

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

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**CITY OF DELAWARE CITY
REGULAR MAYOR AND COUNCIL MEETING
APRIL 9, 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, Graham, Johnson, Sullivan and Doebley. Also present were City Manager Cathcart, City Treasurer Hartman and City Secretary Gwynn.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Honorable Mayor Buchheit led the Pledge of Allegiance.

ACTION UPON TREASURER'S REPORT OF THE PREVIOUS MONTH

Former City Treasurer Gwynn presented the Treasurer's Report for the month of March 2012. Discussion followed regarding the City Treasurer/City Secretary transition. *Council Member Johnson made a motion to approve the March 2012 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

Council Member Barrett made a motion to approve the minutes of the March 19, 2012 regular Mayor and Council Meeting. Council Member Graham seconded the motion. A vote was taken, all ayes, motion carried. Mayor Buchheit thanked Vice Mayor Johnson for conducting that meeting.

COMMENTS

City Manager Cathcart informed the Mayor and Council that they needed to set a date for a Special Mayor and Council Meeting the first week of May. The purpose is for the Mayor and Council to certify the annual tax rolls. Discussion followed. It was determined that the meeting date would be May 1, 2012 at 7:00 P. M. at Town Hall.

RECESS

Council Member Doebley made a motion to recess the meeting until 7:30 PM on April 10, 2012. The meeting will be reconvened at the Community Center in the gym. Council Member Sullivan seconded the motion. A vote was taken, all ayes, motion carried. The meeting was recessed at 7:37 PM.

RECONVENED MAYOR AND COUNCIL MEETING APRIL 10, 2012

The Honorable Mayor Buchheit reconvened the April 9, 2012, Mayor and Council Meeting at 7:30 pm. Present were Council Members Barrett, Johnson and Sullivan. Also present were City Manager Cathcart, City Secretary Gwynn, City Treasurer Hartman, Police Chief Tjaden and City Solicitor Walton.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Honorable Mayor Buchheit led the Pledge of Allegiance. He also asked for a moment of silence in memory of Kathy Clifton's mother, and former resident Marvin Albert.

CERTIFICATION OF THE ELECTION

Mayor Buchheit announced that there were a total of 264 voters, with the votes distributed as follows: Betty Barrett – 204 votes, Paul Johnson – 206 votes, Megan Titus – 142 votes and Ron Graham – 122 votes. William Miller was the chairperson of the Election Board. The other board members were Pauline Mutchka and Miqui Beaston.

SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS

Mayor Buchheit said he had a certificate of appreciation for Council Member Ronald Graham, who was unable to attend. The mayor said he would make sure the council member received it.

Mayor Buchheit swore in Betty Barrett for a two year term.

Mayor Buchheit swore in Megan Titus for a two year term.

Mayor Buchheit swore in Paul H. Johnson, Sr. for a two year term.

ELECTION AND SWEARING IN OF THE VICE-MAYOR

Council Member Barrett nominated Council Member Johnson to serve as Vice Mayor. Council Member Sullivan seconded the nomination. A roll call vote was taken, all ayes. Council Member Johnson was elected to be the new Vice Mayor. Mayor Buchheit swore in Council Member Paul H. Johnson, Sr. as the new Vice Mayor.

POLICE REPORT

Police Chief Tjaden reported the statistics for the month and the following:

- Attended a Radiological exercise with DEMA at New Castle County Police Headquarters.
- Executed a search warrant for Lot 64 in the Delaware City Mobile Home Park. Arrested a defendant who was already on probation for delivery of heroin. Took three bundles of heroin from his car, along with other drugs and cash. He was committed to Gander Hill on \$45000 cash bail.
- Received a call from the American Heart and Lung Association, asking the City to participate in the No Smoking in the Parks campaign. They would award \$10,000 to the City to pay for seasonal officers to beef up the program. Discussion followed regarding the possibility of extending this to the 7th Street Park and the difference between a seasonal officer and a regular police officer. Additional discussion followed about what would be required to make 7th Street Park smoke-free. It was determined that Council would need to approve that action.
- Received reports that several unlocked cars were entered and tools, wallets, change and copper wiring were stolen. One attest was made, but no property was recovered.
- Met with City Manager Cathcart and City Treasurer Hartman to work on a \$20,000 grant to beef up the Community Court. This grant would pay for additional seasonal officers, extend the time for the Community Court and permit the City to work with the Police Athletic League at the Community Center.
- Had several meetings with other small police agencies to work on getting the agencies accredited. Once completed, all small police company polices would be the same. It should take about a year and a half to accomplish.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- Conducted two internal Operating Budget meetings and has two additional meetings scheduled to finalize a proposed budget. The proposed budget will establish the basis of the Budget Workshop scheduled for April 27th.

- Received a Delaware Preservation Fund, Inc. grant for \$1000 to do window and roof repairs at the Sash Shop. (Old Waterworks Building)
- Met with Marcia Fox from State Forestry to do a final review of the trees to be removed from Canal Street, as had been originally planned last fall. She is concerned about the survivability of the trees due to the early spring and hot summer that has been predicted.
- Met with Linda Barkowski, of the Delaware Tourism Office, to discuss ideas on how to minimize the impact on tourism created by the closing of the Reedy Point Bridge this summer. Did a public information video, along with the mayor, informing tourists and visitors that Delaware City is alive and well and open for business.
- Joined the Mayor, Vice Mayor and Police Chief for a meeting with County Executive Paul Clark and the Chief of the NCC Police Department. Discussed some issues and assistance the City could get from New Castle County, including grant opportunities, support for the library, home repair assistance for some of our low income home owners and other general topics.
- Gave notice to the operator of the day care that she needed to be out by the end of the month. The City Solicitor filed an Order of Possession last week. Met with potential renters who now operate three day care centers. They are very interested in taking over that space. Discussion followed about the \$6000 in back rent owed by the day care. City Manager Cathcart explained that the rental delinquencies occurred when the Library was overseeing the Community Center. The City was not made aware of it until the librarian resigned and the City assumed the day to day operations of the Community Center. Additional discussion occurred.
- Attempted to contact the operator of the fitness center and was able to locate him with assistance of Chief Tjaden. Will turn this information over to the City Solicitor in order to resolve his delinquent rent.
- Received notification that the Police Athletic League (PAL) board of directors met on April 9th and that they voted unanimously to open a PAL center at the Delaware City Community Center. This will be part of the Community Court grant, as juvenile offenders will be sent to the PAL Center "PALdemics" which provides tutors to assist with school work. Discussion followed about the future PAL Center.
- Submitted a COPS grant application on March 21, 2012.

CITY SOLICITOR'S REPORT

City Solicitor Walton thanked the Mayor and Council for asking him to attend the meeting and reported the following:

- Received a complaint that was filed with respect to the Board of Elections, for which a hearing would have to be held. Looked at it briefly and determined that the City would need to appoint Counsel for the Board as he would need to represent the City at that adverse hearing. He asked the Mayor and Council to authorize the City Manager to hire special counsel to represent the Board of Elections. City Manager Cathcart explained that there were actually two complaints filed. Discussion followed regarding the complaints and why it was necessary to hire additional counsel for the Board. *Council Member Sullivan made a motion to authorize the City Manager to hire Counsel to represent the Board of Election.* Discussion followed regarding the cost of Counsel and a stenographer. City Solicitor Walton explained the hearing process. *Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.*

