

*"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, BOARD OF APPEALS &  
MAYOR AND COUNCIL MEETING  
MAY 21, 2012**

**CALL TO ORDER – BOARD OF APPEALS- FY13 ANNUAL ASSESSMENT**

The Honorable Mayor Buchheit called to order the Board of Appeals for the FY13 Annual Assessment at 7:05 pm. Those in attendance were Council Members Johnson, Barrett, Titus, Sullivan and Doebley. Also in attendance were City Manager Cathcart, City Treasurer Hartman, Assistant City Clerk Clifton and City Secretary Gwynn.

**INVOCATION & PLEDGE OF ALLEGIANCE**

The Honorable Mayor Buchheit led the Pledge of Allegiance.

**BOARD OF APPEALS**

The Mayor asked if there was anyone present to appeal their property assessment for Fiscal Year 13. There were no responses. The Honorable Mayor Buchheit recessed the Board of Appeals until such time as someone came forward to appeal their property assessment or until 9:08 pm. The Board of Appeals was recessed at 7:07pm.

**CALL TO ORDER – PUBLIC HEARING – Ordinance 12-0410-01 relating to Capital Budget & Reserve Fund and Draft Budget FY13**

The Honorable Mayor Buchheit called to order the Public Hearing. City Manager Cathcart reported that the FY13 Budget was presented at the Budget Workshop and changes that were recommended by the Mayor and Council were

incorporated into the final draft. He added that the Mayor and Council reached a consensus at the workshop. The City Manager summarized the ordinance which would create a Reserve Account and a Capital Reserve Fund. It would allow for the establishment of a 95% spending cap of all revenues with the remaining 5% going to the Capital Fund. The Reserve Account would be funded with any surpluses left from any given fiscal year and capped at \$500,000. Questions from the Council Members and discussion followed regarding various budget line items.

There were no questions from the public regarding the Capital Budget & Reserve Fund. There were no questions or comments from the public regarding the FY13 Budget. Council Member Barrett said she would email any concerns to the City Manager. City Manager Cathcart asked if there were any changes made to the FY13 Budget, would it be necessary to hold an additional public hearing.

#### **ADJOURNMENT OF PUBLIC HEARING**

Council Member Sullivan made a motion to recess the public hearing. Council Member Doebley seconded the motion. A vote was taken, all ayes, motion carried. The public hearing was adjourned at 7:23.

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

The Honorable Mayor Buchheit called to order the Mayor and Council meeting at 7:30 pm. Those in attendance were Council Members Johnson, Barrett, Titus, Sullivan, and Doebley. Also in attendance were City Manager Cathcart, City Treasurer Hartman, Assistant City Clerk Clifton and City Secretary Gwynn.

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

The Honorable Mayor Buchheit led the Pledge of Allegiance and called for a moment of silence for former Mayor Dee Bennett who is in a nursing home in Elkton.

#### **ATTENDANCE ROLL CALL**

The Honorable Mayor Buchheit called roll, with all Council Members present.

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

##### April 9, 2012 Regular Mayor and Council Meeting Minutes

Council Member Sullivan made a motion to approve the April 9, 2012 minutes as written. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.

### May 1, 2012 Special Mayor and Council Meeting Minutes

Council Member Barrett made a motion to approve the minutes from the May 1, 2012 meeting. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

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

City Treasurer Hartman presented the April 2012 Treasurer's Report. The City Treasurer reported that she still needed to reconcile the General Fund checking account and the Artesian Water Account. The payroll account, Citizen's Bank account and the Municipal Street Aid Fund account are all reconciled. She added that there is a problem in the system that she will work with the LLB Group to get resolved. Discussion followed. City Manager Cathcart said the City would end the year with a surplus. Questions followed regarding various line items. Council Member Johnson made a motion to approve the Treasurer's Report subject to audit. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

### **POLICE REPORT**

Police Chief Tjaden reported the police statistics for the preceding month, from 4/11/2012 to 5/20/2012, with a total of 88 complaints for the month, with 77 arrests. He also reported the following:

- Located a vehicle that had been reported due to unauthorized use of vehicle. Found the vehicle on Route 13 where the driver was attempting suicide. The police kicked door in and saved him.
- Received report of a burglary in Harbor Estates and made 6 arrests for burglary, theft and conspiracy.
- Drug Take Back Program was successful with a total of 260 pounds of drugs turned in.
- Received a report of a purse snatching on Town Wide Yard Sale Day.
- Investigating a child pornography case.
- Received a \$10,000 grant from the American Heart and Lung Association. The Chief introduced Mallory Tessein, the new seasonal officer who was hired as a result of the ALA grant. The Honorable Mayor Buchheit welcomed Mallory to Delaware City.
- Submitted a \$16,000 grant application to Criminal Justice Council. Council asked the status of the police accreditation program. Chief Tjaden said they are just in the beginning phase.

