

“A Historic Past”



“A Bright Future”

CITY OF DELAWARE CITY
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**CITY OF DELAWARE CITY
PUBLIC HEARING, BOARD OF APPEALS &
MAYOR AND COUNCIL MEETING
MAY 16, 2011**

CALL TO ORDER – BOARD OF APPEALS- FY12 ANNUAL ASSESSMENT

The Honorable Mayor Buchheit called to order the Board of Appeals for the FY12 Annual Assessment at 7:00 pm. Those in attendance were Council Members Johnson, Barrett, Sullivan and Doebley. Also in attendance were Interim City Solicitor Walton, Assistant City Clerk Clifton and City Secretary Gwynn. The Mayor asked if there was anyone present to appeal their property assessment. There were no responses. City Assessor Tom Reynolds said that he had heard of no appeals and he was there to answer any questions that might be posed by residents. The Honorable Mayor Buchheit recessed the Board of Appeals until such time as someone came forward to appeal their property assessment or until 9:00 pm. The Board of Appeals was recessed at 7:02pm.

CALL TO ORDER – MAYOR AND COUNCIL MEETING

The Honorable Mayor Buchheit called to order the Mayor and Council meeting at 7:30 pm. Those in attendance were Council Members Johnson, Barrett, Graham, Sullivan, and Doebley. Also in attendance were Interim City Solicitor Walton, Assistant City Clerk Clifton, City Secretary Gwynn and Interim City Manager/City Treasurer Walls.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Honorable Mayor Buchheit called for a moment of silence and led the Pledge of Allegiance.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Walls presented the April 2011 Treasurer's Report. Council asked questions about various line items. Discussion followed. City Treasurer Walls reported that she is expecting a Budget surplus at the end of FY11. Council Member Johnson made a motion to approve the Treasurer's Report subject to audit. Council Member Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETINGS

April 11, 2011 Regular Mayor and Council Meeting Minutes

Council Member Sullivan made a motion to approve the April 11, 2011 minutes as written. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

May 2, 2011 Special Mayor and Council Meeting Minutes

Interim City Solicitor Walton asked that the spelling of "Connelly", in the name of his firm, "Connolly", Bove, Lodge and Hutz be corrected on page 1 of the minutes. Council Member Sullivan made a motion to approve the minutes from the May 2, 2011 meeting with the correction. Council Member Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried.

POLICE REPORT

Police Chief Tjaden reported the police statistics for the preceding month, from 4/13/2011 to 5/16/2011, with a total of 89 complaints for the month. He also reported the following:

- Attended a media event in the Park for the Second Hand (non-smoking) grant. The Mayor and Council attended along with Dr. Rattay, Senator Ennis and Representative Walker.
- The drug drop-off was very successful, with 50 vials of expired or unwanted drugs dropped off at town hall.
- There were several hundred people in town for the Town Wide Yard Sale.
- Met with the OVW people and asked to extend the grant for six months, which was approved.
- Attended the Delaware Criminal Justice Council hearing for the Juvenile Community Court Intervention Program grant. Delaware City was awarded the full \$10,500 that was applied for. Chief Tjaden said he would need about five volunteers to serve on the Community Court which would meet about twice a month. He said Judge Poling and Bill Miller have already volunteered to serve. He thanked Council Member Sullivan and Doebley for their assistance with the grant. Discussion followed. Chief Tjaden said that anyone interested in volunteering should contact him.

- A case of credit card theft occurred in the City. The police obtained tapes showing the thief using the credit card 13 times. The victim was over 62 years old which makes this a felony. When the police apprehended the alleged thief, they also found five bags of heroin stuffed in his pants.
- Received a call from New Castle County about the Summer Youth Program. Delaware City participated last summer. The young people would work Monday through Friday and would need supervision. He asked if the Mayor and Council were interested in pursuing this. Discussion followed. New Castle County would pay for the program. Council said it would be beneficial if Delaware City could hire kids from Delaware City. Chief Tjaden said he would check into it and get back to the Mayor and Council.

