

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**CITY OF DELAWARE CITY
REGULAR MAYOR AND COUNCIL MEETING
DECEMBER 17, 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.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable Mayor Buchheit led the Pledge of Allegiance. He also led a Moment of Silence for the children of Sandy Hook Elementary School.

ROLL CALL

Present were Council Members Barrett, Titus, Johnson, Sullivan and Green. Also present were City Manager Cathcart, City Treasurer Hartman and Interim City Solicitor Walton.

ACTION UPON TREASURER'S REPORT OF THE PREVIOUS MONTH

City Treasurer Hartman presented the Treasurer's Report for the month of November 2012. She reported that the revenues are at 110% of the annual budgeted amount. This does not include the proceeds from the sale of Sterling's. Discussion followed. She also reported that the total expenses for Hurricane Sandy were \$55,000 and the City should qualify for 75% reimbursement. *Council Member Green made a motion to approve the November 2012 Treasurer's Report, subject to audit. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING(S)

Council Member Johnson made a motion to approve the minutes of the November 19, 2012 Mayor and Council meeting. Council Member Titus seconded the motion. A roll call vote was taken all ayes, motion carried.

POLICE REPORT

Police Chief Tjaden reported the statistics for the period from November 19, 2012 through December 17, 2012, with a total of 71 arrests. He also reported the following:

- Executed a fugitive warrant at Lot 62 in the trailer park for a wanted subject from Philadelphia.
- Conducted a drug investigation at Lot 64 in the trailer park and arrested the owner and one occupant. The owner was charged with possession of heroin, drug paraphernalia and maintaining a dwelling for distribution.
- Investigated a sex abuse case and arrested the suspect.
- Met with the principal of Southern Elementary School to let her know that the Delaware City Police would be driving through the property from time to time.
- Helped with the Delaware City Christmas parade.

Discussion followed.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- The Mayor and Council passed the Code of Conduct at the last meeting which was supposed to go before the Public Integrity Commission. Their December meeting was cancelled. It will not be necessary for anyone to attend their January meeting when it will be presented.
- Handed City Manager Cathcart, this evening, the settlement check from the sale of Sterling's. City Solicitor Walton pointed out a clause in the contract that states, if the building is not maintained to the standards set by the Secretary of the Interior, title to the building would revert to the City of Delaware City.
- Received a sign ordinance and provided comments to the Planning Commission. That ordinance will be introduced this evening. He pointed out that it cannot be discussed at this meeting. Comments would need to wait until the public hearing.
- Waiting for Charter amendments. The General Assembly meets in January, so if the City wants to make Charter changes, they need to be sent to the City Solicitor for review.

Discussion followed.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- Planning Meetings continue for the "River Towns Ride and Festival" which is scheduled for October 5, 2013. A copy of the logo was provided.
- Met with the African Union Church Cemetery Friends group. The group was recently awarded a \$10,000 grant and is working hard pursuing other grants.
- Attended, with City Clerk Hartman, a briefing for the hurricane Sandy damage reimbursement process. The City would be eligible for 75% of the cost which is the \$55,000 range.
- Participated in the Climate Adaptation/Flood Hazard Advisory Committee meeting on the 5th and the community meeting that night. The City is progressing well towards identifying issues and a plan to mitigate 5 or 6 problems.
- Along with the Mayor, met with Rep. Longhurst concerning issues in the Mobile Home Park. Included in the meeting was a person with significant experience and knowledge concerning park management.
- Met with Main Street, Delaware Department of Health and DNREC concerning finalization of the "Bucket Brigade" project. The Department of Health has agreed to evaluate the test results and make a report.
- Met with the Police Consultant, Jim Nolan, for a review of the final report. A number of issues were discussed with mostly formatting changes. Mr. Nolan will present the final written report tonight with a verbal review. A copy of the report will be in the Mayor's and Council Members' mailboxes tomorrow, as some confidential information, such as police scheduling, needs to be removed from the report before it is made public. An executive session with Consultant Nolan will probably be on the agenda next month so that Council may ask questions regarding the report. City Solicitor Walton said he would prepare a memo, to be given to Council with the report, explaining particular provisions of the FOIA statutes that pertain to law enforcement agencies.
- Met with representatives of the Department of Justice, New Castle County Special Services, DNREC and Rep. Longhurst concerning the Mobile Home Park issues.
- Conducted a Pre-Bid Meeting for the Town Hall Security System. Bids are due this Thursday. Thanks to Councilman Green for his expertise and help on developing the bid package.
- Attended a grant workshop for FEMA/DEMA Flood Mitigation funding. Will be submitting a substantial grant request in the coming weeks.
- Attended a Flood Insurance training class in Lewes related to task and responsibilities to maintain our certification.