Discussion followed regarding the police boat. Council Member Doebley said Chester, PA had no marine resources at all and might be interested in the boat.

## **CITY SOLICITOR'S REPORT**

There was no City Solicitor's Report

## **CITY MANAGER'S REPORT**

City Manager Cathcart reported the following:

- Participated in the pre-bid meeting for the Branch Canal Project. Seven bids were received on April 26, 2012, with the apparent low bid at \$1.1 million. Secured DNREC permits and Army Corps of Engineers approval. The U. S. Fisheries has become involved which will slow down the process. They will visit the site on 6/29.
- Attended a meeting with the Mayor and the Reedy Point Players. Assured them that there was never any discussion about removing them from the Community Center. Acknowledged their value to the community and assured them the City wants them in the Community Center. Mentioned that the City may move them to another room and formalize the arrangement the City has with them in the form of a lease agreement.
- Conducted an Operating and Capital Budget Workshop of April 27<sup>th</sup> and finalized the FY13 Budget proposal which is being introduced tonight.
- Participated in a "walk around" Delaware City with Kevin Whittaker and Mark Chura from Main Street to discuss previous plans for the east end of Washington Street. Looked at various options for additional parking and the establishment of commercial property and new construction, utility easements, etc. Mr. Whittaker said the plans were drawn up in about 2005 regarding streetscapes, parking, moving utilities, etc. Discussion followed.
- Walked the Seawall with American Seaboard Company to view concerns about joints, seams and deteriorating concrete along the wall. Did receive a bid of \$5765 to do all repairs which is \$2875 below the budgeted amount for this work. Need approval to move forward with repairs after the adoption of the FY13 Budget in June. Would like to have approval tonight for scheduling purposes in order to have it completed before storm season. Discussion followed. American Seaboard is the sole caulker in Delaware. Can get an additional bid, but would miss the window of time that is best for the repairs to be completed. The work would begin around July 1<sup>st</sup>. Discussion followed. The City would need to do excavating to get to the bottom of the sea wall closer to Battery Park where it is bermed up around the area where the ferry is moored. There is deteriorated concrete where rebar is showing. They will patch, caulk and repair all cracks. Council Member Johnson made a motion to approve \$5765 out of the operating budget to repair the seawall. Council Member Doebly seconded the motion. A roll call vote was taken, all ayes, motion carried.
- Attended the Community Involvement Advisory Council meeting for the presentations requesting penalty funds for four separate projects endorsed by the City. The CIAC recommended funding as follows:
  - Delaware Center for Horticulture: Community Garden and Demonstration Gardens. Recommended funding of \$45,896

- Delaware City Environmental Coalition: Bucket Brigade and Industrial Collaboration. Recommended funding of \$51,880
- Main Street Delaware City: Ecological Restoration and Ecotourism Projects. Recommended funding of \$27,000 (Requested \$95,000). Has been formally appealed.
- Delaware Transit Authority: Rt. 25 Bus Route Extension. No recommendation for \$104,825.

City Manager Cathcart said none of these are City projects, but were endorsed by the City.

