

"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

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

THE CITY OF DELAWARE CITY

407 Clinton Street – P.O. Box 4159

Delaware City, Delaware 19706

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

**CITY OF DELAWARE CITY
REGULAR MAYOR AND COUNCIL MEETING
December 19, 2011**

CALL TO ORDER – PUBLIC HEARING

The Honorable Mayor Buchheit called to order the Public Hearing at 7:15 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. The Public Hearing is to discuss the location of the future Mayor & Council Meetings.

CITIZEN'S COMMENTS:

Albert Schrack – Lot 66 DCMHP – He is strongly opposed to moving the location of the meeting. Last meeting was great example to why with the presentation we would not be able to do that at the Community Center. The firehouse recognizes the sound issue and is working on the resolution.

Vicki Johnson – 320 Washington Street – Thinks the firehouse is a great location; there is more room, access to screen for presentation, plenty of parking available.

Ray Fruytier – 909 Fifth Street – Town Hall meeting room is not big enough to hold the meetings. The only thing wrong with the fire house is being able to hear.

Deb Sellers – 400 Clinton Street – Wanted everyone to know that the Motiva Room is on the library side of the Community Center but it is off the security system. When the library is closed you will be locked in the Motiva Room without bathroom facilities.

ADJOURN THE PUBLIC HEARING

As there were no further comments from Council or Citizens, Councilmember Graham made a motion to adjourn the Public Hearing. Councilmember Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

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 for Annabelle Diehl and Charles Costango.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Councilmember Johnson made a motion to approve the minutes of the November 21, 2011 Mayor and Council meeting. Councilmember Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.

NEW BUSINESS

Ed Kalinowski – Delaware City Fire Company, VP – Presented Resolution 11-1219-01 for approval by Mayor & Council in accordance with Federal & IRS Guidelines. The resolution is to prove the Fire Company serves this area and is a non-profit organization. Councilmember Barrett made a motion to adopt Resolution 11-1219-01. Councilmember Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

The Honorable Mayor Buchheit mentioned a requested donation by the Fire Company for their fund drive. Discussion followed regarding how much to approve. Councilmember Barrett made a motion to approve a \$400 donation to the Delaware City Fire Company. Councilmember Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

Audit – Vince Barbone, Haggerty & Haggerty – Is here to present the audit for year ending June 30, 2011. He is happy to report they issued unqualified opinions, which means this is the highest opinions they can issue to a municipality for their financial statement. This year was a very good report and there were no significant findings. There were two minor recommendations regarding the seizure funds and water fund receivables. Discussion followed. City Manager Cathcart thanked Vince for his time & patience during their meeting to explain the audit. Councilmember Johnson made a motion to approve the financial audit. Councilmember Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Gwynn presented the October Treasurers Report. City Treasurer Gwynn has been working with an accountant to reconcile previous treasurer reports, October's report is now reconciled. Discussion followed. Councilmember Sullivan made a motion to approve the October Treasurers Report subject to audit. Councilmember Johnson 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 11/20/2011 to 12/18/2011. He also reported the following.

- They received an additional \$3,000 from the American Heart & Lung to extend the seasonal officers pay thru January, 2012.
- Arrested a subject living in a shed on Washington Street for 20 counts of unlawful sexual contact with a child and rape in the second degree from Maryland.
- Assisted Delaware State Police in an escort of four truck loads of Christmas wreaths from Maine thru Delaware to Arlington Cemetery where the wreaths are placed on all

graves of fallen soldiers. The organization was Wreaths Across America and they are interested in having Delaware City host them next year.

- Arrested a very intoxicated female for threatening and assaulting Delaware City Police and Probation and Parole officers.
- Arrested a male on Washington Street for a Domestic Assault on his mother. The defendant was charged with felony assault on the mother and assaulting a Police officer. The defendant was admitted to Christiana Medical Center and later committed to Howard Young Correctional Center.
- Arrested a defendant for possession of marijuana and a 12 gauge shot gun on Washington Street.
- Assisted in the Delaware City Christmas Parade.
- Assisted the New Castle County Police Department just outside of town on a suicide.
- Arrested a resident of the Delaware City Mobile Home Park for endangering the welfare of a minor. The defendant allowed minors to consume alcohol in her residence. Later that evening she allowed the minors to drive and they were involved in a personal injury accident.

Councilmember Barrett made a motion to open a discussion about adding a full time police officer to Delaware City Police Department. Councilmember Doebley seconded the motion for discussion. Discussion followed. Councilmember Doebley withdrew second. Councilmember Barrett withdrew motion.

