

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
407 Clinton Street – P.O. Box 4159  
Delaware City, Delaware 19706  
302-834-4573

**CITY OF DELAWARE CITY  
PUBLIC HEARING &  
MAYOR AND COUNCIL MEETING  
June 20, 2011**

**CALL TO ORDER – PUBLIC HEARING**

The Honorable Mayor Buchheit called to order the Public Hearing at 7:05 pm.

**RECESS PUBLIC HEARING**

The Honorable Mayor Buchheit announced that he was going to recess the public hearing as there was no quorum, but he was expecting a quorum by 7:30. Public Hearing was recessed at 7:06 pm.

**RECONVENE PUBLIC HEARING**

The Honorable Mayor Buchheit reconvened the Public Hearing at 7:24 pm. Those in attendance were The Honorable Mayor Buchheit, Council Members Barrett, Graham, Johnson and Doebley. City Manager Cathcart, City Secretary/ City Treasurer Gwynn, and Interim City Solicitor Walton were also in attendance.

Resolution 11-0620-01 - Adoption of Assessment Roll & Tax Rate

Resolution 11-0620-02 - Adopting Operating Budget

Resolution 11-0620-03 – Adopting Capital Budget

The Honorable Mayor Buchheit thanked everyone for attending and asked if anyone was interested in commenting on any of the Public Hearing Agenda items.

Rita Marocco, 133 Adams Street, stated that she objected to the 4% increase for employees. She also commented on the fact that the Capital Budget consists of all grant money and that no reserve fund was addressed. Ms. Marocco commented that there was no accountability for the sale of the surplus property on Fifth Street (former office of Dr. Burdick).

#### **RECESS – PUBLIC HEARING**

The Honorable Mayor Buchheit recessed the Public Hearing at 7:30 pm.

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

The Honorable Mayor Buchheit called to order the regular meeting of the Mayor and Council at 7:30 p.m. Present were The Honorable Mayor Buchheit, Council Members Barrett, Graham, Johnson and Doebley. City Manager Cathcart, City Secretary/ City Treasurer Gwynn and Interim City Solicitor Walton were also in attendance.

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

The Honorable Mayor Buchheit led a moment of silence and the Pledge of Allegiance. He then welcomed the new City Manager, Richard Cathcart.

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

City Treasurer Gwynn presented the May 2011 Treasurer's Report. Council Member Johnson made a motion to approve the Treasurer'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**

May 16, 2011 Regular Mayor & Council Meeting Minutes – Council Member Barrett made a motion to approve the minutes as written. Council Member Graham seconded the motion. A vote was taken, all ayes, motion carried. Interim City Solicitor Walton stated that the minutes were correct when stating that he had said it was not necessary to post an Ad Hoc committee meeting. However, he added that the information was incorrect. Ad Hoc committee meetings are subject to FOIA requirements and must be posted.

May 31, 2011 Special Mayor and Council Meeting Minutes – Council Member Johnson made a motion to approve the minutes as written. Council Member Doebley seconded the motion. A vote was taken, all ayes, motion carried.

June 8, 2011 Special Mayor and Council Meeting Minutes – Council Member Johnson made a motion to approve the minutes as written. Council Member Graham seconded the motion. A vote was taken, all ayes, motion carried.

### **POLICE REPORT**

Police Chief Tjaden reported the police activity statistics for the period from 5/17/11 through 6/20/11. The chief also reported the following:

- Executed a search warrant at Lot #52 and made two arrests. Found that a wanted subject living there was a wanted in Crime Stopper tip.
- Executed a search warrant at 226 Washington Street with the New Castle County Police looking for stolen property from a County burglary.
- Participated in a training exercise with the Delaware City Refinery, along with Fish and Wildlife, DSP, Coast Guard and Delaware City Refinery Security.
- The Escape from Fort Delaware went well.
- Worked with Artesian Water and New Castle County Sewer in reference to a water main and gas system issue. Contacted the Mayor and brought him up to date on the situation.
- Received a complaint from Council Member Sullivan in reference to a dog problem in the Delaware City Trailer Park. All suspects were interviewed and the problem was resolved.
- Attended a hearing with Senator Lehey and Senator Coons in reference to local cooperation with law enforcement.
- Investigated a DOA on Bayard Street which turned out to be a natural death.
- Rode in and assisted DSP with a motorcycle ride fundraiser to purchase cell phone minutes for our troops to call home while overseas. Escorted 527 motorcycles from Route 9 to Smyrna and raised \$13,000.
- Met with City Manager Cathcart and informed him of issues in the City.
- Met with City Solicitor Walton, Bill Miller, Judge Ed Poling, Bill Baker, and a counselor from OVW office, who sit on the committee for Juvenile Community Court. Obtained a grant to run the court for one year. Delaware City's Community Court should serve as a prototype for courts to be established in other areas of the state.
- The police boat is ready to go in the water. The City purchased a bilge pump and found funding for fuel. Only Officer Kaczarowski and Chief Tjaden are trained to operate the boat.