- Met with Representative Longhurst and Senator Connor concerning the continued funding of the Route 25 bus service to Delaware City and funding for street repairs. Received favorable responses on both issues.
- Attended Court hearing on the summary possession and debt collection of Shannon Augustine. Judge ruled favorably on both issues.
- Attended the Fort DuPont work group meeting for the selection of the finalist for the Fort DuPont redevelopment. Selected six firms from 22 submissions to interview the second week of June.
- Attended a Federal Grant Workshop at DSU sponsored by all three members of our congressional delegation.
- Attended all board and commission meetings scheduled and held this month.
- Successfully obtained the new "Formula Agreement" with the Delaware City Refinery that extends the agreement through year 2021-2022. Need permission to sign. City Assessor Tom Reynolds was in attendance and asked if there were any changes in the formula for future assessments. There were no changes to the formula for assessing the property value. The assessed value for the largest parcel is \$19,567,471, generating \$536,371 in revenue. This value changes annually with the CPI which the City Assessor calculates. The smaller parcel is assessed at \$125,000 which remains constant. Council Member Sullivan made a motion authorizing the City Manager to sign the "formula agreement" with Delaware City Refining, extending it through year 2021 – 2022. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.
- Confirmed by letter from Delaware City Refining that the PILOT Agreement was assigned to the refinery with the purchase of the refinery property. Discussion followed.
- The Deed for the solar farm property has been filed with the Recorder of Deeds. The City also filed a deed combining the "Ball Field" property and the new plot into one parcel.
- Received the letter from DELDOT that releases the City from the requirements to pay grant dollars back with the sale of Sterling's. This was granted under the condition that certain deed restrictions be attached to the deed in perpetuity that will protect the structural investment and the historic features of the building that was renovated with federal funds.

- Reviewed the Community Center Management Agreement with Mark Chura, Main Street Delaware City. The terms and conditions have been accepted by MSDC. A copy of the agreement was previously emailed to members of Council. Need permission to sign. City Manager Cathcart reminded the Council that the Library, under Kevin Swed, previously managed the Community Center. When Kevin was transferred, the management of the building was turned back to the City. The new agreement has additional responsibilities that will be assumed by Main Street DC, such as making sure that all available space is rented, overall management and oversight for indoor and outdoor spaces, including tenants leases, scheduling events and collecting fees, etc. They will create a facilities use agreement for events when someone wants to use the building or grounds, etc. Council Member Barrett asked to have this topic tabled. Council Member Johnson said there were numerous questions and they should be discussed at a special meeting or workshop. Council Member Barrett moved to table this topic. Council Member Titus seconded the motion. Council Member Johnson amended the motion to set up a workshop so Council could resolve any issues then hold a public hearing the following month. A roll call vote was taken, all ayes, motion carried.
- Met with Food Bank of Delaware concerning the Summer Food Service Program, which is federally funded and is administered by the Department of Education. The program helps at risk children receive proper nutrition throughout the summer. The Food Bank prepares and delivers free meals to qualified children across the state. The Food Bank has agreed to have the Delaware City Community Center as one of the distribution sites. The center will distribute two meals per day this summer. Will be meeting with PAL Delaware to coordinate the distribution through their program at the Community Center.

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

The Honorable Mayor Buchheit announced that he would like to appoint Jill Snow to the Planning Commission. Council Member Johnson made a motion to approve Jill Snow's appointment to the Planning Commission. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

The Honorable Mayor Buchheit announced that he would like to appoint Sandy Malinowski to the Tree Commission. Council Member Johnson made a motion to approve Sandy Malinowski's appointment to the Tree Commission. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.

The Honorable Mayor Buchheit announced that he would like to appoint Paul Lyons to the Tree Commission. Council Member Sullivan made a motion to approve Paul Lyons' appointment to the Tree Commission. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.

The Honorable Mayor Buchheit announced that, as a result of the Mayor's Ball he had a check to give to the State of Delaware for Fort Delaware in the amount of \$14,500. Laura Lee was present to accept the check. Mayor Buchheit informed Ms. Lee that a letter would be sent informing the State that the money should be used for marketing and promotion of the fort.

The Honorable Mayor Buchheit then awarded the City of Delaware City with a check in the amount of \$14,500 to be used for the Community Center. City Manager Cathcart was presented with that check.

The Mayor then announced that the Mayor's Ball would be held in Delaware City again next year on February 23, 2013 from 8:00 – 12:00.

Mayor Buchheit said Council Member Doebley had a question about an 888 number that is used for Delaware City Day. He said it is a number he and Dale Slotter pay for and it is used as an information number for the City. When asked, Council Member Doebley said he would ask questions when the City Solicitor was present.

Mayor Buchheit reported that he signed the Mayors for the Freedom to Marry statement today.

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

Main Street – Mark Chura announced that all the planters had been adopted. He listed the names of the people who adopted the planters and thanked them. He also thanked Kerry Rhoades for his fine work and Rita Marocco for making the project possible

Mark Chura reported that Main Street Delaware City is appealing the denial of funding from CIAC for the observation platform. Apparently the committee thought wetland permits were required when they are not. Support from the Mayor and Council would be valuable.

