



CITY OF DELAWARE CITY  
407 Clinton Street - P.O. Box 4159  
Delaware City, Delaware 19706  
302-834-4573

**CITY OF DELAWARE CITY  
PUBLIC HEARING &  
MAYOR AND COUNCIL MEETING  
JANUARY 28, 2013**

**CALL TO ORDER – PUBLIC HEARING**

The Honorable Mayor Buchheit called to order the Public Hearing at 7:00 pm. The following Council Members were present: Barrett, Titus, Johnson, Sullivan and Green. Also present were City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn and City Solicitor Walton.

**PLEDGE OF ALLEGIANCE**

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

**ORDINANCE 12-1217-01 – AN ORDINANCE TO AMEND AND MODIFY CHAPTER 46, ARTICLE III – “DEFINITIONS”, AND CHAPTER 46, ARTICLE X – “SIGN AND OUTDOOR ADVERTISING REGULATIONS”**

The Honorable Mayor Buchheit asked if anyone was present to comment on this ordinance. City Solicitor Walton stated, for the record, that there are special publication requirements because this is a zoning type hearing. Consequently, he submitted the proof of the “Notice of Public Hearing” from the News Journal, dated January 4, 2013.

Council Member Titus said the restrictions in the code are already too restrictive. She added that merchants have always advertised in the most effective way possible and that signage should not be restricted by size, quantity, position or motion. She said that temporary banners looked terrible and should only be allowed on a temporary basis. She also said that, based on this ordinance,

almost all existing businesses are currently in violation and that any truck/van painted with company advertising would be illegal based on the portable signs definition.

Dale Slotter, 210 Clinton Street, said that, in principal, he is in favor of a sign ordinance; however Delaware City is not that easy to rent spaces. If the City puts more restrictions on businesses, they may avoid coming to Delaware City. He gave a brief history of the sign ordinance, saying that the original purpose was to eliminate the unsightly banners. He recommended making the sign ordinance much smaller, just covering the banners.

Beth Konkus, 302 Canal Street, agreed that the banners are unsightly. She said the ordinance should be scaled back to just include the banners.

Kerry Rhoades, 124 Clinton Street, said he was not sure what the new ordinance said, but he thinks a too restrictive ordinance would deter people from moving their businesses to Delaware City.

Council Member Green said he and Dale Slotter had spent many hours on this ordinance a few years ago. He said what works for one city would not work for another. The City needs signage to intrigue people and make them come to the town.

Mayor Buchheit said if you are looking at historic signs, they were big. Having seen the size of the signs that have been displayed in the Dolly Spanker Speaker Series, he realized that those signs would not be permitted with the new ordinance. He is opposed to banners and sandwich boards in the street which should be eliminated.

Council Member Sullivan said she was opposed to the sign ordinance. She said the City needs to take a step back and rethink the ordinance. She said the City doesn't want to stifle creativity, but the banners should be eliminated.

Tim Konkus, 302 Canal Street, said he understood this ordinance was modeled on the City of Lewes. He said he looked at their website and the signs he saw were in violation of the sign ordinance. He said the City needed to determine how to handle the temporary banners. Mr. Konkus also mentioned the signs that were shown during the Dolly Spanker Speaker Series, stating that they were beautiful and would be in violation of this ordinance. He said this ordinance is not for Delaware City at this time.

### **RECESS PUBLIC HEARING**

The Honorable Mayor Buchheit recessed the Public Hearing at 7:14 pm.

**RECONVENE PUBLIC HEARING**

Mayor Buchheit reconvened the Public Hearing at 7:30 pm. There was no one present to discuss Ordinance 12-1217-01.

**ADJOURN PUBLIC HEARING**

*Council Member Sullivan made a motion to adjourn the Public Hearing. Council Member Titus seconded the motion. A vote was taken, all ayes, motion carried.* Mayor Buchheit adjourned the Public Hearing at 7:30 pm.

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

The Honorable Mayor Buchheit called to order the regular meeting of the Mayor and Council at 7:30 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The Honorable Mayor Buchheit led the Pledge of Allegiance and a Moment of Silence.

**ROLL CALL**

The following Council Members were present: Barrett, Titus, Johnson, Sullivan and Green. Also present were City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn and City Solicitor Walton. Mayor Buchheit announced that State Senator Nicole Poore was also here for the meeting.