APPOINTMENTS, ANNOUNCEMENTS AND COMMUNICATIONS

The Honorable Mayor Buchheit explained that there were two resignations from the Board of Elections during the week prior to Election Day. With the assistance of Council Members Barrett and Sullivan and Assistant City Clerk Clifton, the positions were filled. William Miller and Pauline Mutchka accepted the responsibility, even though they needed to attend training on Friday, work at the polling place all day on Election Day and be prepared to work all day Wednesday to certify the election. The Honorable Mayor Buchheit thanked them for serving. He explained that the appointments were done on short notice, not allowing sufficient time to post an emergency meeting of Mayor and Council. Therefore, he asked the Council Members to confirm their appointments retroactive to the Thursday before the election. *Council Member Sullivan made a motion to appoint William Miller and Pauline Mutchka to the Board of Elections retroactive to March 29, 2012. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.* Council Member Barrett asked if it was legal to appoint the board members after the fact. City Solicitor Walton said that it would eventually need to be addressed by the Board of Elections, but it was legal.

The Honorable Mayor Buchheit read an Arbor Day Proclamation and named April 27, 2012 as Arbor Day to be celebrated in Delaware City.

CITIZEN'S COMMENTS

Ray Fruytier, 909 Fifth Street, questioned the complaints about the Delaware City election. He asked the purpose of the complaints and what would they change.

Rita Marocco, 133 Adams Street, expressed her thoughts that the City needs to get the election procedures right. She said she didn't understand why the City

Solicitor could not represent the Board of Election and compared it to the procedures that were followed by the previous City Solicitor. Ms. Marocco questioned the legality of a complaint, filed by former Mayor Martin that was not notarized. Discussion followed. Ms. Marocco explained the reason for her complaint. She added that she didn't have a need for a public hearing if the Mayor and Council and the Board of Election would provide direction and a promise to formally sit down and work out how our elections should run in Delaware City. Ms. Marocco asked for a roll call for attendance on a monthly basis.

Andy Titus, 515 Clinton Street, said that no one should go to the poling place with their driver's license, yet refuse to give it as proof of identity and turn around and file a complaint.

Kerry Rhoades, 124 Clinton Street, asked where things stand with the brown signs for Route 1. City Manager Cathcart replied that Ms. Bartkowski of the Delaware Tourism Office agreed to assist the City in applying for this. City Manager Cathcart was unable to give a completion date as the application process was just beginning. Mr. Rhoades said the trees in the town look beautiful but he would like to see a tree in the big planter at Town Hall. Mayor Buchheit said the tree has been ordered.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Dale Slotter, former president, thanked everyone for the support given to Main Street. He said he had stepped down as president after having served for three years. He felt the organization has come a long way and would benefit from the involvement of new people. He added that Main Street is in good hands with Mark Chura and Jackie Nye who is serving as the interim president of Main Street.

Delaware City Day Committee – Chairperson Richard Cathcart said things are progressing quite well. The company that did the fireworks last year has been hired to do the fireworks again this year. Look forward to another spectacular year.

Planning Commission – The Planning Commission meeting was cancelled as there was no quorum. The Honorable Mayor Buchheit said there is an opening on the Planning Commission. He asked for interested parties to contact him or any Council Members.

Board of Health – The Next meeting will be held on 6/11/2012 at 7:00 in Town Hall.

Happy Joker Poker Run – Mayor Buchheit reported that this would be held on June 2nd to benefit the American Lung Association. There will be all day activity

in the park, vendors and family friendly entertainment. Clinton Street will be closed. The Corvette Club will also be in the park that day. He also announced they are looking for vendors.

Charter Committee – Council Member Johnson reported that the Charter Committee had completed the revisions to the City Charter. This is the first revision since implementation in 1978. The next step is to send it to the City Solicitor. City Solicitor Walton said he would like to meet with the Charter Committee to discuss the changes. He said it would not get to the General Assembly this year. Chairperson Johnson thanked the committee members, Michael Doebley, Deb Sellers and Bill Miller for their dedication and hard work.