Mr. Chura gave an update on the branding. He distributed artwork showing the various designs and colors. Discussion followed.

Mr. Chura announced that Kevin Whittaker is the new president and Lisa Webster is the promotions chairperson of Main Street Delaware City. He thanked Dale Slotter and Beth Konkus for their years of service to Main Street.

Council Member Barrett thanked Mark Chura for working with City Manager Cathcart to get permission to sell the Sterling's building without repaying the grant.

Board of Health – There was no one present from the Board of Health. Mayor Buchheit asked the Board of Health to include the air monitoring studies as an agenda item at their next meeting.

Historic Preservation Commission – There was no one present from the Historic Preservation Commission.

Delaware City Environmental Coalition - Doris Grant reported that an air monitoring review took place last week. Sarah Bucic is trying to arrange a meeting with DNREC and the refinery. If anyone would like to attend they are welcome. Additional information can be obtained by going to [greendelcity.org](http://greendelcity.org).

Delaware City Day Committee – City Manager Cathcart reported that they are making progress. Kids' games and activities have been planned. They are now focusing on donations. Will discuss parking plans under New Business. The Honorable Mayor Buchheit and Dale Slotter gave the City a \$1000 check for Delaware City Day.

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

Herb Netsch, 212 Madison Street, commented on a basketball court on Monroe Street, on the town's property near the storm grate. He said when he left his house for the meeting, there were 15 kids there. He reported that the language is appalling. He said he would not even let his grandchildren go into the yard. The cars need to stop in the middle of the street because the kids won't stop their game to allow the cars to go past. Discussion followed regarding a defeated resolution that would have prevented this, that came before the Mayor and Council last year. Council Member Barrett made a motion for Chief Tjaden to pursue the New Castle County ordinance for the Mayor and Council. Council Member Titus seconded the motion. Chief Tjaden said he would see that the kids were moved and research the law. Discussion followed.

Mr. Netsch said he and City Manager Cathcart had been working on a drainage issue on Monroe Street concerning the failed sluice gate into the Dragon. Tidal water comes in under Monroe Street onto the Netsch property. He said the only thing to stop it would be to install a clapper valve, which would be greatly appreciated.

Senator Dori Connor – Welcomed Delaware City to the Connor Group, as the new senatorial and representative maps will become official on June 1, 2012. She has been coming to meetings here since last fall, as well as Fire Company events, DCEC meetings, Main Street meetings, etc. Senator Connor reported that she sits on the budget committee and has it on her agenda to have the Delaware City bus money restored. She then gave some insight into the basketball nets on the streets. She thanked the Mayor for allowing her to have time to speak and said she looks forward to working with Delaware City.

Mark Gland, 502 Clinton Street, reported a threatening phone call he received and wanted to make sure everyone was aware of it.

Ray Fruytier, 909 Fifth Street, said he would have liked seeing some Council Members at the air quality meeting. The public was there, the Mayor was there, but no Council Members. He thanked the City for keeping the sign at the ball field that asks riders to keep the noise down on their motorcycles and listing the speed limit as 25. He said it has been effective. He commended Officer Dave for traffic watches for speeding. He also commended City Manager Cathcart for doing a fine job. He asked the Council to have faith in him and not try to micro-manage him.

Dale Slotter, 210 Clinton Street, thanked Mark Chura for recognizing Beth Konkus and himself for their Main Street efforts. He stressed that he doesn't volunteer to receive recognition. However, he said he never expected to receive the level of disrespect he has received from Council Member Doebley on a repetitive basis. He said other volunteers have been treated in a similar fashion. Mr. Slotter said the City will lose good volunteers in the future due to this type of treatment. Council Member Doebley said there is more than one side to this story.

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

The Honorable Mayor Buchheit recessed the Mayor and Council Meeting at 9:05 PM.

#### **RECONVENE BOARD OF APPEALS – FY13 ANNUAL ASSESSMENT**

The Honorable Mayor Buchheit reconvened the Board of Appeals at 9:06 PM for the purpose of determining if anyone was in attendance to appeal a property assessment. There were no appeals.

#### **ADJOURN BOARD OF APPEALS**

Council Member Johnson made a motion to adjourn the Board of Appeals. Council Member Sullivan seconded the motion. A vote was taken, all ayes, Board of Appeals adjourned.