**ACTION UPON THE TREASURER’S REPORT**

City Treasurer Hartman presented the December 2012 Treasurer’s Report. She addressed some questions regarding checks. *Council Member Sullivan made a motion to approve the Treasurer’s Report, subject to audit. Council Member Green seconded the motion. A vote was taken, all ayes, motion carried.*

**ACTION UPON THE MINUTES OF THE PREVIOUS MEETING**

December 17, 2012 Regular Mayor & Council Meeting Minutes – *Council Member Sullivan made a motion to approve the minutes as written. Council Member Barrett seconded the motion. A vote was taken, all ayes, motion carried.*

**POLICE REPORT**

Police Chief Tjaden reported the police activity statistics for the period from 12/18/2012 through 1/23/2013. During the time reported, there were a total of 90

calls for police service, with 72 arrests as follows: 33 criminal arrests, 33 traffic arrests and 6 drug arrests. The chief also reported the following:

- Added dispatch time and arrival time, as the consultant said it would be a good idea to capture this information.
- Attended send off for the 153<sup>rd</sup> that was deployed to Afghanistan.
- Executed search warrant for Probation and Parole in the mobile home park, Lot #52. Two individuals were arrested for violation of probation. Recovered heroin, prescription drugs and brass knuckles. Marijuana was found in the child's bedroom. The mother was charged with endangering the welfare of a minor. Seized 1991 Honda that was paid for. Recovered stolen property from the Royal Cable Company.
- Arrested individual in the mobile home park and charged him with second degree rape of a two year old child. Child Protective was called and they have placed the children elsewhere.
- Submitted applications to SALLE and EIDE for a \$7000 grant.
- Recovered stolen property from a theft that occurred on Clinton Street. Warrants are on file for the defendant.

Discussion followed.

### **CITY SOLICITOR'S REPORT**

Interim City Solicitor Walton reported the following:

- The Code of Conduct Ordinance was approved by the Delaware Public Integrity Commission. As a result of this Delaware City's Ethics Committee has been certified and all ethics reports would go before the Delaware City Ethics Committee.
- Received the Charter amendments last week and will send comments to the City Manager quickly.
- Sent memo to the City Manager regarding the composition of the Board of Adjustment. He recommended that an ordinance be drafted to change the composition of the members. City Solicitor Walton recommended that the City follow the state Code, which states that the Board would be comprised totally of citizens.
- Spent much time on the language to be used in agenda to notice the Executive Session.

### **CITY MANAGER'S REPORT**

City Manager Cathcart reported the following:

- Met with Keith Warren from the Attorney General's office in late December to plan a Manufactured Housing Workshop for the Mobile Home Park residents. The Workshop was finalized earlier this week and will be held February 7<sup>th</sup> at 6:00 PM at the Community Center. Representatives from the Attorney General's Office, New Castle County Land Use, DNREC Community Services & Enforcement, Legal Services Corporation of Delaware and the City Police Department will be on hand. Topics will

include DE Landlord Tenant Code, resident's rights and responsibilities as an owner or renter of a manufactured home, navigating Delaware's Manufactured Home Law, evictions and lease violations and filing a complaint with the AG's Consumer Protection Unit.