OTHER:

- The Solar Farm interconnection application with Delmarva Power was finally approved. The City is waiting to get a final construction schedule.

- Have settled on the Sterling House this past Friday. All loans have been paid in full and the City netted about \$8,000.
- The Reedy Point Bridge is scheduled to return to two lanes this Friday. Keeping our fingers crossed!
- The clean-up of the Stauffer Slip (basin) is scheduled for this week. The City's appreciation goes out to the Refinery, Lisa Lindsey present, for taking this project on.

Council thanked the Mayor and City Manager for the immediate follow-up for concerns regarding the trailer park. Council asked if Chief Tjaden had any input regarding the actions being taken regarding the trailer park. City Manager Cathcart said the Chief is totally aware of the issues with the trailer park, but he was not included in the meetings.

APPOINTMENTS, ANNOUNCEMENTS AND COMMUNICATIONS

The Honorable Mayor Buchheit said he needed to appoint the City Assessor. As he didn't have the name, City Solicitor Walton said the last appointment would continue until a new appointment occurred, so the assessor could be appointed at the next meeting.

Mayor Buchheit said he would like to appoint Stan Green to the Ethics Commission. *Council Member Sullivan made a motion to appoint Stan Green to the Ethics Commission. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, with Council Member Green not voting, but agreeing to accept the appointment. Motion carried.*

Mayor Buchheit said he would like to appoint Tim Dilliplane to the Ethics Commission. *Council Member Sullivan made a motion to appoint Tim Dilliplane to the Ethics Commission. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Buchheit said he would like to appoint Ray Fruytier to the Ethics Commission. *Council Member Titus made a motion to appoint Ray Fruytier to the Ethics Commission. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Buchheit said he would like to appoint Rita Marocco to the Ethics Commission. No motion was made.

Mayor Buchheit said he would like to appoint Robert McCrone to the Ethics Commission. Some members of Council said they did not know Mr. McCrone. The mayor said he would provide a resume.

Council asked if the members of the Ethics Commission need to be residents. City Solicitor Walton, after reviewing the Code, said that the members of the commission must be residents.

Mayor Buchheit announced that there are three openings on the Election Board and one opening on the Planning Commission. He asked for volunteers.

The Mayor announced that he and City Manager Cathcart met with the Delaware City Refinery. The refinery presented the City with a \$10,000 check for the Mayor's Ball. He also announced that the refinery is hiring. He handed out information, regarding the hiring, for any interested parties.

He reported that the Delaware City Christmas Parade was a lot of fun and made one feel as if they were in a Norman Rockwell painting. He was pleased to announce that every member of the Council participated.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street – Christine Lewis, making the report, thanked everyone for supporting the Christmas parade. She also thanked everyone for decorating the park and gazebo. The 4th edition of the newsletter went out. She said if anyone needed printed copies, they would be available at Crabby Dick's. Ms. Lewis asked people to contact her if they are interested in being added to the mailing list. She also invited people to submit information to be included in the newsletter.

The planters will be picked up and stored in the public works building during the winter. New drainage holes will be drilled during that time.

The next in Dolly Spanker speaker series will be held on January 14, 2013 at the Community Center. She announced that the Mayor sponsored the speaker series.

A free diabetes workshop was held at the Community Center. About 30 people attended.

Reedy Point Players had a Christmas play last weekend.

Have talked to the University of Delaware regarding some oral histories, interviewing eight to ten people, which will be sponsored by Main Street. It will focus of the natural surroundings and how the people lived and worked here with the land. She asked for people to submit names of people to interview.

She said Main Street is looking to re-start the Historical Society. Hoping to create an exhibit based on the oral histories. Grassdale would lend artifacts for the exhibits. Any interested parties should contact Christine Lewis or Mark Chura. Discussion followed.

Mayor Buchheit commended Main Street for their hard work.

Board of Health – Council Member Green reported that the Board of Health met on December 12th. The two topics of conversation were Hurricane Sandy and the Emergency Operations Plan. Significant progress has been made in preparation of establishing an Emergency Management Team. Council Member Green summarized the process.