CITY SOLICITOR'S REPORT

City Solicitor was not in attendance.

CITY MANAGER'S REPORT

- Attended and participated in Fort DuPont Working Group meeting on November 28th. This is the group that is developing an RFP that will engage a consultant to help plan the redevelopment of the Fort DuPont campus into a mixed use facility that includes residential, commercial and historical components.
- Held a meeting with John O'Neil of Ghost Hunters Delaware to discuss their paranormal conference scheduled for May 4 – 6, 2012.
- Had a conference call with Max Walton on a legal issue that needed further clarification. The issue had to do with Piranha Sports and the question; should the City keep or return the partial payment for the May 2011 Escape from Fort Delaware event in the amount of \$330. I was advised to return the check and demand payment in full of the \$1,650 owed. This letter was mailed December 1, 2011. The City received a check shortly afterwards for the full amount. Mr. Semmel of Piranha Sports has once again asked that we reconsider issuing a permit for the May 2012 event. That permit is currently revoked. I will yield the decision to issue a permit to the Mayor and Council.
- Had a meeting with Joe Tiberi who is interested in starting another boxing program in Delaware City for both youth and young adults interested in the sport. Mr. Tiberi operated a successful program out of the cramped "Waterworks" building for many years. He is looking for a facility to get this program started again. I have agreed to help him find a location to and bring this program back for our youth.
- On November 29th I attended a meeting of the Friends of the African American Union Church Cemetery. The group will be planning a fund raising event and other fund raising activities to fund the restoration of the cemetery. The group also voted to move forward with a detailed site plan and artist rendition of what the cemetery would look like upon completion.

- Held the Coffee with the City Manager on the morning of December 6th. Although turnout is lower than this summer, people continue to show up and openly talk about issues. This Wednesday night is the next "Coffee and Desert" starting at 6 PM.
- Attended the Planning Commission, Historical Preservation Commission and the Board of Health meetings this month.
- Participated in the "Round Table" discussions for the Main Street Re-Branding initiative.
- Conducted the Pre-Bid meeting for the Phase II Solar project which had an outstanding number of attendees. The pre-bid meeting also included a walkthrough of the proposed site.
- Met with Maura Cirilli, an engineer with the refinery, and representatives from Vandemark and Lynch engineering to discuss the boundaries of the lands to be transferred to the City for the solar project.
- Attended a meeting with Alan Levin of the Delaware Economic Development Office to discuss economic development opportunities within the town. We specifically talked about the Sterling Building and available benefits available through DEDO for future occupants or owners.
- Held an organizational meeting of the Delaware City Day Committee on December 8th. We are looking for volunteers to be on the committee and welcome one and all to lend a hand to put on another successful event. First official meeting will be January 12th at 6:00 PM in Town Hall.
- Participated in the Christmas Parade, which was a success, and a Fund Raiser Silent Auction, also a success, benefiting Delaware City Day Committee on December 10th. The Auction generated over \$1,800.
- Met with Secretary of Transportation, Shailen Bhatt to discuss future development of Fort DuPont and transportation upgrades associated with that effort. We also visited the Sterling's building and discussed the restrictions placed on the City that prevents the selling of the building. We discussed the condition of the existing draw bridge on Fifth Street and the possible replacement of the bridge that is more accommodating and safer for pedestrians, vehicle and boating traffic.
- Met at length with Vince Barbone with Dawn Gwynn teleconferencing in, reviewing the annual audit report of FY 2011 operating year. Mr. Barbone will present a report tonight.
- Participated on a statewide teleconference about additional EECBG opportunities. There are excess EECBG funds of \$70,000 that are available, request for which are due December 23rd.
- Sent a Delaware Preservation Small Grant request for \$2,000 to repair broken sash, install shutters and some small roof repairs to the "Waterworks" (Sash Shop) building at 323 Washington Street.
- Met with Jason Wardrup of BrightFields, Inc. to discuss additional energy projects that will expend leftover funds from our original EECBG efforts this summer and the new dollars available from the \$70,000 mentioned above.
- The Solar System at the Community Center went on line on Wednesday December 14, 2011 after receiving the approved interconnection approval from Delmarva Power on December 12, 2011.
- The "bump outs" on Canal Street have been removed and curb replacements are in the process of completion.
- At a Historical Preservation Commission meeting in October a legal issue was raised by one of our residents as it related to the fence ordinance. The issue centered on the question of the HPC authority related to recommendations for fences on a

residential property within in the Historic District. Specifically, the resident argued that the recommendations in the circumstance above are only voluntary on the resident's part and not mandatory. Subsequently the question as to the authority of the HPC to establish standards, rules, or regulation was raised. I presented the Commission with my opinion at their November meeting and suggested that we get a legal opinion from our City Solicitor. In short the solicitor ruled that in fact the commission recommendations for a residential property within the historic district are in fact voluntary and not mandatory. He also ruled that neither code nor charter gives the commission the authority to promulgate standards, policy or regulations. At the December HPC meeting the HPC voted to make recommendations to the Mayor and Council as they relate to the fence code. Those recommendations are before you under separate cover.