OLD BUSINESS

Approval of the Letter of Intent (LOI) from Solar City for the Solar Farm project
City Manager Cathcart explained the project hinges upon the selected vendor getting a bid in through the Solar Renewable Energy Credit (SREC) auction which closes Friday, April 13, 2012. From the vendor's perspective, he must spend \$50,000 to bid. Then if City decides not to do the project, the vendor has lost \$50,000. Our vendor asked the City to sign a LOI to prevent this. City Manager Cathcart received the LOI at the last minute and sent to the City's solar consultants. He received their review this morning, which he sent to City Solicitor Walton. There was no eight hour window to add an item to the addenda, thus the language on the agenda. City Manager Cathcart asked for the approval of Council to sign the LOI so the vendor can submit their bid on Thursday. Council has already approved this project, but this is a different legal document. Council Member Johnson asked for an approximate project completion date. Award notices will be available to the public by mid May. The City changed the LOI from 30 days to negotiate, to 60 days to negotiate. The solar farm should be up and running by end of the year. *Council Member Johnson made a motion authorizing the City Manager to sign the Letter of Intent from Solar City for the solar farm project. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

NEW BUSINESS

Introduction and First Reading of Ordinance 12-0410-01 relating to Capital Budget and Reserve Fund

City Manager Cathcart gave a brief review of how this would impact the City finances. He reminded the Mayor and Council that this had been discussed at the Capital Budget Workshop when the Mayor and Council had talked about establishing a Reserve Fund for Operating Budget and a Capital Fund for Capital projects. This resolution establishes these two funds. It also puts in place a 95% spending limit on revenues. In other words, the City would only spend 95% of the revenues received in the operating budget. The remaining 5% would go to the Capital Fund. In addition any surplus and/or any "one-time" money received,

such as that received from the sale of Dr. Burdick's office and the Real Estate Transfer Tax from the sale of the Refinery, would go to a general fund reserve fund which is capped at ½ million dollars. The City has no reserve fund at this time. To spend money from the Reserve Fund, it would require a 4/5 vote of the Council. To raise the cap from 1/2 million to a higher number, it would also require a 4/5 vote. Council Member Johnson said he is a huge supporter of this but questioned Section 9-2d to confirm the Mayor and Council would still be authorized to move money around in emergencies without changing the ordinance. City Manager Cathcart said that was correct. He requested that the balances in the Reserve Fund and the Capital Fund be reflected in the monthly Treasurer's Report. Council Member Titus questioned where the budget fund would be kept.

Crown Electric Company (cell tower) Lease Extension

City Manager Cathcart gave a brief review of the work he had done previously when the lease was renewed. He negotiated a one time payment of \$35000 and negotiated a revenue share of 50% which was up from the previous 40% revenue share. In addition, the lease renewal allowed the lessee to expand the area they are currently renting by 400 square feet with an expiration date of 2/28/2025. After that date, they would no longer have that option. When the contract was reviewed by City Solicitor Walton, he added the requirement to provide an affidavit annually, upon request, showing the revenue they've received. He also added that the City of Delaware City would need to agree to the area of expansion, if Crown Electric should choose to expand. If they expand, the City would receive additional rent. City Manager Cathcart asked the Mayor and Council for authorization to sign that contract. *Council Member Johnson made a motion to authorize City Manager Cathcart to sign the contract with Crown Electric Company. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

COUNCIL ROLL CALL

Roll Call was taken of the Council Members as follows: Barrett – present, Titus – present, Johnson – present, Sullivan – present and Doebley – absent.

COUNCIL COMMENTS

Council Member Barrett said she had been contacted by Walter Wisowaty who asked to have the Ghost Hunters placed on the agenda for May.

Council Member Johnson thanked the residents for voting for him and thanked the other council members for reelecting him as Vice Mayor.

Council Member Titus thanked the residents who voted for her also.

Council Member Barrett said she has a "Thank you" sign in her window.

ADJOURNMENT

Council Member Barrett made a motion to adjourn the meeting. Council Member Sullivan seconded the motion. A vote was taken, all ayes, motion passed. The meeting was adjourned at 8:45 pm.

Respectfully submitted,

Dawn K. Gwynn
City Secretary