

"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
January 23, 2012**

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 Council Members Barrett, 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.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Councilmember Barrett made a motion to approve the minutes of the December 19, 2011 Mayor and Council meeting. Councilmember Graham seconded the motion. A roll call vote was taken, all ayes, motion carried.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Gwynn has the November and December Treasurers Report. Discussion followed. Vince Barbone – Haggerty & Haggerty – Spoke on Dawn's behalf stating they have been working closely to reconcile the accounts. He feels there is nothing to be concerned about this is partly due to the transition and learning the software. Also City Treasurer Gwynn noted Kevin Swed is no longer working at the Delaware City Library. As of January 1, 2012 the City has taken over the operations for the Community Center including payroll and managing expenses. Discussion followed. Councilmember Barrett made a motion for Mayor and Council to receive the Treasurers Report at least one week prior to the Mayor and Council meetings for review. Councilmember Graham seconded the motion for discussion. Discussion followed. Councilmember Barrett amended the previous motion for Mayor and Council to receive the Treasurers Report on the Wednesday before the Mayor and Council meetings for review. Councilmember Graham seconded the motion to amend. A roll call vote was taken, all ayes, motion carried. Councilmember Johnson made a motion to approve the November, 2011 Treasurers Report subject to audit. Councilmember Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried. Councilmember Graham made a motion to approve the December, 2011 Treasurers Report subject to audit.

Councilmember Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

OLD BUSINESS

Lee Ann Walling of DNREC gave a presentation to give an update on the redevelopment of The Governor Bacon (Fort DuPont) Site Development Project. Discussion followed.

Brian Yerger of AERCA gave a brief Presentation on the Solar PPA RFP Results and Recommendations. He described the two types of bids that were requested and the differences between the two. Brian provided their recommendations for the vendor, bid option and steps to follow. Discussion followed. Councilmember Johnson made a motion to approve the recommendations of the Solar Consultants and award the solar contract to Solar City and to give City Manager Cathcart the authority to sign the Power Purchase Agreement (PPA). Councilmember Sullivan seconded the motion. A roll call vote was taken, all ayes, motion passed.

POLICE REPORT

Police Chief Tjaden reported the statistics for the period from 12/19/2011 to 1/23/2012. He also reported the following.

- We responded to and investigated a Heroin overdose and death.
- We responded to and assisted New Castle County Police with an attempted overdose suicide.
- Chief Tjaden went to Fort Meade to pick up several items for the Police Department via LESO.
- We received a call today that we were awarded a Humvee with 12,000 miles and in good shape from LESO for the cost of shipping (\$300)
- Chief Tjaden reported for Jury Duty two days last week.
- There were several arrests in the Delaware City Mobile Home Park for outstanding warrants. We also found that the suspects were renting rooms from trailer owners.
- Two of our Seasonal Officers chased a wanted suspect on foot. The suspect was apprehended by the officers, one received cuts to the hand from a struggle that ensued.
- Chief Tjaden attended the Delaware Police Chiefs Meeting.
- Chief Tjaden, City Clerk/Treasurer Gwynn and City Secretary Hartman met with CJC Monitor on monitoring the Community Court Program.
- As of 5PM today the two Seasonal Officers were released from duty due to the Grant Funding ran out.

Discussion followed.

CITY SOLICITOR'S REPORT

City Solicitor was not in attendance.

CITY MANAGER'S REPORT

- Met with Phillip Franks, one of the architects/engineers that helped design the structural improvements to the Sterling Building. Discussed barriers to getting the building occupied and various options. He will be offering ideas after discussions with his contact at DelDOT.
- Opened the Phase II Solar Project bids on December 22, 2011 with four bids received. A report on the project will follow.

