

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
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**CITY OF DELAWARE CITY  
PUBLIC HEARING &  
REGULAR MAYOR AND COUNCIL MEETING  
MARCH 19, 2007**

**CALL TO ORDER – PUBLIC HEARING**

The Honorable Mayor Bennett called to order the Public Hearing at 7:10 p.m. Those in attendance were council members Martin, Keifer, Graham and Parets. Also in attendance were City Manager Morrill, City Solicitor Losco and City Treasurer Walls.

**226 Washington Street – Subdivision of One Lot into Two Lots**

Preston Carden was ill and unable to attend the meeting. City Manager Morrill informed the Mayor and Council that Mr. Carden wants to subdivide the one lot into two lots and add a second house on the property. The new house and existing house would be semi-detached, single family homes. The Planning Commission is in favor of the subdivision and approved it unanimously at the March meeting. The Historic Preservation Commission met in February and March and recommended approval of the new construction with the new house set back slightly from the existing structure. They also recommended the demolition of the rear of the existing structure as it was badly damaged by fire. The Planning Commission determined that the necessary variances for two single family homes with a common wall and a zero setback would be: front footage variance, area variance, and lot coverage variance. In addition, lot #2, or the existing structure, would need zero side setback variances on both sides and a zero setback variance on the front. Lot #1, or the new structure, would need a zero side setback variance on one side and an eighteen inch side setback variance on the other side, as well as an eighteen inch front setback variance. The City sent notification to the neighbors by certified mail. No negative

comments were received at Town Hall. Discussion followed. Council had a question about the lot lines not being parallel. There were no comments from the audience. It was determined that a vote would not be taken at the Mayor and Council meeting as Mr. Carden was not available to answer questions.

#### **ADJOURNMENT – PUBLIC HEARING**

The Honorable Mayor Bennett adjourned the Public Hearing at 7:22.

#### **CALL TO ORDER – MAYOR AND COUNCIL MEETING**

The Honorable Mayor Bennett called to order the regular meeting of the Mayor and Council at 7:30 p.m. Present were Council Members Martin, Graham, Parets and Keifer. Also present were City Manager Morrill, City Treasurer Walls and City Solicitor Losco.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council member Parets led the invocation and the Pledge of Allegiance.

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

City Treasurer Walls presented the January and February Treasurer’s Reports. Council member Parets made a motion to approve January’s report subject to audit. Council member Graham seconded the motion. A vote was taken, all ayes, motion carried. Council member Parets made a motion to approve February’s report subject to audit. Council member Graham seconded the motion. A vote was taken, all ayes, motion carried.

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

Council member Graham made a motion to approve the minutes of the January 22, 2007 Mayor and Council meeting. Council member Keifer seconded the motion. A vote was taken, all ayes, no nays, motion carried. Council member Graham made a motion to approve the minutes of the Board of Appeals meeting on January 22, 2007. Council member Keifer seconded the motion. A vote was taken, all ayes, no nays, motion passed.

#### **ANNOUNCEMENTS AND COMMUNICATIONS**

The Honorable Mayor Bennett announced that the city election would be held on April 3, 2007. She added that the next Mayor and Council meeting would be held on April 9, 2007.

## **NEW BUSINESS**

### **WILMAPCO PRESENTATION – Presentation of Long Range Transportation Plan**

Bill Switeck and Bert Samuelson from WILMAPCO, or the Wilmington Metropolitan Area Planning Commission, made a presentation of the 2030 Transportation Plan. WILMAPCO is the designated Regional Transportation Planning Agency for New Castle County and Cecil County, MD. They explained that the transportation plan is updated every four years. They also explained that Dart plans to establish bus service to Delaware City in 2012. This date was improved greatly, from 2025 to 2012, as a result of the response to the transportation survey conducted by Delaware City. Discussion followed. They stated that the public could contact the State Representative for the Delaware City area and Dart to express a need for bus service at an earlier date.