- Had a "kickoff" meeting and a "final" meeting with FEMA to present and justify expenses incurred as a result of Hurricane Sandy. We have submitted a request for \$51,424 and are hoping for 75% reimbursement.
- Met with Matt Carter from the University of Delaware concerning an in depth transportation asset survey. This survey is, for the most part, a free service offered to municipalities to survey and report the condition of streets, curbs, sidewalks, traffic signs, lights, etc. This information then becomes a planning tool for the upgrading, replacement or maintenance of the assets. This could include the use of a grad student intern this spring and summer to do the details of the survey. Some preliminary work has already started.
- Met with Keith Rudy, Landmark Engineering, who has volunteered to assist in gathering information for submitting a grant request to FEMA for flood control solutions on Washington Street. This will a significant request and will be submitted within the next few weeks.
- Met with Kevin Donnelly and Mark Chura to discuss several projects that are pending, funded or being proposed. Purpose was to make sure we were all on the same path forward and everyone was aware of the project details.
- Continuing our meetings with the City of New Castle in the planning of the River Towns Ride and Festival scheduled for October 5, 2013.
- Met with the Auditor on preliminary audit findings and request for final documents. Vince Barbone is here tonight to present a verbal overview of the audit.
- Met with Kevin Donnelly and the engineers working on the Dragon Run Tide gate issue. Tried to find some money for this project and found \$32,000 for the engineering study. The engineers reported on the current condition of the tide gate and supporting structure. The tide gate is in total failure and is just barely hanging on the pipe. The wood pilings supporting the gate structure is also failing and needs replacement. We requested that they work on trying to find a temporary fix that could possibly provide us marginal protection until the permanent repairs can be designed and constructed. The preliminary "guestimate" for the total replacement is between \$400,000 and \$500,000. The Secretary of DNREC will visit the site on January 31<sup>st</sup> and we will be reaching out to him for some funding assistance.
- Met with Rich Killingsworth and the next day met with other state officials concerning the Health Impact Assessment for Fort DuPont. The HIA project grant coordinator is back on track with this project.
- Met with Tim Kelly from the Army Corp of Engineers and Andrew Dinsmore from Senator Coons' Office as a follow-up to my request for the replacement of the Fifth Street Bridge over the Branch Canal. They

informed me that the Bridge replacement is approved and after design would likely be constructed in fall of 2014.

- Held the third Hazard Mitigation/Flood Public Workshop on January 16<sup>th</sup>. The next workshop is scheduled for February 26, 2013 from 6:30 PM to 8:00 PM at Town Hall.
- Along with Becky Webb from Fort Delaware, met with the Clarion Hotel and Sam Waltz about packaging and promoting a Delaware City/Fort Delaware Tour Package. This could include the City of New Castle and will include historical, ecotourism and paranormal components. We will have future follow-up meetings.

## OTHER ITEMS

- The next Delaware City Demonstration and Community Garden meeting will be on January 31<sup>st</sup> starting at 6:00 PM in the Community Center.
- The Security and Fire Alarm Bids have been received and evaluated. We received five bids with the lowest most responsive bidder being PSC for a total price of \$9,300 for intrusion and fire alarm. Security Cameras proved to be relatively more costly and are something that we should consider in the future. The Capital Budget provided a line budget of \$3,000. The balance of \$6,300 will come from unexpected revenues as a result of insurance policy refund and the remaining funds from Sterling's Building sale. Need a motion to approve moving forward with the award.
- We sold the old Police vehicle for \$3,000. The vehicle had some mechanical issues that potential buyers had pointed out. Although we fell short on covering the cost of the purchase of the DNREC vehicle by \$1,500, it was thought to be the best deal we could get.
- Unless there is strong Council opinion to the contrary, starting with the February Newsletter we will start publishing the names of individuals that owe back taxes and water bills. Our tax delinquency is currently at \$57,264 and our back water bills are at \$51,875.
- We will be prepared to accommodate Mayor and Council meetings in the Community Center starting with the February meeting.
- I was approached by Arcadia Publishing about doing a book on Delaware City. The book is published by the firm at no cost to the City. The catch is that we have to find a willing author to write the book. I am currently in discussion with an individual that may take this on.

Discussion followed regarding the sluice gates. City Manager Cathcart said no one wants to take ownership. He said New Castle County Soil Conservation is taking the lead but depending on the City to acquire funding. They have contributed \$12,000 toward the study. He added that the State Legislature will need to get involved to see who should handle the repairs/replacement. The refinery is aware of the problem, but it is not their responsibility because it is not their structure. No other agencies have assisted.

Discussion followed about other action taken for the delinquent taxes and water bills. City Solicitor Walton said the City has placed liens against the five property owners with the highest delinquencies. The City also turns off water and locks meters. Council asked if other municipalities advertise delinquent taxes and water. City Manager Cathcart said that, yes it is done all the time.

Council Member Barrett commended City Manager Cathcart for the Manufactured Housing Workshop. She said it would be very helpful for the tenants of the mobile home park.

Discussion followed regarding the unexpected revenue, about \$4800, from the cancellation of the insurance on Sterling's.