- On December 28, 2011 met with a State Fire Marshal and accompanied him in his inspection of the Community Center. We received 6 minor compliance violations that we are in the process of correcting. All issue should be resolved by Tuesday. The re-inspection is scheduled for January 30, 2012.
- Had another meeting with Wally Poppe, President of the Delaware City Fire Company. This is an ongoing effort to maintain a good working relationship between the City and the fire Company. Discussed various issues and agreed to a path forward.
- Met with Catherine Cruz-Ortiz from the University Of Delaware Center for Energy and Environmental Policy and Sarah Bucic from the DCEC, about partnering on an EPA Urban Waters Grant with the U of D. It was agreed we would move forward with the grant request due the end of January.
- Attended the Main Street Businesses meeting sponsor by Sen. Coons at Town Hall. The meeting was held with about 8 Delaware City business owners invited by Sen. Coons. A general discussion followed about the challenges small business owners are faced with in our current economy.
- Met with the Friends of the AUC Cemetery Group and URS Engineering to review the scope of work for the restoration of the Cemetery. URS will now prepare a site plan and a rendering of the finished project.
- Met with Tim Kelly of the Army Corp of Engineers and DelDOT representatives for a briefing on the closing of the Reedy Point Bridge for repairs and painting. The closing is scheduled for April of 2012 and will re-open October of 2012. Also, had a preliminary discussion about the drawbridge crossing the Branch Canal and requested a report on its condition. Requested that the Army Corp consider making the bridge operable again utilizing an automated operating system.
- Met with Tom Mattux about an expanded and enhanced "Hike Across Delaware" event this fall. They are looking at the possibility of adding a bike and run component to the event. We will have follow-up discussions.
- Attended the Delaware City Chemical Awareness and Emergency Response (CAER) committee quarterly meeting.
- Met with Jen Bruhler from the Delaware Center of Horticulture to discuss the existing EECEBG project to be completed this spring and the Tree Sale that will take place this March/April. Also, discussed other ideas including a community vegetable garden.
- Requested an opinion from our City Solicitor concerning the qualifications for filing for elective office. The central issue concerns the requirement that all taxes, assessments, fees, etc. are current to qualify to file and run for office.
All necessary engineering documents necessary to re-zone the property dedicated to the Solar Farm was delivered to Town Hall this afternoon. The re-zoning will accommodate the installation of the solar equipment.
- Met with Vince Barbone to discuss doing a six month audit (July 1, 2011 through December 31, 2011). I am concerned of some of the veiled accusations concerning our financial reporting in light of the problems we have had with the accounting system. It is my objective to give the Council and the public an undisputed reporting of the City finances and reflecting there are no issues or abnormalities in the accounting of City funds. Hopefully this will instill the confidence among council and residents that those currently responsible for the finances of this City are confident, competent and qualified to perform these duties. This midyear audit will not cost the City anything extra for the required annual audit. We are just doing half of it now.

- Submitted a grant request for \$14,000 for an EECBG project at the community center. This grant was awarded to us last week and will allow us to move forward on other energy saving initiatives.
- The curb replacements have been completed on Canal Street in the areas where the bump outs were removed.
- Reminder that the Capital Budget Workshop is scheduled for this Saturday starting at 9:00 AM. The workshop was posted to avoid any question about the open meeting laws. The session will probably last most of the afternoon.
- The City Solicitor completed the document necessary to allow the Philadelphia Police Department to borrow our police boat for a period of six months. The agreement is renewable for successive six month periods as needed.
- The City, Main Street Delaware City in cooperation with the Delaware College of Art and Design will be submitting an NEA grant request for \$100,000 to create an integrated series of art installations in the Community Park, Battery Park and the Promenade. This is a match grant that we should be positioned to provide the match through in-kind services and leveraging other grants.