- At the September meeting of Mayor and Council I reported that only one employee required a performance evaluation in connection to the raise authorized my council for the current fiscal year. I just want to remind you that the Employee Performance Evaluation process is in place and all employees will be evaluated by June 15th of this year. Should Mayor and Council vote to give raises in FY 12 the raises should be contingent upon a satisfactory evaluation.
- As you know the workshop for our capital budget was canceled in early fall because of numerous scheduling conflicts. I am proposing a Capital Budget Planning Workshop on Saturday, January 28, 2012. The workshop would be scheduled from 9:00 AM until 4:00 PM. The session will be held in Town Hall. A working lunch will be provided. 100% participation by Mayor and Council would be advised but not mandatory. If this is a conflict with council or mayor please inform me as soon as possible.

Discussion followed.

APPOINTMENTS, ANNOUNCEMENTS AND COMMUNICATIONS

The Honorable Mayor Buchheit would like to announce the following:

- A few weeks ago Merchants Row lost Annabelle Diehl of Peas in a Pod. They have done a toy drive in her name. They will be wrapping the donated gifts in Town Hall on Tuesday and Friday. The toys will be distributed to the families on Saturday.
- A surprise announcement of the First Annual Mayors' Ball, on February 24th. It's a charity ball that will benefit Fort Delaware and Delaware City Community Center after school youth program. He hopes to raise \$25,000 from the event.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Mark Chura – Main Street – Would like to talk about some of their key accomplishments over this past year. The planters that were fabricated and are in town, five have been adopted. The Upscale Retail well stocked, attractive business and is a nice addition to Main Street the proceeds of that go to Main Street. He has put a lot of time into the C&D Canal Trail Project, it will be underway and completed in 2012. The re-branding meetings for the Town were held in December. There will be an Open House Workshop held January 5th, 2012 from 6:00PM to 9:00PM at the Community Center to get input from the Town. Discussion followed.

Wally Poppe – Delaware City Fire Company – Wanted to thank everyone for coming to Breakfast with Santa there was a great turnout. Upcoming events are on 4/21/12 Open House during the day with an event for members afterwards. 5/6/12 Fire Buster – Antique Fire Truck Show and Flea Market, met with an organization that runs these

events, tentatively to be held at Governor Bacon. 2/25/12 Silent Auction & Dinner at the Fire House, 3/24/12 Flea Market at the Fire House, 1/28/12 Comedy Night at the Fire House, 1/23/12 Take Over Event at Buffalo Wild Wings on Rt. 40, 1/12/12 Jakes Way Back fundraiser Event Salem Shopping Center on Rt. 40. Also if anyone would like to advertise on the Fire Company's marquee please contact Wally. Smoke detectors are now available please stop in to get one they will install also. From all of us at the Fire Company they wish everyone a Merry Christmas and a Happy New Year.

Jen Sullivan – Board of Health – Met on December 14th to discuss signage in the park. Deborah Crabtree is working on recommendations for Mayor & Council. She is also working with City Manager Cathcart and Sarah Bucic on the Emergency Operations Plan. They are also working on the cat population and recommendations for that as well.

Ed Kalinowski – Delaware City Fire Company – Please take time to look at the boat located at 115 Canal Street. Delaware City Fire Boat 15 was obtained by a Port Security Grant. This is a state of the art boat that is used for search and rescue, fire operations, chemical and biological operations. They plan to have a dedication sometime during the 125th Anniversary Celebrations.

CITIZEN'S QUESTIONS AND COMMENTS

Ray Fruytier – 909 Fifth Street – Our police department does one hell of a job and a thankless job for any officer. Whatever it takes, raise taxes to get us some permanent officers then we need to do it. We need the protection here and people need to know we are protected at all times. As for the location of the Mayor & Council meetings he would like to say wherever the meetings are held to please make sure people can hear.