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

Mayor Buchheit said he would like to appoint the City Assessor, Thomas Reynolds, III. *Council Member Sullivan made a motion to appoint Thomas Reynolds, III, as City Assessor. Council Member Green seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Buchheit said he would like to appoint Miqui Beaston to the Election Board. *Council Member Barrett made a motion to appoint Miqui Beaston to the Election Board. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Buchheit said he would like to appoint Beth Konkus to the Election Board. *Council Member Sullivan made a motion to appoint Beth Konkus to the Election Board. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Buchheit said he would like to appoint April DeBenedictis to the Election Board. *Council Member Titus made a motion to appoint April DeBenedictis to the Election Board. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Buchheit said he would like to appoint Bonnie Hanna to the Election Board. Discussion followed. *Council Member Titus made a motion to appoint Bonnie Hanna to the Election Board. Council Member Sullivan seconded the motion. A roll call vote followed with the Council Members voting as follows: Barrett – nay, Titus – aye, Johnson – aye, Sullivan – aye and Green – aye. Motion carried.*

Mayor Buchheit said he would like to appoint Lindsay Baffone to the Election Board. *Council Member Sullivan made a motion to appoint Lindsay Baffone to the Election Board. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Buchheit said he would like to appoint Virginia Monroe as Election Inspector. *Council Member Sullivan made a motion to appoint Virginia Monroe as Election Inspector. Council Member Green seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Buchheit said he would like to appoint Jean Bonner as an Election Officer. *Council Member Barrett made a motion to appoint Jean Bonner as an Election Officer. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Buchheit said he would like to appoint Connie Howard as an Election Officer. *Council Member Barrett made a motion to appoint Connie Howard as an Election Officer. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Buchheit said he would like to appoint Luke Howard as an Election Officer. *Council Member Barrett made a motion to appoint Luke Howard as an Election Officer. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

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

Mayor Buchheit said he had previously appointed Council Member Green to the Ethics Commission. Council Member Green tendered his resignation, as he cannot serve on the commission because he is a Council Member. *Council Member Johnson made a motion to accept Council Member Green's resignation from 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 Tim Konkus to the Ethics Commission. *Council Member Green made a motion to appoint Tim Konkus to the Ethics Commission. Council Member Titus 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. *Council Member Sullivan made a motion to appoint Rita Marocco to the Ethics Commission. The motion was not seconded.*

Mayor Buchheit said he would like to appoint Robert McCrone to the Ethics Commission. *Council Member Titus made a motion to appoint Robert McCrone*

*to the Ethics Commission. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Mayor Buchheit announced that February 23, 2013 will be the Mayor's Ball. He gave the City a \$5000 check for a sponsorship from Crabby Dick's. He added that the refinery was the presenting sponsor with a \$10,000 donation. Other sponsors are Verizon, Delmarva Power and WSFS. There will be a Mayor's Ball meeting 1/29/13.

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

**Main Street** – Mark Chura reported the following:

- Flu shots were given at the Community Center on the 24<sup>th</sup>. About 70-80 people attended. Will do it again next year.
- Met with DRBA regarding programs with Delaware City and New Jersey. They would like to do a festival that had been discussed previously, in June. They would also like to do 8 events focusing on the City's ecotourism strengths, such as, kayaking, boating and horseback riding.
- Website is to be updated.
- The Bucket Brigade is up and running. DNREC is assisting.
- Lecture Series will continue with more programs in February, March and April.
- Oral Histories, done by the University of Delaware, will start next week.
- Attendance at Main Street meetings has been sporadic regardless of location. Have reached out with Facebook, website and newsletter. Mayor Buchheit asked if those meetings could be listed on the sign board at the ball field.

Discussion followed regarding changes at the Delaware City Library. Mr. Chura said he is working to finalize the lease with the Library Board and Reedy Point Players.

**Board of Health** – Brenda Parker said the Board of Health is working on a draft of the Community Emergency Response Team manual. They will submit the draft to the City Manager. Will finalize the manual at the February 6, 2013 meeting.

