

*"A Historic Past"*



*"A Bright Future"*

**Mayor**

John P. Buchheit, III

**Vice Mayor**

Paul H. Johnson, Sr.

**Council Members**

Betty Barrett

Michael J. Doebley

Ronald R. Graham, II

Jennifer M. Sullivan

**THE CITY OF DELAWARE CITY**

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Phone: 302-834-4573 Fax: 302-832-5545

**City Manager**

Richard C. Cathcart

**Chief of Police**

Daniel A. Tjaden

**Interim City Solicitor**

Max B. Walton

**City Treasurer**

Dawn K. Gwynn

**City Secretary**

Michelle A. Hartman

**CITY OF DELAWARE CITY  
REGULAR MAYOR AND COUNCIL MEETING  
November 21, 2011**

**CALL TO ORDER – BOARD OF APPEALS- 2<sup>ND</sup> Quarter Supplemental Assessment for FY12**

The Honorable Mayor Buchheit called to order the Board of Appeals for the 2<sup>nd</sup> Quarter Supplemental Assessment for FY12 at 7:00PM. Those in attendance were Council Members Barrett, Graham, Johnson, Sullivan and Doebley. Also in attendance were City Manager Cathcart, City Treasurer Gwynn and City Secretary Hartman. The Mayor asked if there was anyone present to appeal their property assessment. There were no responses. The Honorable Mayor Buchheit asked for a recess until such time as someone came forward to appeal their property assessment or until 9:00PM. The Board of Appeals was recessed at 7:03PM.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The Honorable Mayor Buchheit led the Pledge of Allegiance and a moment of silence and special thanks for Ron Graham's healthy return.

**CALL TO ORDER – PUBLIC HEARING**

The Honorable Mayor Buchheit called to order the Public Hearing at 7:05 pm. Those in attendance were The Honorable Mayor Buchheit, Council Members Barrett, Graham, Johnson, Sullivan and Doebley. City Manager Cathcart, City Treasurer Gwynn and City Secretary Hartman were also in attendance. City Manager Cathcart discussed changing the city's recycling pick up from weekly to bi-weekly as in other municipalities. He is suggesting the change due to the increase in labor cost the contractor has incurred after the container change. This would be a \$40,000 annual increase to the budget for the additional labor. Discussion followed. Councilmember Doebley asked on behalf of a resident not in attendance if there are smaller containers available. According to City Manager Cathcart there are not, as the larger containers are what is required by law.

**CITIZEN'S COMMENTS:**

Mike Hendry – 400 Clinton Street – He is now uncertain what he is to do with corrugated cardboard. Also if they have a smaller recycling container are they allowed to still use it?

Albert Schrack – Lot 66 DCMHP – He is concerned about the people who fill the large bin on a weekly basis, what are they to do with their overflow.

Councilmember Sullivan pointed out there are recycling bins in the parking lot of the Refinery that she has used for years should they have the need to dispose of recycling between pick ups.

Deb Sellers – 400 Clinton Street – She doesn't believe the change will deter people from recycling. In her observation the bins are not always full and she's watched the employees who whether the bins are full or half full still have to lift them manually into the trailer.

#### **ADJOURN THE PUBLIC HEARING**

As there were no further comments from Council or Citizens, The Honorable Mayor Buchheit adjourned the Public Hearing at 7:20PM and ordered a 5 minute recess.

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

The Honorable Mayor Buchheit called to order the regular meeting of the Mayor and Council at 7:30PM. Present were Council Members Barrett, Graham, Johnson, Sullivan, and Doebley. Also present were City Manager Cathcart, City Treasurer Gwynn and City Secretary Hartman.

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

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

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

City Treasurer Gwynn presented the September Treasurers Report. She pointed out that we are a quarter of the way thru the year. Also the revenue is so high due to the tax payments being made during this time. She would also like to have her cousin who is a CPA take a look to try to resolve the issues with the reconciliation. Discussion followed. Councilmember Graham made a motion to approve the September Treasurers Report subject to audit. Councilmember Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

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

Councilmember Barrett made a motion to approve the minutes of the October 17, 2011 Mayor and Council meeting. Councilmember Graham seconded the motion. A roll call vote was taken, all ayes, motion carried. Councilmember Sullivan made a motion to approve the minutes of the October 25, 2011 Special Mayor and Council meeting. Councilmember Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried.