Other Issues:

As a follow up to Citizens Comments/Questions from Last Mayor and Council Meeting:

- 1) The August Treasurers report on the City website showed salaries posted \$24,000, but the expenses distributed for payroll checking account were \$57,000 for a difference of \$33,000. Due to system problems when the reconciliation report for August was printed the \$57,000 shown also included September and October's payroll. The actual amount of the August payroll is \$24,000, there is no discrepancy.
- 2) The FY12 budget posted on the City website shows revenues of \$962,662 and expenses of \$932,662 with a difference of \$30,000 in missing revenue. The explanation for this simply a typo. The correct revenue amount is \$932,662, the approved amount when the budget was adopted. The typo has since been corrected and posted.
- 3) There is much discussion of adding another fulltime Police Officer. It was also discussed to utilize the surplus to fund this position. As promised I looked into the need for another officer to report back to you in January. It does not make good sense to use a one time surplus to fund an ongoing position. Over the course of the month I have requested a wide range of data from the Chief. Some of the data was available and provided. However, much of the data and statistics were not and are not available. All of this information is needed as a basis to support and justify the need for an additional officer. It is not acceptable to merely say we need another officer without some form of statistical data to support that. Without that proof I am not comfortable making that decision. One of the benefits from this exercise is that I learned that this is an area of the Police Department that needs immediate improvement. The absence of appropriate data makes it difficult to properly manage the operation and use of officers efficiently, through no fault of Chief Tjaden. The ability to collect and sort the data and then apply that as a management tool is not available to our department. As many small municipal departments, we operate on mostly used systems, hand me down equipment, used vehicles, and a lot of favors, without such we probably would not have a police department. There are core needs of our department that will need to be met and require Council to commit to acquire and secure. Therefore it is my recommendation to bring in an independent consultant to perform a non-biased evaluation of the department, its operations, officers, its needs and our resources. Including staffing at appropriate levels and

then to provide a detailed report with recommendations. In talking with the consultant he has agreed to do this for \$2,500 and he will be available in just a few weeks. I have included the consultants resume for Council to review. As you will see he specializes in Higher Education Police Departments. I feel this is a perfect fit because typically university police departments are very small and face the same challenges we and other small municipal departments face. This consultant has provided services to Delaware State University on several occasions and comes highly recommended. The funding of the service will not impact the budget and will come from additional revenue sources not available when the budget was adopted.

Discussion followed. Councilmember Sullivan made a motion to give the City Manager the authority to engage in getting a consultant to conduct an evaluation of the police department without the cost exceeding the amount of \$2,500. Councilmember Doebley seconded the motion. A roll call vote was taken, Barrett – aye, Graham – nay, Johnson – aye, Sullivan – aye, Doebley – aye, motion carried.

The Philadelphia Police Department would like us to loan them our police boat. We turned this over to the City Solicitor to comprise an agreement for a term of six months. Chief Tjaden stated they will maintain, insure and fuel the boat. Discussion followed. Councilmember Doebley made a motion to allow City Manager Cathcart the authority to enter into an agreement with the Philadelphia Police Department for the loan of the Delaware City Police Boat under the terms and conditions as prepared by the City Solicitor. Councilmember Graham seconded the motion. A roll call vote was taken, all ayes, motion carried. Discussion followed.

APPOINTMENTS, ANNOUNCEMENTS AND COMMUNICATIONS

Honorable Mayor Buchheit requested that the following people be appointed to the 2012 Election Board: Germaine Smith-Lewis, Sandra Malinowski, and Maureen Murphy. Councilmember Sullivan made a motion to appoint Germaine Smith-Lewis, Sandra Malinowski, and Maureen Murphy to the 2012 Election Board. Councilmember Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

Honorable Mayor Buchheit requested that the following be appointed as Election Officers for the 2012 election: Virginia Monroe, Jean Bonner, Connie Howard and Luke Howard. Councilmember Sullivan made the motion to appoint these residents as Election Officers for the 2012 election. Councilmember Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried.