Questions and discussion followed.

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

Interim City Solicitor Walton stated that he was looking forward to working with new City Manager Cathcart.

## **CITY MANAGER'S REPORT**

City Manager Cathcart reported the following after working for the City for two days:

- Will post the City Clerk's position this week.
- Working on the First 100 Days Goals and Objectives and should have it done by the first of the month. Some items that will appear on the list are:
  - a). Create and implement a public opinion forum – coffee with the City Manager on the first and third Monday of the month at a location to be designated.
  - b). Work on a Capital Improvement Plan.
  - c). Develop an annual Strategic Plan.
  - d). Work on comprehensive review of the Charter.
  - e). Review all contracts and debt obligations, looking for ways to save money.
- Attending a grant workshop given by DNREC on Thursday.
- Working to identify the leadership at the new refinery regarding PILOT program and opportunities and public safety.

He thanked the Mayor and Council for the confidence they have shown him and said he is looking forward to working with the Mayor and Council and the community.

## **APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS**

The Honorable Mayor Buchheit announced some new businesses in town. He said he would like to appoint Donia Gonzales to the Board of Health. Council Member Doebley made a motion to appoint Dr. Gonzales to the Board of Health. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

## **CITIZENS QUESTIONS AND COMMENTS**

Ray Fruytier, 909 Fifth Street, commented about the improvements that have taken place in the last eight years. He complimented the police and said they are doing an outstanding job and that he feels safer. He encouraged the City to use the sign at the ball field for emergencies, speed reduction, noise reduction and an occasional special event, not as a welcome sign.

Pat Harrison, 503 Clinton Street, welcomed Dick Cathcart as the new City Manager. She expressed her pride in the Mayor and Council for voting him into office.

Steve Beaston, 211 Adams Street, pointed out the cracks in the seawall which need to be evaluated for the protection of the City. He spoke about the 100<sup>th</sup> anniversary of WWI that is coming up in 2014. He said Fort DuPont needs

attention now that there is State money available. He encouraged the City to restore the railroad station that is located on refinery land in the City.

John Runyon, 2 Reybold Drive, asked about the completion time of the sewer lines construction. Mr. Runyon asked if it would be completed for Delaware City Day and wanted to know if the new road was temporary.

### **RECESS MAYOR AND COUNCIL MEETING**

The Honorable Mayor Buchheit recessed the Mayor and Council meeting in order to reconvene the public hearing.

### **RECONVENE THE PUBLIC HEARING**

The Honorable Mayor Buchheit reconvened the Public Hearing at 8:05pm.

He asked if anyone was present to discuss any of the following:

Resolution 11-0620-01 - Adoption of Assessment Roll & Tax Rate

Resolution 11-0620-02 - Adopting Operating Budget

Resolution 11-0620-03 – Adopting Capital Budget

As there was no one present to discuss these resolutions, the Mayor said he would like to adjourn the Public Hearing.

### **ADJOURN THE PUBLIC HEARING**

Council Member Johnson made a motion to adjourn the Public Hearing. Council Member Graham seconded the motion. A vote was taken, all ayes, motion carried.

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

Delaware City Environmental Coalition – Sarah Bucic reported that the coalition received the air quality report. There will be a green fest on Delaware City Day. She attended a lecture on sea level rise. She reported on the poor condition of the Red Lion dyke. She said the Mayor and Council might want to support the repairs of this dyke. Ms. Bucic reported that the kick off of the home health hazard assessments would be in July. Discussion followed. City Manager Cathcart said he would send a letter, on behalf of the Mayor and Council, to the Chairman of the Bond Bill committee in support of the dyke repairs.

