

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**CITY OF DELAWARE CITY
REGULAR MAYOR AND COUNCIL MEETING
February 28, 2011**

CALL TO ORDER – MAYOR AND COUNCIL MEETING

The Honorable Mayor Martin called to order the regular meeting of the Mayor and Council at 7:30 p.m. Present were Council Members Johnson, Barrett, Parets and Graham. Also present were Interim City Manager/City Treasurer Walls, City Secretary Gwynn and City Solicitor Losco.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Honorable Mayor Martin led a moment of reflection and the Pledge of Allegiance. He asked that everyone remember former Governor Russell W. Peterson who had recently passed away.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Walls distributed the January 2011 Treasurer's Report and asked for questions from the Mayor and Council. Following questions from Council, it was pointed out that some of the major snow storms occurred in February and that by the end of February the snow removal expenses should be at 277% of the budgeted amount. City Treasurer Walls also pointed out that the Real Estate Transfer Tax is at 700% of the budgeted amount. Council Member Parets made a motion to approve the January 2011 Treasurer's Report subject to audit. Council Member Barrett 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 24, 2011 Mayor and Council meeting as written. Council Member Parets seconded the motion. A vote was taken, all ayes, motion carried.

POLICE REPORT

Police Chief Tjaden reported the statistics for the period from 1/24/11 to 2/28/11. There were a total of 53 arrests for the month. Chief Tjaden reported that Officer Kaczorowski broke his leg and would be out for 6-8 weeks. He added that Officer Filippone would be away from 4/11/11 – 4/22/11 for additional training. Chief Tjaden said he had contacted 20 retired NCC police officers to see if they would be interested in working part time to alleviate the police shortage. He said the City would not be paying Officer Filippone while he is away in Afghanistan, and that Officer Kaczorowski has 22 days with pay built up. Discussion followed regarding hiring part time officers, the police academy, salaries and the budget. Chief Tjaden said he would like to fill the position with a full time employee for one year, but that might not be possible. He is also requesting a list of names from Smyrna.

The Chief reported that he had submitted a grant application through American Heart and Lung which would pay \$10,000 for summer hires. In order to receive the grant, the park must be designated as a smoke-free zone. The seasonal would check to see that cigarettes are being sold legally and hand out brochures for the American Heart and Lung Association. The City would purchase the appropriate signs with grant funds. He asked for a resolution from the Mayor and Council to name the park, from Front Street to the river a smoke-free zone. Council Member Parets resolved that the Mayor and Council designate the city park on Clinton Street as a smoke-free zone in perpetuity. Council Member Graham seconded the motion. Discussion followed. A roll call vote was taken, all ayes, motion carried. Council Member Johnson made a motion to allow the Chief of Police to begin a hiring process to replace Officer Filippone for one year while he is deployed, as his job needs to be held for one year. Council Member Graham seconded the motion. A roll call vote was taken, all ayes, motion carried.

CITY SOLICITOR'S REPORT

City Solicitor Losco reported the following:

- Prepared draft contract for Ft. Sumter reenactment. Sent to General Houck who said he has a challenge in getting insurance. The General will send the contract and insurance when available.
- Researched and provided memorandum opinion to the Mayor and City Manager regarding the public bidding requirements generally and as it applied to the Clinton Streetscape Project. Public bidding is not required due to the fact that it is a public works contract for less than \$25,000.

- Received communications from W. Stabler, ESQ., attorney for MHA, regarding the revised lease and installment sales forms as required by water dispute settlement agreement, and discussed ongoing billing issues concerning same with City Manager Walls. MHA, Inc is not happy with liens for unpaid water bills against the trailers they own. However, The City cannot give special rights to MHA, which would be done if the City waived the lien rights. It is currently in negotiations.

CITY MANAGER'S REPORT

Interim City Manager Walls filed a written report and highlighted the following:

- Excavation work continues on the Canal Promenade Phase IV project. It has been trenched for electric and the Sonotube bases for lighting have been poured up to 3rd Street. Curbing and gutters have begun and the brick pavers have been received. We will start laying the pavers sometime this week, weather permitting. Has a meeting with Delmarva tomorrow to go over relocating some poles.
- The bid specs for the street repairs should be completed by the end of this week and the advertisement for the RFP will run during the following week. The bid opening is scheduled for March 31st with a completion deadline of 90 days. The amount granted by CTF was \$75,000. Duffield is the engineer for the project. Some of the locations that will be repaved, in priority order, are Solomon Place, from 4th to 5th on Washington Street, Cleaver Road, and a drain going to the catch basin which will be installed at Bayard and 3rd Street. This list may be amended if more damage has been done by snow storms.
- BrightFields is finalizing the bid specs for the Energy Efficiency Grant work. The City will advertise in 2-3 weeks. Have met with Delaware Center for Horticulture, who is partnering with the city on the tree planting component of the grant. DNREC had their Kickoff meeting on Friday at the Community Center. DNREC Secretary Collin O'Mara, many dignitaries, and the press were present, along with Mayor Martin and Councilmember Barrett.
- Update on Canal Connector Project: Preliminary tests of the fill source material at Reedy Point North and South Containment Facilities show good quality soil for use in building the berm. A couple more samples need to be done. New Castle Conservation District should be receiving a proposal and preliminary design from URS in a few weeks. Work on pre-application to ACE will begin this week so the City can be ready to apply for the permit as soon as the design is ready. This is now Phase II (design and wetland permitting) with actual construction unlikely until late 2011.

- Delaware City has been awarded \$28,000 from the Delaware Forestry Service for a grant to increase the tree canopy and for fire hazard mitigation. There is a 50% match requirement and we are hoping that Connector project funds to enhance the wetland area can be used along with in-kind match. A meeting of the Tree Commission needs to be scheduled to discuss street tree infill, park planting, and possible bump outs to add trees to the Washington Street parking lot. Part of the funding will be used in the wetland area behind Solomon Place to combat phragmites which pose a fire threat.
- The application to join the Community Rating System (CRS) is almost complete. DEMA must do a Community Assistance Visit (CAV) which is scheduled for Thursday, March 3rd and the City needs a local hazard mitigation plan. A resolution concerning this is addressed under new business. By adopting the New Castle County Multi-jurisdictional All Hazard Mitigation Plan the City fulfills the requirement of the CRS application. Adoption also keeps the City eligible to receive a variety of disaster assistance programs including Public Assistance, Individual Assistance, and Hazard Mitigation grants.
- Mosquito Control Service will start to control larval mosquito breeding in wet woodlands by mid-March. From early April into early November they will perform the usual range of efforts such as spray application by low-flying aircraft. The State of Delaware requires annual consent by municipalities before services begin within jurisdictional boundaries. City Manager Walls said she needed a motion to authorize her to sign the "Municipality Endorsement" form. City Manager Walls said that the State monitors for mosquitoes, but also depends on input from the community. It was determined that the next City News would inform residents how they can be notified of mosquito spraying, as there is no set schedule because spraying is done as needed. Council Member Barrett made a motion to authorize the City Manager to sign the Municipality Endorsement form. Council Member Graham seconded the motion. A roll call vote was taken, all ayes, motion carried.

APPOINTMENTS, ANNOUNCEMENTS AND COMMUNICATIONS

It was announced that there would be a meeting at the Delaware City Fire Company on March 3, 2011 at 7:00, with representatives from the Delaware City Refining Company and DNREC regarding the restart of the refinery.

The Honorable Mayor Martin met with Main Street's Mark Chura regarding a signage program. He would like to have the City and Main Street join forces for the Byways program to direct people through Cox Neck Road.

Council Member Parets announced that a committee meeting with representatives of Main Street and the City met at 6:00 pm to discuss the Clinton Streetscape Project. They made good progress in getting the project moving.

CITIZEN'S COMMENTS

Ray Fruytier, 909 Fifth Street, asked about a noise ordinance as the motorcycles that come into town are very loud on Fifth Street and downtown. Discussion followed. Chief Tjaden said they could post a sign on Fifth Street stating that loud motorcycles are not permitted in town. He said he would check with the City of Newark for verbiage. He reported that DMV does not inspect for baffles any longer. Chief Tjaden said he would check to see what the legal decibel level is.

John Buchheit, 30 Clinton Street, asked about advertising for candidates to fill the soon-to-be open police officer position, stating that it would be good to have the new officer be community oriented. He recommended a \$5000 bonus to a police officer who lives in town. Discussion followed regarding the new smoke-free zone. Discussion followed regarding a possible flashing speed limit sign on Fifth Street. Chief Tjaden said the refinery is repairing a sign that flashes the speed of passing vehicles. It will be installed in Fifth Street when the repairs are complete.

Nick Kroll, 135 Hamilton Street, introduced himself as a candidate for Mayor. He said that anyone could contact him on Facebook.