Deb Sellers – Library Board President would like to introduce the new Librarian Sheila Mikkelson. There will be an official Meet and Greet on February 9, 2012 at 7PM.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Mark Chura – Would like to thank all the members of Mayor and Council, and City Manager Cathcart for being a part of the Re-branding project. They are still working thru some details with the consultant and hope to bring something to next Council meeting. There is a meeting next month with the board to go over final recommendations. We have a meeting with other Main Street towns on Thursday focusing on the rebranding of all the other towns that participated in this process. They had a Main Street Delaware Meeting last Tuesday in Newark. City Manager mentioned

the Our Town Grant they are excited for that. The other grant we submitted for we partnered with DNREC for \$300,000 for the Scenic By-way for planning & design work. Dale & I have talked with members of the board and they would like to establish much more of an onsite presence in town. If there is room in the Community Center they would be glad to work something out. Discussion followed.

Board of Health – Jennifer Sullivan – There was not a quorum therefore there was no meeting this month.

Delaware City Fire Company – Wally Poppe – At the Awards Banquet January 7th, Vice Mayor and Assistant Chief Paul Johnson was recognized for a life saving Heimlich maneuver on his boss. They bestowed the highest recognition award the Chief Arthur B. Hope Memorial Firefighter of the Year to Paul. Tonight is the Buffalo Wild Wings fundraiser on Route 40 until midnight. This Saturday night is the 2nd Annual Comedy Event. Also on Saturday from 9AM until whenever we are having a 125th Anniversary Fundraiser Carwash and Food Drive. I have been playing phone tag with Jen Bruhler of Delaware Center for Horticulture to set something up for the tree sale in the parking lot. We do have some more fundraisers coming up since we had such great success with Breakfast with Santa, we will be doing one for Fathers Day, Mothers Day and the Easter Bunny. These are all ran by our Cadet Program so if you know someone 14-18yrs old looking for a good program to get into send them to our website.

Delaware City Day Committee – Dick Cathcart – They had a meeting last month, they are well on their way to getting things organized. He is still concerned about volunteers. The fireworks company that we had last year has been contracted for this year. Letters to vendors will be going out soon. Discussion followed.

Mayors' Ball – Honorable Mayor Buchheit – The ball is being held on February 24th, so far we have raised over \$20,000 and tickets are selling online quickly. Also I was made aware today that I can officiate marriages and civil unions so if anyone is interested please let me know.

CITIZEN'S COMMENTS

Mike Hendry – 400 Clinton Street – Wanted to talk about the police consultant. His father was an officer and he is very supportive of the police department. He is very involved in technology and reads a lot about technology and what they are doing with computer data analysis, etc. If the consultant comes back and says we need new technology he would like to volunteer his services to help in anyway he can.

NEW BUSINESS

Certification of FY12 3rd Quarter Supplemental Tax – Per the Charter this must be approved by Mayor and Council on a quarterly basis. Councilmember Johnson made a motion to approve the FY12 3rd Quarter Supplemental Tax. Councilmember Sullivan seconded the motion. A roll call vote was taken, all ayes, motion passed.

COUNCIL COMMENTS

Honorable Mayor Buchheit would like to remind everyone that there are three council seats up for elections. You may pick up your election packet in Town Hall.

Councilmember Sullivan had a question for City Manager Cathcart regarding an email she had sent him a couple weeks ago regarding Chapter 50 of the Code on page 5000:

50.3 & 50.4 in reference to the Delaware City Mobile Home Park, where it states that a fee of \$6.00/month, every three months is supposed to be being paid. It has been on the books since the 1960's if we are not doing anything with it how do we get it off the books? City Manager Cathcart responded by an ordinance. First you have to introduce the ordinance, have a hearing on it, then following the vote whether it was accepted or rejected decide what to do. Council has two options to either start enforcing it or get it off the books. Discussion followed.

Councilmember Sullivan asked City Manager Cathcart about our Emergency Management Plan, Code Chapter 28: 28.3 and 28.4. Who is our director of Civil Defense and who are the deputies? By the Charter and Code we should have in place and Advisory Council, and Assistant Deputy of Defense. City Manager Cathcart responded the plan that is in place right now is for the town to coordinate with the fire company. 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 10:35PM.

Respectfully submitted,
Michelle Hartman
City Secretary