"A Historic Past"

"A Bright Future"

CITY OF DELAWARE CITY
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CITY OF DELAWARE CITY
PUBLIC HEARING &
MAYOR AND COUNCIL MEETING
October 15, 2012

CALL TO ORDER – PUBLIC HEARING
The Honorable Mayor Buchheit called to order the Public Hearing at 7:00 pm.

PLEDGE OF ALLEGIANCE
The Honorable Mayor Buchheit led the Pledge of Allegiance to the Flag.

ROLL CALL
The following Council Members were present: Barrett, Titus, Johnson, Sullivan and Green. Also present were Mayor Buchheit, City Manager Cathcart, City Treasurer Hartman and City Secretary Gwynn.

ORDINANCE 12-0917-01- AN ORDINANCE TO AMEND CHAPTER 6 ARTICLE IV OF THE CODE OF THE CITY OF DELAWARE CITY TO CREATE A RETURN CHECK POLICY
City Manager Cathcart explained the need for this ordinance, saying that there were repeat offenders presenting checks that were returned for insufficient funds. He offered to answer any questions. Discussion followed, with City Treasurer Hartman explaining that after receiving two returned checks, the City would only accept cash, certified checks or money orders in payment. There were no comments from the public.

ADJOURN PUBLIC HEARING
Council Member Sullivan made a motion to adjourn the public hearing. Council Member Green seconded the motion. A vote was taken, all ayes, public hearing adjourned at 7:08 PM.

CALL TO ORDER – MAYOR AND COUNCIL MEETING

The Honorable Mayor Buchheit called to order the regular meeting of the Mayor and Council at 7:32 pm.

PLEDGE OF ALLEGIANCE & INVOCATION

The Honorable Mayor Buchheit led the Pledge of Allegiance. Lydia Oberholtzer led the invocation at the request of the mayor.

ATTENDANCE ROLL CALL

Present were Council Members Barrett, Titus, Johnson, Sullivan and Green. Also present were City Manager Cathcart, City Treasurer Hartman and City Secretary Gwynn.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Hartman presented the September 2012 Treasurer's Report. Council Member Green asked if the system glitch had been resolved. The City Treasurer replied that there had been formula errors rather than a system problem. *Council Member Sullivan made a motion to approve the September 2012 Treasurer's Report, subject to audit. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.* Council Member Barrett commended City Treasurer Hartman on the Delaware City Day Treasurer's Report, saying it was very thorough.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Council Member Green asked City Manager Cathcart to check into TSA funding to see if there was some money to pay police officers. Council Member Green asked, regarding the City Manager's Report on page 3, how the Library Society contract read as to who was responsible for paying for building maintenance. The City Manager said it was not defined, which is why they had the meeting. He added that when the new lease is done, it would be defined. He said his goal was to have a new lease to the Library Society within the next 30 days. *Council Member Barrett made a motion to approve the September 17, 2012 minutes as written. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

POLICE REPORT

Chief Tjaden reported the police activity statistics for the period from 9/16/2012 through 10/14/2012. He explained that the police consultant had requested that the dispatch and arrival times be added to the report. Chief Tjaden stated that there were a total of 78 calls for police service, with 21 criminal arrests, 63 traffic arrests and 4 drug arrests, for a total of 88 arrests. He also reported the following:

- The drug take back program was a success, with 79.8 pounds of prescription drugs turned in and destroyed. City Manager Cathcart said that statewide this was the second largest drug take back since the program began.
- There was a burglary in Harbor Estates, which the police solved. They were able to recover the victim's property. While looking for the suspect, the police found two people sleeping in a tent. They were arrested and charged with possession and intent to deliver heroin, as three bundles of heroin were found.

- Met with CJC, who expressed approval of the Community Court Program and the direction it is taking. There is funding to continue with this, if needed. They also said the City should take the $15,000 needed for the police boat from the 2013 Byrne Grant.
- Assisted Delaware State Police with the 9th Annual Domestic Violence ride in Dover.
- Attended the Delaware City Fire Company open house.
- Assisted the Delaware State Police when a person jumped from the Reedy Point Bridge. Delaware City was first on the scene.