### **NEIGHBORHOOD HOME FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES & SEXUAL OFFENDING BEHAVIORS**

The Honorable Mayor Bennett introduced State Representative Dick Cathcart, and Dick Carter, who attended as a representative from Senator Vaughn's office. In addition there were three representatives from the State Division of Developmental Disabilities Services (DDDS), Deputy Director Roy LaFontaine, Director of Professional Services Dr. Joseph Keys and Director of Community Services Penny Orndorff. Representatives from Resource for Human Development, the agency that will be operating the home at Governor Bacon were also in attendance. Mr. LaFontaine stated that the DDDS has been in operation for 85 years. They currently offer programs and services to over 3000 individuals. He explained the various types of services and programs that are offered. He listed the different professional levels of staff members who serve in numerous capacities in order to meet the needs of the individuals under their care.

Mr. LaFontaine stated that the project that is planned at Governor Bacon would be a very specialized program for individuals with sexually offensive behaviors. They are not convicted sex offenders. There will be five mentally retarded, young men who, if not carefully monitored, might touch someone or themselves in a sexual manner, or expose themselves. He added that they are not aggressive, sexual predators. He also stated that they would be in the home on a voluntary basis. Their activities would initially be campus based, but at some point their activities would become supervised outings. He explained the process DDDS followed to find Resource for Human Development as a service provider for this home.

Members of the Mayor and Council as well as numerous residents asked questions and voiced concerns about the individuals who would be living in the home and the security measures that would be taken in order to limit the movements of the residents of the home. In addition, many negative comments were voiced about the seemingly secretive method used by DDDS to establish the home.

DDDS explained that, due to regulations, five individuals are the maximum number of that can be housed in the home. Due to funding, there are no plans at this time to add more homes. However it is a possibility for the future. They stated that they chose Governor Bacon because it was close to Philadelphia, where the service provider is located, and because it had the cottage environment available. They explained the security measures that would be taken. They explained that DDDS is prohibited by federal law from notifying neighborhoods where homes are going to be located. They stated that the project has been approved and that it will be implemented.

State Representative Cathcart assured the Mayor and Council and residents that this project can be stopped. He informed everyone that the individuals who would be housed in this group home are not in fact protected by the federal Fair Housing Law and that the community should have been notified. He pledged his support for the community of Delaware City in stopping this action.

Dick Carter, as a representative of Senator Vaughn's office, stated that this home should not be placed at Governor Bacon and that the project has not progressed to the point that it can not be changed. He pledged that Senator Vaughn would do everything in his power to see that this is stopped.

Representative Cathcart and Mr. Carter recommended that the residents of Delaware City make phone calls and send letters to Governor Minner. They also stated that a resolution from the Mayor and Council would be helpful.

### **RECESS**

The Honorable Mayor Bennett called for a recess at 9:20 PM

### **RECONVENE**

The Honorable Mayor Bennett reconvened the Mayor and Council meeting at 9:35 PM. She applauded the people of Delaware City for their calmness, questions and comments regarding the discussion of the Neighborhood Home. Representative Cathcart commended the citizens for showing restraint and for doing necessary research about the topic. City Manager Morrill applauded Representative Cathcart for his new position as Majority Leader of the Delaware House of Representatives.

## **NEW BUSINESS**

### **4<sup>TH</sup> QUARTER FY07 SUPPLEMENTAL ASSESSMENT CERTIFICATION**

The Council discussed the seven properties that were reassessed. Council member Graham made a motion to approve the 4<sup>th</sup> Quarter FY07 Supplemental Assessment Certification. Council member Keifer seconded the motion. A vote was taken, all ayes, no nays, motion carried.

### **NPDES Annual Report**

The City, as a co-permittee, is required to file this report annually with DNREC and EPA. The purpose is to report the progress as it relates to the quality of storm water that is discharged into the river, canal and Dragon Run. The City's permit requirements are as follows: keep the streets clean, keep catch basins clean, educate the public through *The City News*. Delaware City was audited by the EPA, which resulted in a short list of requirements. The City is required to adopt a new ordinance prohibiting illegal discharge of oil, pesticides, etc, into storm drains and ditches. Our public works contractor must implement improved record keeping of the work that is being done to maintain our catch basins. The City must adopt a more explicit policy on minimizing the use of pesticides. An ordinance will be available for the April meeting.

### **POLICE REPORT**

Police Chief Tjaden reported that Officer Gene Wood would be leaving in June 2007. He also reported that there was a domestic shooting for which warrants are on file.