#### **POLICE REPORT**

Police Chief Tjaden reported the statistics for the period from 10/17/2011 to 11/20/2011. He also reported the following.

- Assisted the Delaware State Police on a domestic violence event in Dover.
- Met with City Manager Cathcart in reference to biking event in April.
- Attended a meeting with the Delaware City Mobile Home Park and the City Manager in reference to starting a Community Watch Program. They started Halloween weekend and had a very successful turnout. It helped hold down complaints in the area.

- Had several officers' work Halloween weekend and appeared to keep the incidents under control.
- Escorted 150 Motorcycles from Pennsville, NJ to A.I. DuPont Hospital for Toys for Tots.
- Escorted 4 buses of hikers from Delaware City to Chesapeake City for the Hike Across Delaware.
- Escorted 100 Vietnam Veterans from Port Penn VFW to A. I. DuPont Hospital for Toys for Tots.
- Investigated a burglary at 123 Hamilton Place. The property was recovered and we made an arrest.
- Officer Kaczorowski and Office C. Tjaden were involved in a traffic stop where the driver was believed to be high on "bath salts". He fought with the officers and caused a considerable amount of damage to the 2008 Police Car. The suspect was treated at Christiana Medical Center, charged with several crimes and committed to Gander Hill Prison. Damages to the police car are being handled by our insurance company.
- The same subject was arrested again Nov. 7<sup>th</sup> and found to be in possession of an assault rifle next to his front door as officers arrested him.
- This subject was again arrested after he exited his home on Clark Circle with a loaded .45 caliber automatic weapon and pointed it at the police vehicle. He had shot up the inside of his home. Police seized several other weapons from the defendant.

Discussion followed.

### **NEW BUSINESS (AUDIT)**

Vince Barbone – Auditor – Provided an update on the status of the annual audit. The field work has been completed and is now in process in his office. Once that is complete it will be provided to him for review. At that time the financial statement drafts will be presented to Council for review. He stated the original reason the audit is late is due to the transition in positions in Town Hall. Typically the audit would start in July but due to the change they did not start until September. Vince stated he has not come across anything standing out as a problem or encountered any significant issues. Discussion followed.

John Martin – 212 Washington Street – Will the continued lack of ability to reconcile eventually effect our audit. Vince stated it will if the issues are significant, but if it is minor then no.

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

City Solicitor was not in attendance.

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

- Conducted Household Hazardous Waste and Prescription/Over the Counter Drug Collection on Saturday October 29<sup>th</sup>. Although the weather was terrible both collections were successful.
- Participated in the first Sterling's Open House, sponsored by Main Street Delaware City. Crabby Dick's provided food and beverage and set-up the first floor of Sterling's for the event.