Planning Commission – Carol Schofield reported on the progress made on the Sign Ordinance by the Planning Commission. She said that, with input from the public hearing, they are hoping to make this an ordinance that can benefit the City.

Community Court – Council Member Green asked if the volunteers to the Community Court should be appointed by the Mayor, just as other committee members are appointed. The City Manager said that the Community Court is funded and sanctioned by Criminal Justice. City Solicitor Walton said he could discuss it with the City Manager and appointments could be made next month. Council said it needed to be addressed sooner than that. The City Manager and City Solicitor discussed this. City Solicitor Walton said Section 7-05 of the Charter says, “The Mayor shall appoint with the advice and consent of a majority of all members of Council, all members of Boards, Bureaus and Commissions created by this Charter, by law or by ordinance.” The Community Court committee members would not be covered by this section of the Charter. However, Section 12-07 of the Charter, which says, “The City Solicitor and/or other retained counsel shall undertake the representation or defense, without charge, of any City official, employee, including the Mayor and Council, the City Manager, committee members, advisory board members and all other employees”, would provide indemnification to those committee members. He said this is not perfect and the Council could put something in the Code saying that these members would also be appointed. Discussion followed. City Manager Cathcart said he could work on this with the City Solicitor if the Council would like. The Council agreed that he should work on this.

Historic Preservation Commission – Lynn Dilliplane reported that HPC is working to communicate with residents to let them know the group is approachable and is there to assist the community. She also said there are tax credits, grants and low interest loans available for historic home preservation.

Police Consultant – City Manager Cathcart introduced Police Consultant Jim Nolan by saying that his hours exceeded the City’s expectations. He added that the City really appreciates the effort. Mr. Nolan summarized his report. He said the City Manager stated the purpose of the study was to conduct a comprehensive review of the department from the top to the bottom. The scope of the work was not an exercise to evaluate the department for the purpose of eliminating the department or any of its members. The purpose was to ensure the Delaware City Police Department is meeting the needs of the City residents

in as effective and economical manner as possible. Consultant Nolan summarized the scope and objectives of the report. He said he had prepared and presented a written report to the City. Council Member Green gave a brief history of Consultant Nolan and listed his qualifications.

OLD BUSINESS

Audit

City Treasurer Hartman said the Auditor came to Town Hall to finalize the audit, which should be ready for presentation at the January Mayor and Council meeting. She said she would follow up after the holidays to make sure it is ready by January 28, 2013.

NEW BUSINESS

Discussion of the City Code Section 50-3 License Fee for Trailer Park Operators

City Manager Cathcart said the Mayor and City Clerk found this fee that has never been enforced, when the City was analyzing the cost of providing services to the mobile home park and the revenues the park generates. The Code calls for a license fee for trailer park operators. There is a quarterly fee of \$6.00 to the city per occupied lot in the mobile home park. The City Manager asked the City Solicitor to review this fee to make sure there was no conflict with this fee and the water agreement between the City and the park. He said part of his charge is to enforce the Code and Charter of the City, so his intent is to enforce this fee. In reviewing the cost of trash removal, yard waste removal and recycling throughout the City, the average cost per household is \$19.00 per month. If calculated for the 100 lots in the park, the cost would be \$24,566. The tax revenue from the park is \$8349 annually. Discussion followed. City Solicitor Walton said he reviewed the file and all agreements, to his knowledge, between the City and the mobile home park. He said he would not certify that there is not some agreement that he doesn't know about. He said the fee is constitutional and he doesn't know why the fee has not been enforced. He added that the fee must be proportionate to the cost of the services provided. Discussion followed. The City Manager said the City does not want to take any action that would have a negative financial impact on the residents, but this fee should be the responsibility of the park owner. He said the City is progressing slowly, but he intends to put Mr. Leeds, the park owner, on notice shortly.

Introduction and First Reading Ordinance 12-1217-01 Relating to Sign Ordinance

Mayor Buchheit called for the introduction and first reading of Ordinance 12-1217-01 Relating to Sign Ordinance, "AN ORDINANCE TO AMEND AND MODIFY CHAPTER 46, ARTICLE III - 'DEFINITIONS' AND CHAPTER 46, ARTICLE X - 'SIGN AND OUTDOOR ADVERTISING REGULATIONS'."