### **226 WASHINGTON STREET – BP PROPERTIES, LLC- SUBDIVISION**

This topic was tabled until the next meeting. The public hearing requirement has been met. City Manager Morrill is going to talk with Mr. Carden about non-parallel lot lines, a question that was raised during the public hearing.

### **CITY SOLICITOR'S REPORT**

City Solicitor Losco reported working on the following:

- Provided information regarding annexation agreements.
- Provided advice regarding a dead tree to be removed from private property.
- Conducted research into a USDA loan, to be used for the Delaware City Community Center roof, about a bond issue.

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

- Reported information about USDA loan to be used for Community Center roof. It has a favorable rate of 4.125 with a long term for repayment.
- Met with Jeff Bullock and Charlie Baker of New Castle County (NCC) to discuss annexation of the industrial complex. NCC will not oppose certification of Delaware City's Comprehensive Plan as long as The City works with NCC on a phased in plan. The State needs a letter from New Castle County before they certify the Delaware City plan.
- Reported that the budget for FY08 will not be good. Revenue will be down approximately \$50,000 from FY07.
- Reported that the ice storm cost The City about \$10,000 to plow and salt.
- Waiting for a letter from DelDOT prior to advertising for bids for the work to be done at Sterling's. Working on additional financing for the remainder of the money that is needed to complete the project. Contacted SERCAP, which is a rural development community action program. If SERCAP is able to finance, rates would be low and the repayment term would be long.
- Reported that as City of Delaware City is a Certified Local Government for historic preservation, it is eligible to receive funding from the State Historic Preservation Office in the amount of approximately \$5000. Had discussed at an HPC meeting about using the bulk of the money to reprint the walking tour brochure. If there is money remaining, it would be spent on additional historical information for the website. Council Member Parets made a motion, approving the application for a Certified Local Government grant to be used for the walking tour brochure and the website. Council member Graham seconded the motion. A vote was taken, all ayes, no nays, motion carried.

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

The Honorable Mayor Bennett stated that Joanna Pasquino and Virginia Monroe have both agreed to serve on the Election Board. Council member Martin made a motion to appoint Joanna Pasquino and Virginia Monroe to the Election Board. Council member Graham seconded the motion. A roll call vote was taken, all ayes, no nays, motion carried.

### **MUSIC IN THE PARK DONATION REQUEST**

This was discussed at the January meeting but not voted on. Council member Keifer made a motion to approve a donation of \$500 to Music in the Park. Council member Graham seconded the motion. A roll call vote was taken, all ayes, no nays, motion carried.

### **NEIGHBORHOOD HOME FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES & SEXUAL OFFENDING BEHAVIORS**

The Mayor and Council determined to pass a resolution opposing the Neighborhood Home for Individuals with Developmental Disabilities and Sexual Offending Behaviors. This resolution would be sent to Governor Minner's office and the General Assembly. Paul Parets read the draft of the resolution. Discussion followed. Council member Parets made a motion to adopt the revised resolution and to swiftly forward it to the governor and the General Assembly. Council member Martin seconded the motion. A roll call vote was taken, all ayes, no nays, motion carried.

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

Mr. McMichaels, as a liaison for the fire hall offered the use of the fire hall for future meetings that were expected to need more space than the council chamber could offer. He thanked the Mayor and Council for their work pertaining to transportation and the work on the resolution just passed.

Ms. Marocco suggested that we annex Governor Bacon and have a developer preserve Fort Dupont's private buildings in exchange for allowing some development.

Council member Martin reported that the plans for Delaware City Day are progressing very well.

### **CITIZEN'S COMMENTS**

Ray Frutil said that the speeding on Fifth Street continues to be a problem. He suggested the use of radar near the ball field. He also voiced a concern about the noise from motorcycles and cars. Police Chief Tjaden said that the number of tickets has increased drastically.

### **ADJOURNMENT**

Council Member Parets made a motion to adjourn the meeting. Council Member Martin seconded the motion. All ayes, motion passed. The meeting adjourned at 10:30 pm.

Respectfully submitted,

*Dawn K. Gwynn*  
City Secretary