Neil Semmel – Race Director for the Escape Fort Delaware – This will be the 12th anniversary of the event. He would like for Council to reconsider the revocation of the permit and allow them to hold the event in Delaware City. He has brought the itinerary for review. Discussion followed. Councilmember Graham made a motion to approve the event permit for Piranha Sports, and to authorize the City Manager to enter into contract negotiations with Mr. Semmel, and to collect legal fees. Councilmember Barrett seconded the motion. A roll call vote was taken, all ayes, motion passed.

Dale Slotter – 210 Clinton Street – At this Year End he would like to say how great it is to live in a small town. Last Saturday he went to see Reedy Point Players, great performance. The second printing of Canal Queens Calendar is in. This is what living in a small town is all about communicating with one another. He planned to pinpoint one council member who he requested a conversation with and was denied in an email. Hopefully this councilmember is hearing him and will reach out to communicate.

Kathy Walls – 220 Franklin Street - On the last report posted on the Website (Aug) the salaries in the treasurers report posted for the month were \$24,000, but the expenses disbursed from the payroll checking account were \$57,000. She wants to know if that discrepancy of \$33,000 could be explained. If you just found all of the discrepancies wouldn't the \$33,000 be part of that? FY12 budget on the website you have revenues of \$962,662 but expenses of \$932,662 which is a difference of \$30,000. But your budget says you have a difference of \$0, so there's \$30,000 in revenue missing from your budget. This was approved June 20th & reflects on monthly treasurers reports. If Town Hall has 3 fulltime employees at all times then why is Town Hall not open all day on

Monday's? Did not see this in City News was this announced? She agrees with the need of a police officer. Now that she works for another municipality she realizes how others put ours to shame with the amount of entitlements and pay that other cities give their officers. But what is going to happen with the money that was left over according to the auditor. Why can't you use that? What happened to the surplus from 2011, why can't we use that to hire officers?

John Martin – 212 Washington Street – To follow up he thinks our Police Department does an excellent job with the very limited resources they have. He would encourage the city administration, Mayor & Council to look at every way possible to reprioritize the budget because they are obviously in need of help. The Pilot Program revenue increased this year as well as a one-time transfer tax increase. He encourages everyone to look long and hard on a way to get our Police Department help.

Albert Schrack – Lot 66 DCMHP – Concerned about events for the "city" in what way do they truly benefit the city? Are these events bringing money to the city? Repeatedly asks about storm drain in DCMHP and gets each month gets told there's no money in the budget. Now we need police and it's not in the budget. Why are we spending time, energy and effort on promoting downtown when we have other issues to be addressed? The City, Mayor & Council need to focus on some of the higher priorities in the city rather than businesses. He has a question for City Manager Cathcart about the restoration of the cemetery. What kind of access are they asking for to get there? The clean up, fence and gate repair of the storm drain is still an issue. Is there anyway to get somebody thru the Juvenile Court, Community Service or Work Release to at least clean out the drain and fix the fence & gate? Fort DuPont's annexation, will there be any open space restrictions? At what point do the residents have a say in what happens down there in respect to development and/or annexation? Has work begun on the C&D Canal Project yet? What vehicles are traveling thru DCMHP? Lastly, the re-branding meetings were held in short notice to the public had he not drove out of town he would have never seen the signs.

Wally Poppe – Delaware City Fire Company – He is happy to announce that they will have a microphone at the podium by the next Mayor & Council meeting. He does not live in town, but he grew up here, serves this town and considers himself a part of the town. He admits when he was asked to be a part of the Canal Day calendar he was a little apprehensive but for what its worth and what was done, he's looking forward to being in the next one. You cannot please everyone, as he knows from the firehouse but this is something that was done for the town.

Tim Konkus – 302 Canal Street – He would like to say how delightful it is to be here and hear the City Manager answer questions. He thinks it's wonderful that the City Manager held Neil/Piranha Sports accountable and that full payment was received. Now we can fix some of the deficiencies at the Community Center. Also Mr. Cathcart having an open budget meeting so the former City Treasurer can attend and enlighten us on how they did things. Finally every event we have in town helps it. Right now there is a \$50,000 liability that we pay every year, Sterling's Building. By bringing outsiders into town for events gives us a chance for potential buyers. If we get rid of that it would provide needed funds for additional Police Officers.

OLD BUSINESS

Councilmember Graham made a motion to move the Mayor & Council Meetings to the Community Center and when necessary held at Town Hall. Councilmember Barrett seconded the motion for discussion. Discussion followed. A roll call vote was taken, Councilmember Barrett – aye, Graham – aye, Johnson – nay, Sullivan – nay, Doebley – nay, motion did not carry.

COUNCIL COMMENTS

No comments at this time.

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 10:25PM.

Respectfully submitted,
Michelle Hartman
City Secretary