CITY SOLICITOR'S REPORT

Interim City Solicitor Walton reported the following:

- Attended the May 2, 2011 Mayor and Council meeting.
- Attended a meeting at Town Hall to get the lay of the land.
- Spoke with former City Solicitor Losco and will be receiving 14 boxes of City records from him.
- Will work to get up to speed on the City Code.

INTERIM CITY MANAGER'S REPORT

Interim City Manager Walls introduced the City Assessor Tom Reynolds.

She also reported the following:

- Received notification this week that New Castle County would be making repairs to the sewer lines on Fifth Street, between Clinton St. and Hamilton St., and out Cox Neck Road. Interim City Manager Walls introduced Tom Wyatt and Kevin Penozza. This was originally planned for fall and was going out to bids. However, there are emergency repairs that are required on Fifth Street, between Clinton St. and Hamilton St., as the sewer lines are caving in. This area of Fifth Street will be closed and the New Castle County will build a temporary street, connecting the end of Hamilton Street to Reybold Circle. This is currently a paper street and grass covered. Mr. Wyatt and Mr. Penozza made a presentation and addressed questions. They said the work should take 4 – 5 weeks. While this work is being done, they will also repair about 1200 feet of sewer lines on Clinton Street. Discussion followed regarding the possible negative impact on the businesses in Delaware City, the detour that would be mapped out and the possible permanence of the new temporary street.

Beth Konkus, 302 Canal Street, questioned how well the detour would be marked. It was also stated that the Fifth Street bridge would not be closed and that trucks hauling boats would not be stopped.

Rita Marocco, 133 Adams Street, said that Wiso's would be impacted as there would be no way to get to their business. It was explained that the detour would return vehicles to Fifth Street at Bayard Street so Wiso's would not be impacted.

The representatives from New Castle County said letters would be sent to the people and businesses that would be effected. Discussion followed regarding signs to notify motorist that the businesses in Delaware City would be open for business.

- The contract with Dix Hollow was signed for the Street Rehabilitation project and the City has issued a notice to proceed.
- IDS did agree to no increase for FY 2012 with the signing of a 3 year extension. There will be a 3% rate increase in year 2 and 3.
- Met with Max Walton and Mayor Buchheit to discuss any legal matters which are ongoing.
- A mandatory pre-bid meeting for the EECBG project was held Friday. About 30 contractors attended so the City should have a good selection of bids. Discussion followed regarding the suggested placement for the solar panels, as they cannot be installed on the roof of the Community Center as originally planned. Bright Fields suggested that they could be placed on arbors located at Fourth and Bayard Streets, near the playground. It was determined that HPC would need to approve any cyclone fencing prior to installing it around the panels if they were to be placed on the ground. Additional discussion followed about types of fencing that could be used, the possibility of planting shrubs around the fencing and alternative locations. Interim City Manager Walls said she had sent pictures to the Mayor and Council of what the arbors would look like.

Kevin Swed, Librarian, suggested that they could be placed in the Community Center Fourth Street parking lot.

The Honorable Mayor Buchheit decided to form an Ad Hoc committee to study the solar panels and asked for volunteers. Interim City Manager Walls said she would like to have some feedback by Friday at the latest. Council Member Johnson said he would support the grant provided the the fence issue could be worked out. The Honorable Mayor Buchheit, Mark Chura, Kevin Swed and Council Member Sullivan would serve on the Ad Hoc committee.

- Need to know if the Mayor and Council would like to have an additional Budget Workshop. The Honorable Mayor Buchheit said that a Budget Workshop is scheduled for May 31st at 6:00pm. Council Member Johnson

asked about needing a public hearing about the temporary road extending Hamilton Street to Reybold Circle. It was determined to hold a special meeting to discuss this and have a Budget Workshop.