Main Street – Mark Chura said the Clinton Streetscape committee met on site and decided where to locate 12 planters. It was also determined to do a very large planter and place it in front of Town Hall. This planter would be done first and would have Town Hall's name on it. The total cost of the planters, without the plants, would be \$22,500. The Honorable Mayor Buchheit said he had agreed to adopt the Town Hall planter. Discussion followed regarding the budget and when the money would be available. City Manager Cathcart said the City could not get

the money until the work has been completed, so the City would have to pay up front and get reimbursed from the grant. Therefore a motion would need to be made authorizing this.

The connector bridge going to the C & D recreation area is possible. The bond bill has recommended \$5 million for bike trails. He had been assured that the connector project will be funded by that bond bill.

Main Street is working on an application through USDA to construct trailhead and sidewalks around Sterling's. He will need assistance in fleshing out a design and rough budget. The application for up to \$150,000 is due by the end of June.

The State through DEDO has branding capabilities. DEDO has about 25% of what they had previously. They could make \$5000 available to Delaware City, but the soft or hard match would need to be \$2000 to \$3000. Discussion followed regarding branding.

BrightFields – Gregg Crystal spoke about the EECBG grant. He gave a status update on the solar array and gave a possible location for locating the array as the roof may not be strong enough to hold the solar panels. BrightFields will email the maps and plans to City Manager Cathcart and ask the City to reach a decision as to location of solar array. Discussion followed.

### **OLD BUSINESS**

DART Service – Council Member Barrett said she had talked with Semia Hackett and that the unofficial start date of the bus service would be July 17<sup>th</sup>. Discussion followed.

### Discussion of Charter Committee

Interim City Solicitor Walton suggested that it would not be necessary for him to be part of the Charter Committee in the early stages. Council Member Johnson said he would be happy to continue to chair the committee. He said the committee would start fresh and do a comprehensive overview of the Charter.

### Location for Monthly Mayor and Council Meeting

A discussion ensued regarding the pros and cons of holding the meetings at Town Hall, the Fire Hall and the Community Center. Interim City Solicitor Walton said there is really nothing in the Charter about the location of meetings. Discussion followed. Council Member Johnson made a motion to continue to hold the meetings at the Fire Hall. Council Member Doebley seconded the motion. A roll call vote was taken, with the Council Members voting as follows: Barrett – nay, Graham – nay, Johnson – aye and Doebley – nay. Motion defeated. Additional discussion occurred. Council Member Barrett made a motion to move the meetings to the Community Center. Council Member Graham seconded the motion. A roll call vote was taken, with the Council Members voting

as follows: Barrett – aye, Graham – aye, Johnson – nay, Doebley – nay. Motion defeated. Additional discussion occurred. Council Member Doebley, after learning that the default location in the Charter was not Town Hall, said he would make a motion to hold the July meeting at Town Hall which would be subject to amendment in the future. The Honorable Mayor Buchheit said he could call a special meeting. Council Member Doebley’s motion was not seconded. It was decided that the special meeting would be held at Town Hall on July 6, 2011, at 7:00, to discuss the meeting location for the July meeting.

### **NEW BUSINESS**

Marking Police Cars - Chief Tjaden provided a photograph of a marked police vehicle at the request of Mayor Buchheit. It was discussed that only one car would be marked at the cost of \$700. Discussion followed. Council Member Johnson made a motion in favor of marking a police car. Council Member Doebley seconded the motion. Discussion followed. Council Member Johnson withdrew his motion and Council Member Doebley withdrew his second. Council Member Johnson made a motion to mark a police car at the discretion of the Chief of Police. Council Member Doebley seconded the motion. Discussion followed. A roll call vote was taken, with the Council Members voting as follows: Barrett – aye, Graham – nay, Johnson – aye, and Doebley – aye.

Roll Call - The Honorable Mayor Buchheit asked for a roll call to determine attendance of Council. The roll call result was as follows: Barrett – present, Graham – present, Johnson – present, Doebley – present. Council Member Sullivan was absent.

Discussion occurred regarding policy for going into Executive Session. Interim City Solicitor Walton read Section 3-12 from the City Code. He said that discussion of the salary of the City Clerk could not be discussed in an Executive Session. Discussion followed.