**Delaware City Day Committee** – City Manager Cathcart announced the first meeting will in February.

## **OLD BUSINESS**

**Second Reading and Adoption – Ordinance 12-1217-01 Relating to Sign and Outdoor Advertising Regulations**

*Council Member Sullivan made a motion to table Ordinance 12-1217-01 Relating to Sign and Outdoor Advertising Regulations. Council Member Johnson said he would like to amend the motion by adding that it is sent back to the Planning Commission with the recommendations from the public hearing. Council Member*

*Sullivan agreed to the amendment. Council Member Green seconded the motion. A roll call vote was taken, all ayes, motion carried.*

### Audit

Vince Barbone from Haggerty and Haggerty reported on the audit for Fiscal Year 12, which ended June 30, 2012. He said he was happy to report that they issued an unqualified opinion on the financial statement audit, which is the highest opinion that can be given. Due to the fact that the City had more than \$500,000 in federal funding, a federal audit was also required. They also issued an unqualified opinion on the federal audit. The federal compliance audit was the first one completed since 2008.

Mr. Barbone summarized the audit report. He pointed out the \$400,000 in cumulative surpluses, which is the largest the City has had since he started doing the audits. He said they made a couple of recommendations which were minor enough that they didn't affect the unqualified opinion.

He said he was concerned when they started the audit due to the change in personnel, as there was no continuity. As a result of that, they increased their testing and did more than was previously done to make sure there were no irregularities or fraud.

Discussion followed regarding surplus funds. Mr. Barbone offered to do a workshop explaining the audit if Council would like.

### **NEW BUSINESS**

#### Introduction and First Reading – Ordinance 13-0128-01 Relating to an Ad Hoc Community Court

Council Member Johnson said this is similar to the other commissions and committees that are addressed by the Charter and asked why this needed an Ordinance. City Manager Cathcart replied that the members on Community Court do not have the same protection as other committees that are addressed by the Charter. This would provide that protection. *Council Member Johnson made a motion for the Introduction and First Reading of Ordinance 13-0128-01 Relating to an Ad Hoc Community Court. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

#### Introduction and First Reading – Ordinance 13-0128-02 Relating to a Vacant Property Ordinance

City Manager Cathcart explained that the concern is about vacant properties throughout town, which cause issues relating to fire safety hazards, unlawful people living in vacant properties, etc. The City looked at other municipalities and decided a registry of vacant properties would be the best way to keep an eye on these properties to make sure they remain safe. This is not intended to put any restrictions on properties that owners are renovating or on those properties that

happen to be vacant because a lease expired. The properties that have been vacant for years are the targeted properties, for safety reasons. Discussion followed. *Council Member Titus made a motion for the Introduction and First Reading of Ordinance 13-0128-02 Relating to Vacant Property. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Certification of the 3<sup>rd</sup> Quarter FY13 Supplemental Tax Assessment

*Council Member Johnson made a motion to approve the 3<sup>rd</sup> Quarter Supplemental Tax Assessment. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Move Meeting Location

*Council Member Green made a motion to move the Mayor and Council meetings to the Community Center, starting in February. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried. Council Member Johnson asked to have a letter of thanks for use of the fire hall, sent to the Delaware City Fire Company.*

Security System

*Council Member Green made a motion to approve funds to install a security and fire alarm system at town hall. Recommend that the contract be awarded to PSC for the lowest bid of \$9300. Funds for the project should be \$3000 from the line budget item and \$6300 from the insurance refund and sale of Sterling's. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

**COUNCIL COMMENTS**

Council Member Johnson asked the status of the solar project. City Manager Cathcart said Delmarva Power finally approved the connection so the project should begin in the middle of February. If the weather is good, the installation should be completed by the end of March.

Council Member Green gave a report of his activity, including attending the DLLG meeting and taking photos of the flooding on Monroe and Madison Sts.

Mayor Buchheit announced that he decided not to run for Mayor again. Anyone interested in running for Mayor would need to file by February 3<sup>rd</sup>. Anyone interested in running for Council would need to file by March 4<sup>th</sup>. The election will be held April 2, 2013.

**CITIZENS QUESTIONS AND COMMENTS**

Herb Netsch, 212 Madison Street, said during the flooding of 12/21/12, the water came over his porch steps. He urged Council and City Manager Cathcart to find

funds to get the Dragon Run sluice gate repaired/replaced. He also asked Senator Poore to assist if possible.