APPOINTMENTS, ANNOUNCEMENTS AND COMMUNICATIONS

The Honorable Mayor Buchheit announced he would like to appoint Deborah Crabtree, Stan Green, Brenda Parker and Jenn Sullivan to the Board of Health for a two year term. Council Member Johnson made a motion to approve the appointments to the Board of Health. Council Member Doebley seconded the motion. Interim City Solicitor Walton asked if any member was a practicing physician. He was told that there was a physician who was interested in serving on the Board of Health, but he was not a resident. Interim Solicitor Walton agreed that only a physician who was also a resident would be eligible to serve on the Board of Health. A roll call vote was taken, all ayes, motion carried.

The Honorable Mayor Buchheit announced he would like to appoint Lynn Dilliplane to the HPC for a two year term. Council Member Sullivan made a motion to approve the appointment of Lynn Dilliplane to HPC for a two year term. Council Member Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried.

The Honorable Mayor Buchheit announced he would like to appoint Tom Wyatt to the Planning Commission. Council Member Sullivan made a motion to approve the appointment of Tom Wyatt to the Planning Commission for a two year term. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

The Honorable Mayor Buchheit said he would like to appoint an Ad Hoc committee, consisting of Mayor Buchheit, Vice Mayor Johnson, Rita Marocco, and Tim Konkus, to work on the budget. Council Member Doebley made a motion to approve the appointments to the Ad Hoc Budget Committee. Council member Sullivan seconded the motion. Discussion followed regarding why such a committee would be necessary when the Council is the committee that revises and/or approves the budget. Mayor Buchheit said this committee would serve only in an advisory capacity to the Mayor and Council, as they would have no authority. Discussion followed regarding the possibility of personal information being exposed during committee meetings. There was further discussion about whether this was needed. Interim City Manager Walls questioned whether a meeting of this committee would need to be posted. It was explained that this meeting could be held at any time and was not open to the public so would not need to be posted. A roll call vote was taken, with the Council Members voting as follows: Barrett – aye, Graham – nay, Johnson – aye, Sullivan – aye, and Doebley – aye.

The Honorable Mayor Buchheit announced that he would like to make a proclamation in honor of Officer Fred Filippone who was being deployed to Afghanistan. He proclaimed Friday, May 20, 2011 to be Fred Filippone Day.

The Honorable Mayor Buchheit said he would like to appoint Paul Parets to the Board of Adjustments. Council Member Doebley made a motion to approve the appointment of Paul Parets to the Board of Adjustment. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

CITIZEN'S QUESTIONS AND COMMENTS

Dee Bennett, 913 Fifth Street, recommended that any Ad Hoc committee meeting be posted as members of the public may want to attend. Mayor Buchheit reiterated that an Ad Hoc committee would have no power.

Mike Hendry, 400 Clinton Street, said the Summer Youth Program last summer was chaotic, loud, rowdy and unsupervised. He was out of town and his wife was uncomfortable. Chief Tjaden agreed that the first group was a problem and he would see that supervision would be provided before agreeing to the program. Mayor Buchheit asked if the program could be cancelled if it is not going well. Chief Tjaden said that it could.

Deb Sellers, 400 Clinton Street, said that the Summer Youth Program, sponsored by New Castle County, did not work well last year. She said she would not have walked into town hall as the young people were in front of the building, sitting on the steps. Chief Tjaden said he would go to the meeting to see about how the supervision would be handled. Council suggested that it might be good if it were possible to get Delaware City youth only.

Tulley Northam, 508 Clinton Street and Walter Comegys, 115 Clark Circle, asked if the members of the Lions Club and American Legion could ride on the jitney during the Delaware City Day parade. Discussion followed regarding selling the jitneys for scrap metal, where they could be stored, and donating a jitney. Council Member Johnson suggested that he could ask the Fire Company if they would be interested in accepting one jitney as a donation from the City. They could then pull it in the parade. Mayor Buchheit suggested that this discussion be tabled until the next meeting, after Council Member Johnson talked with the Fire Company.

RECESS MAYOR AND COUNCIL MEETING

Council Member Barrett made a motion to recess the Mayor and Council meeting at 9:02 pm. Council Member Graham seconded the motion. A vote was taken, all ayes, motion carried.