#### **RECONVENE THE MAYOR AND COUNCIL MEETING**

The Honorable Mayor Buchheit reconvened the Mayor and Council Meeting.

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

Pat Harrison, 503 Clinton Street, and Mary June Patterson, 901 William Street, made a presentation of poppies, handmade by a veteran, to the Mayor, each member of Council and City staff, as representatives of the American Legion Post #13 Ladies Auxiliary Poppy Committee. These poppies were given in memory of beloved war dead since World War I. Ms. Harrison and Ms. Patterson reminded the attendees of the Memorial Day ceremony in Veteran's Point on May 28<sup>th</sup> at 10:30 am. The ceremony will be followed by a community luncheon, sponsored by the Ladies Auxiliary and the American Legion Post 13, at the Delaware City Fire Hall at 11:30 am. Ms. Harrison told the Mayor that he should contact the Post Commander, Don Hutchison, if he had a proclamation to read. She also reported that a new Post Commander, James F. Grant, would be installed in July.

Rita Marocco, 133 Adams Street, denigrated Council Member Doebley for sending offensive emails to City volunteers. She asked that all emails be a matter of public record at the next meeting. Mr. Doebley agreed, saying that all emails, including those to Mr. Doebley, should be included. He said that would be fair as members of the public could make up their own minds.

Ray Fruytier, 909 Fifth Street, said it was a disgrace for a Council Member to say such things and that it was tearing the City apart.

Tim Konkus, 302 Canal Street, read the text of an email sent to his wife by Mr. Doebley. He reprimanded Mr. Doebley for also calling his wife names. Mr. Konkus and Council Member Barrett had a disagreement about an email sent regarding information about Council Member Barrett. Mr. Konkus pointed out articles that were written about actions taken previously by Mr. Doebley. Mr. Konkus pointed out that the Mayor, City Manager and other Council Members had positive attitudes and actions.

Patty Schrack, Lot 66, pointed out that her home was being destroyed by kids with baseballs, basketballs and footballs. She asked the police to have it stopped and was told there was nothing that could be done unless she had been done bodily harm. She asked not to be stereotyped because she lives in the mobile home park. She said her home and yard are beautifully maintained. She said the mobile home park has been blacklisted by the City.

Ron Graham, 505 Fifth Street, said that the audience cannot hear what is being said by the people at the table. Mr. Graham said that if there were questions about previous actions taken by the City, the Mayor or City Manager could seek information from former mayors. He added that there should be a City Solicitor at every meeting. He also asked the Mayor to disallow the back and forth name calling that has been taking place, as it makes the town look bad. He added that the Council runs the town and are responsible for approving actions taken.

Rita Marocco, 133 Adams Street, informed Ms. Schrack that Main Street wants to include everyone. Ms. Marocco pointed out that the Council does not run the town, the citizens do.

Rick Schrack, Lot 66, asked if the City still has a contract with The Cutting Edge to pick up yard waste. He said they are not picking up the yard waste on a regular basis in the mobile home park. It's only gets picked up after he complains about it. City Manager Cathcart said that the City has no way of knowing that it was not picked up unless Town Hall is notified.

Doris Grant, 133 Washington Street, said the plans for Washington Street, which were discussed earlier in the meeting, were on file at Wilmapco, and may still be there. She added that they were for the whole length of Washington Street.

Sandy Malinowski, 304 Bayard Street, voiced a complaint about the square holes on Washington Street where the pump is located. She is concerned about a child falling into the holes.

The Honorable Mayor Buchheit congratulated the Delaware City Fire Company for their 125th anniversary. He said he attended the anniversary celebration and felt bad because the City did not make a presentation. He and City Manager Cathcart purchased an award, stating it was from the Mayor and Council, in commemoration of the celebration.

## **OLD BUSINESS**

### **Approve the Purchase of Police Car**

City Manager Cathcart explained that DNREC is turning in a police vehicle SUV that is in excellent condition with low mileage. The City would be able to purchase it for \$4819. When the police vehicle that Officer Kaczorowski is currently driving is sold, the City would probably break even. Council Member Johnson made a motion to purchase the police SUV for \$4819. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

### **Second Reading & Adoption of Ordinance 12-0410-01 relating to Capital Budget & Reserve Fund**

Council Member Sullivan made a motion to adopt Ordinance 12-0410-01, "AN ORDINANCE TO ESTABLISH A BUDGET RESERVE FUND AND A CAPITAL RESERVE ACCOUNT". Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

## **NEW BUSINESS**

### **Introduction of Budget FY13**

There was no discussion.