Council Member Green made a motion to table this. City Solicitor Walton said that it did not need to be tabled as it was only the introduction and first reading

and would not be discussed at this meeting. He said there would be a public hearing and discussion in January.

COUNCIL COMMENTS

Council Member Titus said that she and Council Member Barrett find it very difficult to hear the people seated at the other end of the table. Those people agreed to speak up.

Mayor Buchheit said the silent auction earned over \$2000 to be used for Delaware City Day.

Mayor Buchheit announced that the second annual Annabelle Run would be done on Christmas Eve to pass out toys to needy children in the community. He thanked the people who made donations and the volunteers who helped wrap gifts. Council Member Sullivan asked for donations for older children, from 13 to 17 years old.

CITIZEN'S COMMENTS

Patti Schrack, Lot 66, said she and her husband have lived in the trailer park for twenty years. She said they keep their house nice, but many by them are not very nice. She said she is hoping to get some action from New Castle County Code Enforcement to clean up the park. She said people are under the impression that the residents of the trailer park don't pay. She said Mr. Leeds raises their rent \$15 - \$20 every year. Ms. Schrack said they pay for all the services that are provided to the trailer park, with their rent. She said they have tried to get other residents to help them clean up the park. City Manager Cathcart reminded the Mayor and Council of the proactive steps that were taken by the City last year to help improve the park, such as a dumpster, power washers and a street sweeper. The City received no cooperation from Mr. Leeds. The City has asked Mr. Leeds to enforce a clause in the lease allowing the park to evict tenants with multiple police contacts. The park management refuses to cooperate.

Albert Schrack, Lot 66, asked if, based on the assessed value of the mobile homes, the mobile home park residents pay the same mil rate as other residents of the City. City Manager Cathcart said that, yes, the mil rate is the same for all residents. Mr. Schrack said they should all receive the same services that everyone else receives. Mayor Buchheit said that the businesses downtown pay the same mil rate, but don't get the same services. City Manager Cathcart said there are legal issues to be explored. Mr. Schrack said he was unable to attend the last few meetings as he was pursuing his EMT training, which he passed. He thanked the City for all the work that was done in preparation for Hurricane Sandy. He said he was thoroughly impressed with the City's actions.

Scott Soucy and Tim Qualls, Positive Promotions, said they have been filming promotions at Crabby Dick's. These TV programs have been shown on channel 7 on Atlantic Broadband. They are working on FIOS. He said they would like to prepare a Delaware City show. Mr. Qualls made a presentation explaining what they have done in the past to promote other communities and what they would like to do for Delaware City. They suggested that they could cover the history of the City, businesses, special events, etc. Mr. Qualls thanked the Mayor and Council for their time.

Tim Dilliplane, 118 Clinton Street, said the situation in New Jersey, due to damage from Hurricane Sandy, is not getting much better. He said it could be an opportunity, not just for tourism as he had stated previously, but also for real estate in Delaware City as many people are walking away from New Jersey. He asked City Manager Cathcart if he had a timeline on the improvements at Fort DuPont. The City Manager said the next meeting is scheduled for the first week of February, but they are months away from development. He added that the City is working with Delaware Tourism and Main Street. Mayor Buchheit said he passed along Mr. Dilliplane's ideas about increased tourism in Delaware, due to New Jersey's misfortune, to the Department of Tourism.

Mr. Dilliplane said he had the pleasure of attending a party at the Schrack's mobile home, which was very nicely kept. He said he took a good look as the park and said the difference between the people who take care of their homes and those who don't is night and day. He added that, knowing the amount of rent being paid to the owner of the park, Mr. Leeds has a huge profit margin.

Lisa Lindsey, Delaware City Refining Company, gave additional information about the hiring that is taking place at the refinery. She said they are looking to fill 15 – 20 positions. The hiring closes on Friday, December 21st, at 5:00 PM and no resumes are being taken in the lobby. Applicants must apply on line at www.pbfenergy.com. Ms. Lindsey listed the qualifications and encouraged the attendees spread the word.

ADJOURNMENT

Council Member Barrett made a motion to adjourn the meeting. Council Member Johnson seconded the motion. A vote was taken, all ayes, motion carried.
Meeting Adjourned at 9:05 pm.

Respectfully submitted,

Dawn K. Gwynn
City Secretary