RECONVENE BOARD OF APPEALS – FY12 ANNUAL ASSESSMENT

The Honorable Mayor Buchheit reconvened the Board of Appeals at 9:02 pm for the purpose of determining if anyone was in attendance to appeal a property assessment. There were no appeals.

ADJOURN BOARD OF APPEALS

Council Member Johnson made a motion to adjourn the Board of Appeals. Council Member Graham seconded the motion. A vote was taken, all ayes, Board of Appeals adjourned.

RECONVENE THE MAY 16, 2011 MAYOR AND COUNCIL MEETING

The Honorable Mayor Buchheit reconvened the May 16, 2011 Mayor and Council Meeting.

CITIZEN'S QUESTIONS AND COMMENTS – CONTINUED

Ray Fruytier, 909 Fifth Street, thanked the Mayor and Council and Chief Tjaden for slowing the traffic on Fifth Street and reducing the noise from the motorcycles.

Deborah Crabtree, 227 Clinton Street, asked if the triathlon was Sunday and suggested it be posted on the sign at the ballfield. Mayor Buchheit said it was already planned.

Dee Bennett – 913 Fifth Street, again expressed concern about a City committee meeting without having the meeting posted. Discussion followed. Interim City Solicitor Walton said he would research the FOIA opinions and report back to the Mayor and Council.

Rita Marocco, 133 Adams Street, said that she would like to see a breakdown of the employee insurance, with how much is being paid by the employee and how much is being paid by the City. City Treasurer Walls said she could give the budget committee that information.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – 1.) Mark Chura reported that two proposals were received by the Clinton Streetscape committee. The committee recommended that Kerry Rhoades' proposal be selected as his work was more artistic and more in line with the funding stream. Discussion followed. Council Member Sullivan made a motion to approve the planter project as recommended by the committee. Council Member Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried.

2.) There is \$2 million in the DNREC budget for trails. There has been discussion that it would be great if the joining of the Branch Canal Connector Project and the

C & D Canal were a high priority. Mr. Chura asked the Mayor and Council to send a letter supporting that request to the area reps and Colin Omara. Council reached a consensus to send a letter.

3.) Main Street is proposing a banner design competition. Main Street would provide the specifications for the banners, but would like to have the Mayor and Council appoint a committee. Mayor Buchheit suggested that this would be a good project for Main Street, rather than involving a City committee.

4.) Sterling's continues to be of the highest priority for Main Street. Mr. Chura asked the Mayor to appoint an Ad Hoc committee to move the Sterling's project forward. Main Street would like to be a part of that committee. The Honorable Mayor Buchheit appointed Mark Chura, Dee Bennett and Paul Johnson to serve on the committee with him. Council Member Johnson made a motion to approve the appointments. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

Board of Health – Deborah Crabtree reported that the BOH met on 5/11/11, with new member Brenda Parker attending her first committee meeting. Ms. Crabtree gave a list of outstanding recommendations to the Mayor and Council. Discussion followed regarding the Charter committee, and the Emergency Management Plan. The BOH recommended language to be used on a sign in the park, listing the rules. The sign ordinance was discussed, as well as the budget for a park sign. Council Member Johnson said the City would need to make sure these rules comply with City ordinances. Interim City Solicitor Walton said that the Planning Commission would need to make a recommendation for a special exception to post a sign in the park. It would then have to go to the Board of Adjustment for approval, with notification to all adjacent property owners. Council Member Graham made a motion that the printed rules be posted in the park and in the posting locations. Council Member Sullivan seconded the motion. Discussion followed. Interim City Solicitor Walton said it would be fine to post the rules, but he would like the opportunity to look at the list to determine the enforceability based on City ordinances. The Honorable Mayor Buchheit said they would just be a deterrent. A roll call vote was taken, all ayes, motion carried.

Council Member Graham resigned from the Board of Health and asked Council Member Johnson to replace him, as he is also a member of the Fire Department. Discussion followed. Council Member Sullivan stated that she was already serving on the BOH as the liaison. Interim City Solicitor Walton reviewed the City Code and determined that only one council member could be on the BOH.