INTERIM CITY SOLICITOR'S REPORT

City Manager Cathcart gave the report as City Solicitor Walton was not present. He said he and City Solicitor Walton felt it was important to have a report from the City Solicitor, even when he was not in attendance. The report was as follows:

- Met with City Manager and staff to discuss pending projects and to establish a method to handle work being assigned to the City Solicitor's office. In an effort to control costs, one suggestion was to have the City Manager determine which meetings the City Solicitor needs to attend. Another suggestion was to bundle the assignments so the Delaware City projects can be done all at once, thereby reducing the amount of time needed. A third suggestion was to have the City Solicitor attend the Mayor and Council meetings to give his report and answer questions. He would stay for a limited time and leave after fulfilling his duties. They also discussed the need to change the City Code for the auction of Sterling's.
- Drafted a proposed release for the City.
- Drafted amendments to the surplus sale procedures ordinance.
- Completed a tenant eviction ordinance.
- Worked on a vacant property ordinance.
- Made edits and revisions to the Sterling House auction contract.
- Drafted agreement of sale for the Sterling House which contains several provisions that must be reviewed & approved by DelDOT.
- Researched City's home rule Charter and the propriety of Charter changes by the General Assembly.
- Spent time with the Council and the Public Integrity Commission (PIC) on the Code of Conduct revisions. The PIC will review the ordinance at their October 16th meeting. If they approve, it will be considered at the Special Mayor and Council meeting on October 24th.
- Waiting for a copy of the proposed Charter changes. Council Member Johnson said the Mayor and Council are going to conduct a workshop to review the proposed changes, which will then be sent to the City Solicitor.

Council Member Barrett said that Council had voted on and passed a motion saying that the City Solicitor would attend every Mayor and Council meeting. City Manager Cathcart said he and City Solicitor Walton were under the impression that he did not need to attend this meeting. The City Manager apologized to the Mayor and Council, for both of them, for the misunderstanding. Discussion followed about whether he needed to be here for special meetings. Council asked City Manager Cathcart to let City Solicitor Walton know that his presence is required at every meeting.

largest volume of drugs in the history of the program. This has been an extremely successful program for our city and has given our police department a great opportunity for positive exposure in offering this service.

- On October 9th we conducted our first meeting of the Community Garden project made possible by a recent penalty fund grant. Although there was a small turnout we have already identified other residents that are interested in the program. Encouraged interested parties to attend the next meeting on November 12th at 6:00 PM.
- We recently purchased 145 chairs, in almost new condition, from the State Surplus Property Program. The chairs will be placed in the Community Center and will replace the hodgepodge of metal folding chairs.
- We have also procured a podium with a built in sound system for the Community Center as well. This will allow us to provide this feature to groups and organizations that are using the center and have requested this equipment. This has been funded by money raised by the first Mayor's Ball.
- The Community Center continues to make improvements to the building with recent repairs of the bathrooms, a detailed cleaning and floor finishing of all rooms and areas, new carpet in the entryway and the acquisition of the above mentioned items. The center also hired a professional cleaning company to do regularly scheduled cleaning of the building. This service is being funded by the PAL program. The stage curtain will be repaired before the PAL opening.
- Main Street Delaware City is in full swing in the management of the building and is responsible for implementing much of what was just reported. In addition the rental of the building for one day events has increased in a very short period of time.
- The official grand opening of the PAL Center will be held on October 19th starting at noon. There will be a brief reception afterwards with refreshments being provided by Crabby Dick's.
- The auction of the Central Hotel (Sterling House) will be held at noon, Wednesday, November 14th. There will be two previews of the building prior to the sale. The first preview is October 31st (Wednesday) from noon to 2:00PM and the second preview on November 7th (Wednesday) from noon to 2:00PM. A special note to Mayor and Council that a special meeting has been scheduled for 1:00 PM the day of the sale. This is on a Wednesday and may create an issue for some members. However, it is critical that the council votes on accepting or rejecting the highest bid. Please make every effort to adjust your schedules to be available for this midweek daytime meeting. Mayor Buchheit announced that there are auction flyers at Town Hall. The auctioneer is supposed to post a sign advertising the auction. It will be advertised in Washington D. C., Philadelphia, Baltimore, New York, New Jersey and the Wilmington News Journal.
- There have been some issues with the second air quality project known as the "Bucket Brigade". I had learned of some very concerning information related to the credibility of the first air quality study data that has implications on the second study. Mark Chura will fill you in with more details during his report.
- Police consultant has completed interviews and ride-alongs. Chief Tjaden has provided him with all the information he has requested. He'll start a draft report.
- Special Mayor and Council meeting will be held on October 24, 2012, at town hall, in order to pass an ordinance allowing the auction of Sterling's. City Manager Cathcart said he wanted to make sure selling the building at auction could be defended.

The Council said the Town Hall paint looks great. A round of applause followed. City Manager Cathcart said there had been many compliments.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

The Honorable Mayor Buchheit announced that the previous Council had renamed the Community Center "The Paul H. Morrill, Jr. Community Center". He passed around a copy of the bronze plaque that is being ordered.

Mayor Buchheit reported that the City Seal voted on a few months ago is very similar to the City of New Castle's seal. He said the Council may want to rethink their decision. City Manager Cathcart said the design was an in kind donation from the artist. Discussion followed. The City Manager said this should be placed on the agenda for the next meeting before the Council takes action on this.