Beth Konkus, 300 Canal Street, asked Chief Tjaden about a New Castle County police car that is usually parked in Harbor Estates. The Chief said the police officer lives in Harbor Estates.

Michael Doebley, 22 Clinton Street, said there is a speeding problem on Clinton Street in the summer time. He said the problem begins on Cox Neck Road when drivers are heading east. He said the speed limit sign at the intersection of Fifth and Clinton Sts. Is difficult to see and the reflectors are wearing off. Discussion followed regarding movement of the sign. Chief Tjaden said the seasonal hires will be certified to run radar. Chief Tjaden said he had tried to lower the speed limit on Cost Neck Road previously and was denied by DeIDOT.

Kerry Rhoades, 122 Clinton Street, asked about the status of the jitney. Discussion followed regarding the potential liability, safety, condition and the cost of repairs to the jitney. City Manager Walls said the jitney is not safe and that it is a liability to the City. Council Member Johnson said that as no one in the City has the expertise to know the true condition of the jitney, it should be taken to Burkes to have condition assessed. City Solicitor Losco said that if the City were going to lend the jitney, the borrowing organization would need proof of insurance and an indemnification agreement. The Mayor and Council reached a consensus that the City Manager would contact Burks to get the jitney assessed.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Dale Slotter reported that the membership drive is taking place. He introduced Mark Chura who is the new program director for Main Street while working full time for Delaware Greenways. Mr. Chura spoke briefly, outlining his qualifications for the job of program director, as well as what his role would be going forward.

HPC - The Honorable Mayor Martin reported that Joan Larrivee from the Division of Historic and Cultural Affairs would make a presentation about the Delaware Tax Credit Program at the HPC meeting on 3/1/11 at 7:00 pm.

Clinton Streetscape Meeting – Council Member Parets reported on the committee meeting that took place at 6:00, just prior to the Mayor and Council meeting. He reported that Main Street Program Director Mark Chura recommended that the City look at this project as a larger picture as to what to accomplish in the business district on Clinton Street. The area could include the walkway near Sterling's and the turn around on Washington Street and Clinton Street. Council Member Parets said there was unanimous agreement that the City should give any interested party the opportunity to submit a design for this project, with this committee reviewing the designs with permission of Council. He added that these interested parties would have 30 days to submit a design to the committee as they want to wrap this up as soon as possible. The committee would then review the designs, make a decision and submit a recommendation to the Mayor and Council for action to be taken as part of the whole scope of the project. The committee talked also about trying to get additional grant money to take care of curbing and brick sidewalks in the business district as specified earlier in the minutes. The committee expects to see the planters installed in the fall.

City Manager Search Committee - The Honorable Mayor Martin reported that the City Manger Search Committee met Saturday, February 26, 2011, when they conducted three interviews. The committee ranked the applicants and hopes to make a recommendation soon. There will be personal interview(s) prior to the recommendation.

Delaware City Day Committee – John Buchheit reported that the committee ordered 20 "Delaware City Day" banners with the brackets that are used to hang the banners. He also reported that the committee increased the advertising budget to \$10,000. The email address for the committee is delawarecityday.com.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Resolution 11-0228-01 Relating to the Hazard Mitigation Plan

City Manager Walls explained this during her monthly report. Council Member Barrett made a motion to adopt Resolution 11-0228-01, a resolution relating to the Hazard Mitigation Plan. Council Member Graham seconded the motion. Discussion followed. A roll call vote was taken, all ayes, motion carried.

COUNCIL COMMENTS

Council Member Graham asked Chief Tjaden if he had a copy of smoking laws for the State of Delaware. He said he didn't, but he would get a copy. Council Member Graham also said he would like to see the jitney kept. Discussion followed regarding the jitney.

Council Member Parets said he came away from the earlier committee meeting with a renewed sense of cooperation to help revitalize and stimulate interest in the business district and encouraged the Council to continue to support this revitalization. He added that he was very impressed with the interaction.

Council Member Johnson recommended that the Community Center grounds be used for parking on Delaware City Day, allowing the visitors to use the new walkway to get to the business district.

ADJOURNMENT

Council Member Parets made a motion to adjourn the meeting. Council Member Barrett seconded the motion. A vote was taken, all ayes, motion passed. The meeting was adjourned at approximately 8:55 pm.

Respectfully submitted,

Dawn K. Gwynn
City Secretary