- Met with Secretary O'Mara on November 4<sup>th</sup> and again on November 14<sup>th</sup> to discuss issues facing the City and received a briefing on some of the state initiatives that have or will have an impact on the City.
  - Facilitated an all day Master Planning session with the African American Union Cemetery Group on Saturday November 5<sup>th</sup>. The session established a capital improvement plan for the cemetery that will provide restoration resources to this historically significant site.
  - Along with the Mayor, Greeted 150 Hike Across Delaware participants on Sunday morning November 6<sup>th</sup>.
  - Coffee with the City Manager continued on the morning of November 7<sup>th</sup> and on the evening of November 16<sup>th</sup>.
  - Met with Jim Fedena, Delaware City Refinery, and our solar consultants from AERCA, to tour the area for the proposed Solar Farm. We have requested that the Refinery deed this area to the City for the construction of this facility.
  - Along with the Mayor, attended a Board of Directors meeting of the Dragon Run Park Commission in an effort to re-establish a relationship between the City and the Park Commission. We were received enthusiastically by the group and they are looking forward to working with us in the future.
  - Interpretive Signs were installed along the promenade and have received numerous compliments. This project was funded by two grants at no cost to the City.
  - Removed the rusted and damaged fence around the Community Center property. This has been the number one area of complaints since my arrival and the project that has received the most positive comments. This project was at no cost to the City and was funded by grant dollars.
  - Landscaping was installed throughout the City, including the Community Center, open areas on Canal Street, Seventh Street Park and Fourth Street.
  - Had dinner with State Representative Valarie Longhurst and discussed various issues and areas where we need funding and legislative support.
  - Coordinated a Community Clean-up, Power Washing and Street Sweeping events with the Delaware City Mobile Home Community.
  - Participated in the interview with the Rebranding Consultant along with Main Street.
  - Provided an up-date briefing with the Congressional Staffs, NCC Soil Conservation District and Main Street (Mark Chura)
  - The City entered into a contract for the cell tower rental which City Manager has made changes to. The new contract will be for 3 additional 5 year contracts, a one time payment of \$35,000, a 15% increase on rent, and a revenue share of 50%.
  - Piranha Sports hosts the Escape from Fort Delaware event in town. In the past they had a permit which they agreed to give the community center \$10/entrant. They have failed to do so therefore City Manager has revoked their permit for this year's event. City Manager will follow up with the City Solicitor on this decision.
- Discussion followed.

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

The Honorable Mayor Buchheit would like to announce the following:

- Met with the American Lung Associate and the tentative date is May 12<sup>th</sup> for the American Lung Run.
- Dinner on the DART was very successful, he was quiet surprised by the amount of neighbors he saw on the bus. He encourages everyone in the community to ride the DART Bus.

- The Holiday Trees have been planted in the planters and the lights will be turned on Friday, November 25<sup>th</sup>. Mayor would like to thank all those involved for donating their time, Mr. Reed for donating the lights and McCarthy's Tree Farm for donating the trees. We will have the big tree at Town Hall by Monday, weather permitting.
- Merchant Row Bonanza will start at 6AM on Saturday. Mayor Buchheit urges everyone to go out and support the local merchants.
- Dr. Burdick's old building has been rented to County Thyme he would like to welcome her back into town.
- The Christmas Parade will be December 10<sup>th</sup> at 6PM starting at Kathy's Crabs.

The Honorable Mayor Buchheit appointed Mike Doebley, Mike Hendry, Betty Barrett, Debra Martin, Dale Slotter, John Lewis and Albert Schrack to the DART Task Force. Councilmember Sullivan made a motion to approve the appointments to the DART Task. Councilmember Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried.

The Honorable Mayor Buchheit appointed Michelle Hartman to the Tree Commission. Councilmember Barrett made a motion to a appoint Michelle Hartman to the Tree Commission. The motion was seconded. A roll call vote was taken, Councilmember Barrett – aye, Graham – aye, Johnson – nay, Sullivan – aye, Doebley – aye, motion carried.

#### **CITIZEN'S QUESTIONS AND COMMENTS**

Vicki Johnson – 320 Washington Street - Would like to thank all who are responsible for getting the DART bus in Delaware City.

Tim Dilliplane – 118 Clinton Street – Wants to thank Chief Tjaden and the police department for cleaning up the town.

Albert Schrack – Lot 66 DCMHP – Started the DCMHP Community Watch on Mischief Night. He has concerns about the fence being taken down around the community center and near the ball field. He mentioned the clean up efforts in the mobile home park being a success. He would like to see Kathy's Crabs property be addressed as it is overgrown and needs to be cleaned up, and the fence repaired and maintained. Storm drain is still an issue and believes it to be owned by the city. He said basically the city is in violation of its own code by not addressing the issue, Code 31.11. Discussion followed.

John Martin – 212 Washington Street – Thinks the fence removal at the Community Center could have been better planned especially if there is intent to relocate the playground. Also thinks the Seventh Street Park should be looked at for possible fencing s well. He would also like to express concern over the Treasurers Report. The City has kept impeccable records and after several months we still cannot get a reconciled report. Also the light between Washington and Clinton on Henry is out.