Mayor Buchheit announced that Crabby Dick's would host two Meet the Candidates nights. The Republican candidates will be there on10/18 and the Democratic candidates on 11/1.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Program Manager Mark Chura passed out brochures that were prepared to promote Fort Delaware, Delaware City, the ferry and merchants. It was funded by the merchants, DNREC, DRBA and the Development Office. They will be distributed by DRBA, Town Hall, The Fire Hall, City of Lewes, etc.

The second e-newsletter was sent. They are trying to include all activities throughout town. There is also information regarding activities that are taking place at the Community Center. There will be a monthly speaker series, featuring Delaware Humanities Forum speakers. There will be no charge to attend. About 100 people came to hear the first speaker.

Mr. Chura passed out the design for the icon to go on the podium. There are 19 different rooms for which room numbers are being assigned and posted. The Council complimented Main Street for the work they are doing.

Mr. Chura followed up on the bucket brigade. At a summer meeting, the Delaware City Environmental Coalition (DCEC) reported their findings from the preliminary testing, for example the high levels of benzene. No one had heard anything from the State following that meeting. After it was determined that Main Street, as the entity with 501(c)(3) status, would be the eligible entity to apply for both the penalty fund grants the DCEC requested. During the course of this process, Main Street found out from Secretary Omara that there were flaws in the methodology of the data that had been gathered. The State said the data could not be defended. DCEC doesn't have the organizational structure to take the community lead for this testing. Consequently, Vonja Bucic will head a subcommittee of Main Street to lead this project forward. The Sierra Club will serve as outside advisors. DNREC and the City have agreed to be ex-officio members of the committee. DNREC will be there to answer questions and for training. Council Member Green said it was imperative to look at Best Practices to see what happened with this situation. City Manager Cathcart said it was a huge concern for him as individuals presented

themselves as representatives of DCEC, when that was not true. He said he got involved because he was worried that the relationship that had been forged between the City and DNREC was in question. This has been resolved. Discussion followed. The problem with the preliminary testing data was that the protocols used were not reviewed by DNREC. One example of this was that there was no documentation of wind direction. DNREC will review all future protocols in writing. When the test results come from the bucket brigade, they will go to the Division of Public Health for interpretation who will develop a report and present it to DCEC committee. Mr. Chura said there should be definitive results by midyear.

Board of Health- Chairperson Brenda Parker gave a report regarding issues that were addressed at the 10/10/12 meeting. The main topic of discussion was the Emergency Operations Plan for a Citizen Corp. The initiatives to develop this voluntary group were discussed.

Planning Commission-Commissioner Tim Dilliplane reported that they did not elect a new chairperson as Carol Schofield, the current chairperson, was not able to attend so could not be asked if she was interested in continuing to serve as the chairperson. Hopefully they will have completed work on the sign ordinance. It is in the hands of the City Manager and may be presented to the Mayor and Council by next month. The Planning Commission meets the first Monday of each month at 7:00 PM.

Charter Committee – Council Member Johnson said a public workshop will be set up.

Delaware City Day Committee – City Manager Cathcart reported that there would be an organizational meeting in December or January. He added that the final bill had been paid which allowed a Delaware City Day financial report to be prepared.

Mayor's Ball Committee – The Honorable Mayor Buchheit said the next meeting is November 8th at 5:00 PM at Crabby Dick's. He invited anyone to attend who was interested in helping.

OLD BUSINESS

Second Reading and Adoption of Ordinance 12-0917-01 Relating to Return Checks

Council Member Green made a motion for the second reading and adoption of Ordinance 12-0917-01 Relating to Return Checks. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.

Second Reading and Adoption of Ordinance 12-0716-04 Establishing Code of Conduct for Elected and Appointed Officials

City Manager Cathcart requested that this ordinance be tabled until the Special Mayor and Council meeting on October 24, 2012.

NEW BUSINESS

Audit

City Auditor Vincent Barbone from Haggerty and Haggerty gave an update on the audit. He said they have completed about 60% to 70% of the audit. He said there are some issues, but they are not significant and would not impede their ability to give a clean opinion. They will be ready to make a presentation at the November meeting.

Approval for Grant In Aid Application

City Manager Cathcart said he needed approval to submit Grant In Aid applications for both the Community Center and the Delaware City Day Committee. *Council Member Johnson made a motion authorizing the City Manager to submit the applications for the Community Center and Delaware City Day to Grant in Aid. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Certification of 2nd Quarter Supplemental Tax FY13

Mayor Buchheit said he had asked City Manager Cathcart why the assessed value of the land for the mobile homes in the trailer park is listed as zero. His reply was that the land is owned and assessed to the mobile home park owners. When the trailers are assessed, they are assessed for the value of the trailer only, not the land. *Council Member Johnson made a motion to certify the 2nd Quarter Supplemental Tax Roll for FY13. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Introduction and First Reading- Ordinance 12-1015-01 – Create Lessee/Tenant Eviction Policy