Ray Fruytier, 909 Fifth Street, thanked City Manager Cathcart for the outstanding job he has done. He added that the Police Chief and police department have also done and continue to do an outstanding job. He asked the City Manager if it would be possible to set up a temporary bridge over the branch canal while the Army Corps is working on the new bridge. City Manager Cathcart said he would know more as it get closer to the project. He also asked about the next meeting for Fort DuPont and was told it is going to be 2/4/13 at 7:00 PM. Mr. Fruytier said his water is very hard and turns the white clothes orange. City Manager Cathcart told him the water is tested monthly.

Kerry Rhoades, 124 Clinton Street, reported being stopped by a train on Route 9 for 25 minutes. He said there are more trains going to and coming from the refinery than ever before. He said the smell was bad and the trains cause very long stops. Brenda Parker said she was late for work three times because of the length of the trains. Council Member Green said he brought up this topic at the last refinery meeting that he attended at the Mayor's request. He said the refinery said there had been no complaints. He asked Mr. Rhoades and Ms. Parker to send him the information and he would draft a document and send it to the City Manager.

Kristina Lynn, 907B Fifth Street, said she had heard the Reedy Point Players have been having problems accessing the Community Center prior to a production. She questioned PAL and asked if it was mostly sports oriented rather than education oriented. She was told that PAL's main focus is academics and is not gender specific. They offer tutoring, crafts, trips, educational opportunities and sports. City Manager Cathcart said Delaware City was fortunate to have PAL select our location. He said the City has bent over backwards to work with the Reedy Point Players. They have been given free space, have been very demanding of the City and have not agreed, as yet, to sign the lease presented to them. He added that Main Street has gone out of their way to work with them. It is Reedy Point Players responsibility to check for available dates before they decide on production dates. Discussion followed. Main Street's Mark Chura said the City has subsidized Reedy Point Players in the amount of \$30,000 in space. Mr. Chura offered to speak with Ms. Lynn after the meeting.

### **EXECUTIVE SESSION**

*Council Member Green made a motion to go into executive session concerning the operations of the police department, with those present being the Mayor, Council, City Manager, City Solicitor, and Mr. James Nolan, the police consultant. Council Member Sullivan seconded the motion. Council Member Barrett said she would like to amend the motion in order to allow Police Chief Tjaden to be present at the executive session. Council Member Green said that during his*

*time in law enforcement, the police were never asked into a meeting until the Mayor and Council had seen the information under consideration. He said the attendees of the executive session that he included in his motion could discuss the report of the police consultant and possibly have a meeting at a later date with the police. City Solicitor Walton said no decisions can be made in the executive session, nor can any voting take place at that time. Decisions and voting can only take place in a public session. A roll call vote was taken, all ayes, motion carried at 9:45PM.*

### **RESUME PUBLIC MEETING**

The Honorable Mayor Buchheit said he would like to resume the public meeting. He said if there was no further discussion he would entertain a motion to adjourn the public meeting. Council Member Barrett made a motion to adjourn the meeting. Council Member Sullivan seconded the motion. Council Member Johnson said he wanted to make a motion. Council Member Sullivan agreed to rescind her second. Council Member Barrett agreed to rescind her motion. *Council Member Johnson made a motion that the City implement the suggestions of the police consultant's report at the discretion of the City Manager. Council Member Titus seconded the motion. A vote was taken and passed unanimously.*

### **ADJOURNMENT**

Council Member Barrett made a motion to adjourn the Mayor and Council Meeting. Council Member Sullivan seconded the motion. A vote was taken, all ayes, motion carried.

Respectfully submitted,  
*Dawn K. Gwynn*  
City Secretary



## ATTENDANCE SHEET – PLEASE SIGN IN

MEETING: M+C DATE: 1/28/13

NAME:

ADDRESS:

Beth + Tim Koukus  
Dale Slotter, ~~RE~~  
TIM DILLIPLANE  
Herb Metsch  
Bill Miller  
JIM WHARRY  
Kerry Rhoades  
Lance Shoemaker

302 Canal ST  
210 Clinton  
118 CLINTON  
212 Madison  
146 WARFE] DR.  
203 CLEAVER RD  
124 Clinton  
DCFC