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

Main Street – Mark Chura – Thanked City Manager Cathcart for his cooperation with Main Street. The Re-Branding will begin December 6<sup>th</sup>, 7<sup>th</sup> & 8<sup>th</sup> and encouraged input. Is pleased with the way DNREC has responded to both the plans for dealing with the vegetation and improving the bird habitat in the area of the branch canal. The open area

around the Community Center does serve a park function and the tree planting and fence removal is just the beginning of making this part of the larger C&D Park project. There was discussion how to make "Baby Beach" safe and accessible for kayaking and is looking make this a nice waterfront park for the town. Black Friday the Upscale Resale Shop will be open 6AM to 6PM, hours have been expanded Fri-Sun. 10-6PM. Discussion followed.

### **OLD BUSINESS**

AERCA Advisors Presentation on the Solar Farm and Motion – Brian Yerger, CEO gave a presentation on the information found in the feasibility study for Phase II. Optimal space is along side of the ball field just outside of town. In conclusion the recommendation for RFP is to look for dual response from developer both 250kw and 500kw. Discussion followed. Councilmember Johnson made a motion to allow City Manager Cathcart to proceed with RFP for both 250kw and 500kw for the Solar Energy Phase II project. Councilmember Sullivan seconded the motion. A roll call vote was taken, all ayes, motion passed.

Discussion of moving the location of future Regular Mayor & Council Meetings to the Community Center – Councilmember Barrett would like to see them moved to the Community Center just so people can hear better. Councilmember Johnson is opposed to moving the location without obtaining feedback from the residents and suggests having a Public Hearing next month. Councilmember Doebly would like to see the sound issue at the firehouse addressed before any further discussion. He also suggests keeping the issue on the agenda for next month to keep discussion open before making a decision.

### **NEW BUSINESS**

City Secretary Hartman – Asked that Council review the proposed dates for the Regular Mayor & Council meetings for 2012 as provided by Assistant City Clerk Clifton. Councilmember Johnson suggested holding off on making a decision on the dates until a decision is made about the location. He also mentioned in the interim providing the President of the Fire Company, Wally Poppe a copy of the proposed dates to verify they are in fact available. City Manager Cathcart suggested also leaving this item on next months agenda for discussion.

Discussion and Motion on Bi-Weekly Recycling Collection – Councilmember Johnson would like a pledge from City Manager Cathcart that he will look into the residents being able to bring overflow recycling to the Cutting Edge Facility in between pick ups. City Manager will discuss the possibility with the contractor. City Manager Cathcart requested a motion to move to Bi-Weekly Recycling collection. Councilmember Graham made a motion to go to Bi-Weekly Recycling. Councilmember Barrett seconded the motion. A role call vote was taken, all ayes, motion carried.

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

Councilmember Johnson made a motion to recess the Regular Mayor and Council Meeting to reconvene Board of Appeals. Councilmember Sullivan seconded the motion, a vote was taken, motion carried.

**RECONVENE BOARD OF APPEALS**

The Honorable Mayor Buchheit reconvened the Board of Appeals at 9:50PM for the purpose of determining if anyone was in attendance to appeal a property assessment. There were no appeals.

**ADJOURNMENT OF BOARD OF APPEALS**

Council Member Doebley made a motion to adjourn the Board of Appeals. Council Member Sullivan seconded the motion, a vote was taken, motion carried.

**RECONVENE MAYOR AND COUNCIL MEETING**

The Honorable Mayor Buchheit reconvened the Mayor and Council Meeting at 9:55PM.

**COUNCIL COMMENTS**

Councilmember Graham would like address the fencing ordinances. Wants to appoint a committee to review, address issues and get them in line to prevent lawsuits. Discussion followed.

**ADJOURNMENT**

Councilmember Johnson made a motion to adjourn the meeting. Councilmember Sullivan seconded the motion. A roll call vote was taken, all ayes, motion passed. The meeting was adjourned at approximately 10:00PM.

Respectfully submitted,  
*Michelle Hartman*  
City Secretary