City Manager Cathcart reminded the Mayor and Council that this had been discussed when City Solicitor Walton was present. He researched this and found that the three strikes rule, as written in the mobile home park lease, could not be enforced. Consequently, the Solicitor drafted this ordinance which states that if there are two convictions, then the City has the right to demand that the landlord evict the tenant. This would apply to all rental properties throughout the City, not just the mobile home park. Discussion followed regarding the administrative process. *Council Member Titus made a motion for the Introduction and First Reading of Ordinance 12-1015-01 to Create Lessee/Tenant Eviction Policy. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Introduction and First Reading – Ordinance 12-1015-02 – Amending the Surplus Sale Procedure

City Manager Cathcart explained that this would clearly give the Mayor and Council the authority to auction off surplus property as a method of sale. *Council Member Titus made a motion for the Introduction and First Reading of Ordinance 12-1015-02, Amending the Surplus Sale Procedure. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Disposal of Skate Park Structure at Community Center

City Manager Cathcart explained that the Community Center, with all the changes, needs additional parking space. By removing the Jersey barriers and skate ramp, that much needed space would be provided. He added that the skate ramp is a very large liability concern and that it is rarely used. He said he would like to have authorization to dispose of the ramp. Discussion followed regarding the method of sale, notification to potential users, and history of the ramp. *Council Member Sullivan made a motion to authorize the City Manager to dispose of the skateboard park at the Community Center by the best method possible to return some revenue to the City. Council Member Green added that he would like the City to do adequate notification of the disposal. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

COUNCIL COMMENTS

Council Member Green said he would like to see a Mayor and Council Recognition Program implemented. It would recognize citizens, store owners, children and employees. Examples of recognition would be the Marina assisting the Police, Crabby Dick's assisting with fundraisers, Council Members Titus & Sullivan for working to get the cats spayed and neutered, Council Member Barrett for spearheading the bus service and food program, Council Member Johnson and the Fire Company for assisting with the hurricane. Children should be recognized for good grades and/or sports programs. The employee recognition would be for employees who not only assisted the City, but the residents. A committee could be formed to implement this starting in January 2013.

He also introduced the idea of recognizing mayors, past and present, with an 8" X 10" photo of each Mayor. If photos are not available, at least some document with name and time period served could be displayed. These could be hung in Town Hall

Council Member Sullivan thanked Mark Chura for everything he has done. She said the ghost hunting was great.

Mayor Buchheit asked about political signs on City Property. City Manager Cathcart said he has been removing any that he has seen. He added that until the sign ordinance is passed, there are no laws prohibiting the signs.

Council Member Titus asked about the status of the security system for Town Hall. City Manager Cathcart said one of the Council Members has experience with security systems and has offered to assist in developing the scope of work and put it out for bids. Then the City can compare apples with apples.

Mayor Buchheit announced that Halloween would be celebrated on Halloween.

CITIZENS QUESTIONS AND COMMENTS

Mayor Buchheit recognized Senator Dori Connor who was present.
Senator Dori Connor, said she was in Delaware City Saturday for the Delaware City Fire Company open house from 10:00 – 2:00, then Saturday night for the Comedy Show and Sunday for the Longaberger Basket BINGO. She said she attended the Bucket Brigade workshop and learned a lot. She suggested that Main Street place some of the brochures in the Smyrna Rest Stop. She said she also attended the Library Mural Dedication. She said she knew the young man who worked on the mural, which is contributing to his Eagle Scout. She said she taught his art teacher in William Penn High School. Senator Connor thanked Mayor Buchheit and Dale Slotter for holding the meet and greet sessions for candidates. She than passed out a new DMV brochure called "Next of Kin". By completing this form, one's contact information would be available by searching one's driver's license or state ID number. This would facilitate contacting family member(s) in case of emergencies. She said there will be a new DMV at the intersection of Route 13 and 72. The DMV on Airport Road will be closed. Discussion followed about the new kiosks at DMV. Mayor Buchheit suggested that a good name for the new DMV would be the Delaware City DMV.

ATTENDANCE SHEET – PLEASE SIGN IN

MEETING: M+C DATE: 10/15/12

NAME:	ADDRESS:
Vicki Johnson	320 Washington
Brenda J Parker	704 Williams St.
Chris Fielding	121 Reybold Dr
DAWN SCERNI	121 Reybold Dr
TIM DILLIPLANE	118 CLINTON ST DE
Lydia Oberholtzer	905 4 Street Dele
JOHN W. MARTIN	212 WASHINGTON ST
Cheryl Dennis	310 Clinton Street
Bill Millere	146 WARFEL DR
Senator Dore Connor	Penn Acres - New Castle
TIM KONKUS	302 CANAL
DALE SLOTTER	210 CLINTON
BETH KONKUS	302 CANAL