### Approval of Purchasing Policy and Procedure

City Manager Cathcart suggested that this be discussed at the workshop rather than at this meeting. It was agreed upon. Council Member Doebley made a motion to have the City Solicitor at the Community Center Agreement and Purchasing Policy workshop to provide counsel to the Council. Council Member Barrett seconded the motion. A roll call vote was taken with the Council Members voting as follows: Barrett – aye, Titus – aye, Johnson – aye, Sullivan – nay and Doebley – aye.

### Discussion of Possible Disposition of Jefferson Street (Paper Street between Fifth & Fourth Streets)

Preston Carden, who is interested in purchasing the paper street, was present and gave a handout to the Mayor and Council explaining his request. He explained that a mobile home park had been located on this land for about 30 years and that he now uses it for parking for his business. Discussion followed. City Manager Cathcart said it was on the agenda to see if Council was interested in selling it as surplus property. He said if Council was interested, the proper procedures would be followed and that it must be offered first to the owners of the contiguous properties. Council Member Barrett made a motion to sell this paper street, but no other ones at this time. Council Member Johnson amended the motion to add that the City Solicitor would need to make sure that proper procedures are followed. Discussion followed. Council Member Sullivan amended the motion to state that it only the Jefferson Street paper street that is to be sold. Council Member Titus seconded the motion with amendments. A roll call vote was taken, all ayes, motion carried.

### Closing Certain Streets East of Fifth Street for Delaware City Day

City Manager Cathcart said there were some complaints about the Delaware City Day Committee not coming to the Mayor and Council before deciding to close the streets for Delaware City Day. He said he was not aware that it was necessary as the Council's permission has never been needed to close streets for any other function. He explained that resident complaints about illegal parking, drunkenness, foul language, etc. were what drove the committee to make this decision. It was discussed with the Delaware City Police Department and determined that the city, east of Fifth Street would be shut down to any non-residents from 6:00 PM until after the fireworks. Parking stickers would be distributed to all residents, one for each vehicle, so they would be able to get into town. The City Manager said all comments at town hall have been very positive, however, he heard there were some negative comments at the gas station. The non-residents would park at the Fire House, the Community Center and at Governor Bacon. School buses would be used to shuttle people to the downtown area. The parking would cost \$5.00 per car, which would offset the cost of the buses. Discussion followed. Chief Tjaden's only concern was who is going to man the posts on Fifth Street where the vehicles would be stopped from entering the town. Council Member Johnson suggested that Fire Police could man those posts. That would free up the police to handle police issues. City Manager

Cathcart said someone on one of the ATV's could go up and down Fifth Street to see if everyone manning the posts is ok. Council Member Doebley made a motion that the parking restrictions developed for Delaware City Day be approved under Chapter 27 of the City Code. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.

#### Sterling Building Appraiser

City Manager Cathcart reminded the Council that the City has been given permission to sell Sterling's without repaying \$1.2 million. He said he would like to hire an appraiser. Council Member Johnson made a motion authorizing the City Manager to hire an appraiser. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

#### Permission to Sign Army Corp of Engineers: 1. Supplemental Agreement #2 Construction Permit, Branch Canal Trail and 2. License Agreement to Deposit Dredged Material, Branch Canal Trail.

City Manager Cathcart explained that these are permits that are needed from Army Corps of Engineers for work on the branch canal. Council Member Sullivan made a motion to authorize the City Manager to sign the permits. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

#### Approve Purchase of Back-Up Pump

City Manager Cathcart explained that the City needs a back-up pump and that it was budgeted in the FY12 Budget. Council Member Sullivan made a motion to purchase the back-up pump that was budgeted in the FY12 Budget. Council Member Johnson seconded the motion. Discussion followed. A roll call vote was taken, all ayes, motion carried.

#### Resolution 12-0521-01 relating to Smoke Free Parks at 7<sup>th</sup> Street Park and Community Center Park

City Manager Cathcart explained that this would make all the City Parks smoke-free, as Battery Park is already smoke-free. Council Member Doebley made the motion to adopt Resolution 12-0521-01. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes motion carried.

