Council knowing that there was language changed in the new House bill 310 that didn't protect us. He said that the bill doesn't say that, it says Delaware City is the Governing Jurisdiction over there.

#### Mayor Johnson

The second cut of HB310 was cut by Governors Council. Walton said Correct.

Did the new legislation take Grassdale out of the protection? Walton said Correct.

Can you explain the next steps for Blue Water. City Solicitor Walton said they have to get their third party approvals and then come before council for a subdivision approval.

#### Vice Mayor Malinowski

You mention City Manager Cathcart communicating with us, do you have a time frame. City solicitor Walton said between May and June of the year it was done, 2014-2015.

Council Member Buchheit

Thanked everyone for the presentations, felt it really helped.

He asked that if council doesn't like the idea of a campground can they deny it. City Solicitor Walton said that your code said if they meet all the requirements of the code you have to approve.

He also commended the FDRPC on the restoration of all the historic buildings.

Council Member Titus asked if City Solicitor Walton is aware of any Deed Restrictions/ Protections on the Grassdale land. He said there are provisions within the land preservation act that were superseded by the enabling legislation. He said there is a land preservation restriction. She asked if it followed the process to be eliminated. He said no because it was superseded in the Fort Corp. Enabling Legislation.

Council Member Titus had the previous owner of the Grassdale property there and said that he was harassed by the state to sell his land to them and he was not allowed to build on this land. It was protected land to be protected in perpetuity. His land was bought with the Trust fund money.

City solicitor Walton asked if her disagreement is with how the State handled this. She said yes.

Mayor Johnson asked Max Walton to explain the difference between the protections under DNREC vs. the National Park Service. The secretary of Dept of Parks has the ultimate Call. State Parks are established through the General Assembly.

#### Discussions Followed

Council Member Konkus asked What is the process for Fort DuPont residents to make a complaint? City Solicitor Walton said they take the complaint to the executive director. Council Member Konkus asked if they go to the Board of Directors and they don't help them what is the next step. City Solicitor Walton believes they would go to the states ethics board.

#### Citizens Comments

Allen Williams- since the Planning Committee did not receive all the information before approval he believes it should go back before planning.

John Finnegan 990 Port Penn Road- He owned Grassdale; he would like to see it go to Delaware City not a private corp.

Chris Walls 220 Franklin St- He wanted to know if we have any Legal action we can take against Grassdale. If this corporation decides to sell that complex, is the City liable for the roads.

Erica Lindsey 905A Fifth Street- Said she will speak beyond the 3 minutes allowed. She quoted an old News Journal Article where Rep. Longhurst said that the only way the businesses in town will succeed is by foot traffic. She said she feels that Rep. Longhurst motivation in sponsoring this act was based on pleasing business owners. She said the greatest good for the greatest number must be factored in to decision that affect everyone. For example lands that have been protected should not be stripped of that protection so someone can profit from it. She recognized the Birding's Association decision to relocate to Delaware City. The Delaware River is part of an important migratory bird route along the Atlantic coast. She said we need to manage resources in a 15 kilometer area surrounded pea patch island to preserve the health or heronry, with a mapping tool; Grassdale was less than 10 miles. She said we can't have it both ways; we can't be a quiet riverfront town and a hustling bustling party town. Discussion Continued.

Kelly McVey New Castle- Feels there is a conflict of interest with the City Solicitor. She is also upset that the Legislators who sponsored this bill are not in this room.

William Rahn 1313 Officers Row- His family was not informed of deeds and restrictions by Fort DuPont when they bought their home only a fee for common grounds maintenance, they were lied to.

Renee Tire 215 Clinton Street- She is concerned about the Water and how all the development will affect our aquifers. She would like reports put out for that. She would like a reduction in the Campground even if it can't be stopped.

Susan Rahn 1313 Officers Row- wrote a letter to the FDRPC and never heard back from anyone. She doesn't understand the recourse when they have an issue with the Executive Director and they board does nothing.

Patty Bennett – she heard there will be a water park. Can we find out how much water that will use and what aquifer it's pulling from and will it affect the peoples wells.

Andrew Titus 515 Clinton Street- During any of the excavation at Fort DuPont has anything Hazardous been discovered and have citizens been notified.

Nancy 105 Clark Circle – Concerned about the water park and how it will affect the town. She also was told the sale didn't go through yet so why can't it be stopped.

Holly Hillard 219 Clinton Street- She wants to know who was this governor's council and why are we allowing this change to continue. She wants to know why.

### **ADJOURNMENT**

Mayor Johnson asked for a Motion to adjourn. Council Member made the motion, Seconded by Vice Mayor Malinowski. *Mayor Johnson adjourned the meeting at 8:30p.m.*

*Respectfully submitted,*

*Britney Loveland*  
*City Secretary*