Delaware City Day Committee – Beth Konkus stated that the committee had awarded the Community Service award to Kevin Swed. She said Paul Parets would be the MC for Delaware City Day and Willis Phelps would be the Grand Marshall of the parade. Kerry Rhoades was named Delaware City Artisan of the Year.

Delaware City Environmental Coalition – Sarah Bucic reported that the second half of the air monitoring was funded (\$35000 from DNREC). The coalition is waiting for air monitoring results which will be posted on the website, greendelcity.org, by 6/1/11. Ms. Bucic gave information regarding future meetings. The Division of Public Health will be doing Home Health Hazard assessments for anyone who is interested. This is paid for by a \$4000 grant from DNREC.

OLD BUSINESS

DART Bus Service – Council Member Doebley asked to have this tabled until the next meeting as he needs additional information. Discussion followed. The Honorable Mayor Buchheit said any bus structures would need to be approved by the Historic Preservation Commission. He suggested that the Mayor and Council send a letter to DART informing them of this requirement.

NEW BUSINESS

Budget Workshop – A meeting is scheduled for 5/31/11 at 6:00. Council Member Doebley commended City Treasurer Walls and Chief Tjaden for explaining the budget.

Discussion of Change of Location to the Fire Hall for Mayor and Council Meetings – It was reported that the Fire Hall had agreed to hold the meetings there. Discussion followed, with some Council Members saying the Library would be a better location, as the City owns the building. Council Member Sullivan made a motion to have the June meeting at the Delaware City Fire Hall, and leave it subject to amendment in the future. Council Member Johnson seconded the motion. A roll call vote was taken, with the Council Members voting as follows: Barrett – nay, Graham – nay, Johnson – aye, Sullivan – aye and Doebley – aye. Motion carried.

COUNCIL COMMENTS

Council Member Doebley suggested for budgetary purposes, that guidelines be developed for the members of Council to prevent duplication of requests to the City Solicitor. Interim City Solicitor Walton said that would be a great idea. He suggested that the City Manager be the direct point of contact with the City Solicitor. He said it would work better for legal counsel and for the City.

The Honorable Mayor Buchheit said he had been contacted by Lisa Webster, an artist, who volunteered to touch up the sign in the park. She would volunteer her time and provide the materials. The Mayor and Council approved this idea.

Charter Committee – Discussion occurred regarding work that had been done by the previous charter committee. Interim City Solicitor Walton said he would look

through the boxes from former City Solicitor Losco for a record of the work that had been done. Discussion ensued regarding whether the City Solicitor should serve on this committee. Discussion followed regarding the required process to submit charter changes. Interim City Solicitor Walton said the best time to submit charter changes would be the beginning of the year.

Council Member Graham pointed out that the condition of Town Hall should be thought about as it is budget time. The building needs pointing, the eaves need work, etc. Interim City Manager Walls pointed out that the eaves work and a new front door would be paid by the energy grant.

MOVE TO EXECUTIVE SESSION

Council Member Barrett made a motion to adjourn. Interim City Solicitor Walton explained the requirements for moving into an executive session. Council Member Barrett amended her motion to move to an Executive Session for the discussion of personnel issues to include the discussion of individual citizen's job qualifications to hold the City Manager position. Council Member Graham seconded the motion. A roll call vote was taken, all ayes, motion carried at 10:04 pm.

RECONVENE MAYOR AND COUNCIL MEETING

The Honorable Mayor Buchheit reconvened the Mayor and Council Meeting. Council Member Johnson made a motion to interview potential candidates for the position of City Manager at the Special Mayor and Council Meeting to be held on May 31, 2011. Council Member Sullivan seconded the motion. A vote was taken, all ayes. Those candidates would be Dick Cathcart and Mark Chura and any other candidates that meet the criteria to be City Manager, to be determined by the Mayor.

ADJOURNMENT

Council Member Johnson made a motion to adjourn the meeting. Council Member Sullivan seconded the motion. All ayes, motion passed. The meeting adjourned.

Respectfully submitted,

Dawn K. Gwynn

City Secretary