#### Delaware City Day (per request of Council Member Doebley)

Council Member Doebley said he was pleased that his questions have been mostly answered and that problems have been addressed. Council Member Doebley questioned what is being done to increase police presence. City Manager Cathcart said he takes the advice of the Delaware City Police Department and a decision will be made soon as to the number of police officers needed. The Honorable Mayor Buchheit encouraged everyone to get involved. He said he reserved the gazebo in the park after the vendors leave so the public can talk with the Mayor and Council if they would like to.

### City Solicitor Attendance at Meetings

Council Member Doebley made a motion that beginning June 2012 the City Solicitor or an associate that he designates be present at all regular meetings of Mayor and Council. Council Member Barrett seconded the motion. Discussion followed. Council Member Sullivan said she would like to table the discussion until after the budget has been approved. Additional discussion occurred. A roll call vote was taken, with Council Members voting as follows: Barrett – aye, Titus – nay, Johnson – nay, Sullivan – nay and Doebley – aye. Motion defeated.

### **COUNCIL COMMENTS**

Council Member Barrett asked if the City had heard any more from Walt Wisowaty regarding the ghost hunters. Mr. Wisowaty did not attend this meeting so no action was taken.

Council Member Doebley requested an excused absence for missing the April Mayor and Council meeting as he was scheduled to work. Discussion followed. Council did not take any action.

Council Member Doebley said that after the February special meeting, he was accosted by Jack Reed from Middletown. He said Mr. Reed is a close friend of the Mayor and everyone who spoke against Council Member Doebley this evening. He decided to press charges. The courts contacted him to see if he was interested in mediation. He accepted a letter of apology from Mr. Reed. The comments made tonight were made by his friends as they were very upset. He said they were seeking to intimidate him into not seeking prosecution or a letter of apology. He said this has been going on too long and it is disingenuous. He added that if any residents have any questions, he would be glad to answer them privately. Council Member Doebley and Mayor Buchheit voiced their disagreement.

### **PUBLIC COMMENT CONTINUED**

Ray Fruytier, 909 Fifth Street, said the Mayor and Council need to start to act like professionals for the sake of the residents. He said they should realize how lucky they are to have Richard Cathcart for a City Manager. They should stop micro-managing him.

Rita Marocco, 133 Adams Street, informed the Council that they are breaking the City Charter every time they interfere with the daily operations of the City. She said she would send them the chapter and section that says this. She added that Delaware City is fortunate to have Dick Cathcart and his wealth of experience as our City Manager.

City Secretary Gwynn announced that new doors have been installed at town hall and asked all the council members to see her after the meeting to get a new key.

**ADJOURNMENT**

Council Member Sullivan made a motion to adjourn the meeting. Council Member Barrett seconded the motion. All ayes, motion passed. The meeting adjourned at approximately 10:15 PM.

Respectfully submitted,

*Dawn K. Gwynn*

City Secretary



## ATTENDANCE SHEET - PLEASE SIGN IN

MEETING: M+C DATE: 5/21/12

NAME:	ADDRESS:
Mary Jane Patterson	901 William St Del. City, Del
Pat Harrison	503 Clinton St. Del. City, Del
Linda Orui	117 Wayfel Dr. Del City, Del
Bill Miller	146 WARE/R. Del City
Mark Chue	Delaware City Main Street
Christy Lewis	Delaware City Main St.
Herb NeSch	212 Madison Street
Nancy Tranthum	34 Hamilton Pl.
Preston Carden	705 5TH ST.
Mayor Dori Connor	18 Gipper Dr - New Gette 19720
Deb Sellers	406 Clinton St.
RAY FRAYTIER	909 5TH ST D.C.
DALE SLOTTER	210 CLINTON ST
Bob Malinowski	304 Bayard St
Douglas Malinowski	304 Bayard St
Rita Marocco	133 Adams
JOE MAROCCO	133 Adams



# ATTENDANCE SHEET – PLEASE SIGN IN

MEETING: M+C DATE: 5/21/12

NAME:

ADDRESS:

DORIS GRANT (DCFC)

133 WARTH. ST-

JOHN W. MARTIN

212 WASHINGTON ST

Stacy Delle

62 Clinton St.

Tom Reynolds

-assessor-

Ron Graham

505 5th ST DE CT, DE

TIM DILLIPLANE

118 CLINTON ST, DE

MARK GLANZ

502 Clinton ST

TIM KONKOS

302 CANAR ST

RAY FRUYTIER

909 5th ST D.C