Proposed 4% Salary/Wage Increase – Discussion ensued regarding the need for performance evaluations as opposed to giving an across the board salary increase. Discussion followed. City Manager Cathcart stated that he would be comfortable with passing the budget as presented, with the understanding that it could be amended if necessary. Interim City Solicitor Walton read into the minutes Section 6-05 of the Charter, regarding amending the budget. Discussion followed. Council Member Johnson said that the City Manager has the authority to hire a person to fill the City Clerk position. Interim City Solicitor Walton read Section 9-04 into the minutes, stating that the City Manager has the authority to hire someone at such compensation as may be set by the Mayor and Council. He recommended that the Council give discretion to the City Manager and set a salary range. Discussion followed. The Honorable Mayor Buchheit resolved to set the salary range for City Clerk/Financial Assistant at \$35,000 to \$49,373 plus benefits. Council Member Johnson made a motion to adopt Resolution

11-0620-04 as proposed by the Mayor as it pertains to the City Clerk position. Council Member Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried.

Resolution 11-0620-01 – Adoption of Assessment Roll & Tax Rate

Council Member Graham made a motion to adopt Resolution 11-0620-01, Adoption of Assessment Roll and Tax Rate. Council Member Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried.

Resolution 11-0620-02 – Adoption of Operating Budget

Council Member Doebley made a motion to adopt Resolution 11-0620-02, Adoption of Operating Budget. Council Member Graham seconded the motion. City Manager Cathcart said that would make the 4% increase effective July 1, 2011. Discussion followed regarding amending the budget. Council Member Doebley said he would withdraw his motion. However, Council Member Graham declined to withdraw his second. Interim City Solicitor Walton said the motion would then need to be voted up or down. Discussion followed regarding an amendment to the budget. A roll call vote was taken with the Council Members voting as follows: Barrett – aye, Graham – aye, Johnson – nay and Doebley – nay. The motion was defeated as there was not a majority of aye votes. Council Member Johnson made a motion to pass Resolution 11-0620-02, Adoption of the Operating Budget, and suspend the 4% cost of living increase for a period of 90 days until the new City Manager has sufficient time to evaluate his staff. Council Member Doebley seconded the motion. Discussion followed. Interim City Solicitor Walton explained that action must be taken in 90 days to either approve or not approve the increase. A roll call vote was taken, all ayes, motion carried.

Resolution 11-0620-03 – Adoption of Capital Budget

Council Member Doebley made a motion to adopt Resolution 11-0620-03, Adoption of the Capital Budget. Council Member Graham seconded the motion. A roll call vote was taken, all ayes, motion carried. Discussion followed regarding the fact that the Capital Budget consists of strictly grant funds.

Clinton Streetscape/Planter Project

Council Member Johnson made a motion to release \$12,500 from the Operating Budget to support the planter project, with the other half to be released at the completion of the project, not to exceed \$25,000. Council Member Doebley seconded the vote. Council Member Doebley withdrew his second. Council Member Johnson amended his motion to release \$12,500 from the Operating Budget to support the planter project, and the remainder to be paid at the completion of the project. Council Member Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried. Discussion followed regarding the planter that was to be placed in front of Town Hall.

Communication with the Solicitor

Discussion occurred regarding procedures for contacting the City Solicitor to reduce the number of unnecessary contacts. Discussion followed. Interim City Solicitor Walton suggested that the City Manager be the contact person. The Interim City Solicitor read the section of the City Charter which pertains to who the Solicitor reports to. Additional discussion followed. City Manager Cathcart said he would determine the policy and communicate that to the parties involved.

**COUNCIL COMMENTS**

Council Member Doebley questioned how the position for the City Clerk would be advertised. City Manager Cathcart said his goal was to be completely transparent in hiring for all positions going forward. He said he as soon as he had prices, he would determine how to advertise the position.

Council Member Doebley asked about tree branches hanging over the wires at 226 Hamilton Street. He also questioned when the street repairs would begin.

**RECESS TO EXECUTIVE SESSION**

Council Member Graham made a motion to go into Executive Session at 10:20 pm. Council Member Doebley seconded the motion. A vote was taken, all ayes, motion carried.

**RECONVENE MAYOR AND COUNCIL MEETING**

The Honorable Mayor Buchheit reconvened the regular Mayor and Council meeting.

**ADJOURNMENT**

A motion was made and seconded to adjourn the Mayor and Council Meeting. A vote was taken, all ayes, motion carried. Meeting adjourned.

Respectfully submitted,  
*Dawn K. Gwynn*  
City Secretary