

*"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  
FEBRUARY 25, 2013**

**CALL TO ORDER – PUBLIC HEARING AND THE BOARD OF APPEALS for  
3<sup>rd</sup> Quarter FY13 Supplemental Tax Assessment**

The Honorable Mayor Buchheit called to order the Public Hearing and the Board of Appeals 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 City Manager Cathcart, Interim City Solicitor Walton and City Secretary Gwynn.

**ORDINANCE 13-0128-01 RELATING TO COMMUNITY COURT**

City Manager Cathcart summarized the purpose of this ordinance. He said the volunteers who served on the Community Court were concerned that they might not have the same protection, from a liability standpoint, as people who were appointed to other commissions. City Solicitor Walton said he wasn't sure if they would be covered, so it made sense to introduce an ordinance to make sure they had the same protection as other commissioners.

There were no public comments regarding the ordinance.

**ORDINANCE 13-0128-02 RELATING TO VACANT PROPERTY REGISTRATION**

City Manager Cathcart gave a brief overview of this ordinance, saying there is a need to identify vacant properties for safety reasons. This ordinance would provide for registration of all vacant properties, at the cost of \$100 per year, which is non-refundable, per property. This would not include rental properties that are being marketed. Nor would it include properties that are being renovated. City Solicitor Walton added that most municipalities have a vacant property registration because of break-ins and other problems that lead to higher police costs. The fee is meant to cover the city's extra costs. The City studied the fees charged by other municipalities and found Delaware City's fee is on the low end. Discussion followed regarding abandoned mobile homes. City Solicitor Walton said he is studying that issue and has no answers at this point.

There were no public comments regarding the ordinance.

**BOARD OF APPEALS**

The Mayor asked if there was anyone present to appeal their supplemental assessment for the 3rd Quarter Fiscal Year 13. There were no responses.

**RECESS OF PUBLIC HEARING AND BOARD OF APPEALS**

The Honorable Mayor Buchheit recessed the Public Hearing at 7:08 PM.

The Honorable Mayor Buchheit recessed the Board of Appeals until such time as someone came forward to appeal their property assessment or until 9:00 PM.

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

The Honorable Mayor Buchheit called to order the Mayor and Council meeting at 7:30 PM.

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

The Honorable Mayor Buchheit led the Pledge of Allegiance and a moment of silence for members of the community, especially Dee Bennett who is in a home.

**RECONVENE BOARD OF APPEALS**

Mayor Buchheit reconvened board of appeals and asked if there was anyone present regarding a change in their supplemental assessment. No one was in attendance to discuss their assessment change.

**RECESS BOARD OF APPEALS**

The Honorable Mayor Buchheit recessed the Board of Appeals, at 7:31 PM, until such time as someone came forward to appeal their property assessment or until 9:00 PM.

**RECONVENE PUBLIC HEARING**

The Honorable Mayor Buchheit reconvened the Public Hearing at 7:32 PM.

**ADJOURNED PUBLIC HEARING**

The Honorable Mayor Buchheit adjourned the Public Hearing at 7:33 PM.

**ROLL CALL**

The following Council Members were present: Barrett, Titus, Johnson, Sullivan, and Green. Also present were City Manager Cathcart, City Treasurer Hartman, Interim City Solicitor Walton and City Secretary Gwynn.

**DEDICATION OF THE PAUL H. MORRILL, JR. COMMUNITY CENTER**

In recognition of his efforts and visionary leadership in acquiring the building and establishing the Delaware City Community Center on October 12, 2001, for the enjoyment of the City's youth and all residents of Delaware City, The Honorable Mayor Buchheit dedicated the Paul H. Morrill, Jr. Community Center. Former City Manager Morrill was asked to come forward and have his picture taken with the brass commemorative plaque which will be hung in the vestibule of the building. He was greeted by a standing ovation.

**ACTION UPON THE TREASURER'S REPORT**

City Treasurer Hartman presented the January 2013 Treasurer's Report. She also reported that after all adjustments from the auditor, all bank accounts are reconciled.

City Manager Cathcart reminded the Council of the ordinance that was passed last year that capped spending at 95% and established an operating budget reserve that is capped at \$500,000. He announced that the budget reserve is currently at \$417,000.

City Treasurer Hartman reported that the City participated in a workplace safety program to get a reduction in Worker's Comp cost. Due to this, the City will receive a 19% reduction, which amounts to about \$1800. Discussion followed regarding anticipated year end surplus and regarding some line items.

*Council Member Sullivan made a motion to approve the Treasurer's Report for January 2013 subject to audit. Council Member Green seconded the motion. A roll call vote was taken, all ayes, motion carried.*

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

*Council Member Johnson made a motion to approve the minutes of the January 28, 2013 meeting as written. Council Member Titus 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 1/28/2013 to 2/24/2013, with a total of 51 arrests (8 criminal, 42 traffic, & 1 drug). He also reported the following:

- Officer Fred Filippone resigned effective February 22, 2013. The City wishes him well in his future career at the Christiana Hospital.
- The ad in the paper for another police officer has produced several resumes. A committee will determine which candidates will be interviewed and who will be hired.
- The National Drug Take Back will be held on April 27, 2013 from 10:00 AM until 2:00 PM in the parking lot of Town Hall.
- Assisted in the Court House shooting on Monday February 11, 2013. Placed at the C.M.C. for the protection of shot officers.
- Submitted a C.J.C. grant for \$20,000 to extend Community Court and to add seasonal officers for the summer. Special thanks to Council Member Green for his help and input.
- Met with Refinery Security to get details on receiving a \$25,000 Homeland Security Grant. The money will be used to purchase 5 police radios. This grant has been awarded to the City.
- Working with the refinery to obtain two cameras for security in the Battery Park area.
- Asking all residents to watch for any possible copper thefts. If anyone sees anything out of the ordinary from 2:00 AM to 5:00 AM, get a tag number, if possible, and report it to the police.

Discussion followed regarding police coverage. Chief Tjaden could not discuss scheduling.

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

Interim City Solicitor Walton reported the following:

- The Public Integrity Commission issued an order approving the Code of Conduct.

- Completed the review of the Charter Committee's draft of recommended changes. Sent to the City Manager and will try to get it to the Mayor and Council by the March Mayor and Council meeting.
- Completed the draft of the ordinance to change to composition of the Board of Adjustment.

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

City Manager Cathcart reported the following:

- Met with Herb Inden, Delaware Planning Office, to discuss the City's Comprehensive Plan review which is due this year. If it is determined that there are no significant changes required we will have another five years before the next review is due. There is a provision on the current Comprehensive Plan to annex Fort DuPont, so the City does not need to revise this for another five years. This action will require a vote of Council.
- The City co-sponsored an event with the Attorney General's Office concerning the Rights of Tenants. The event was on February 7<sup>th</sup> and included representatives from NCC Special Services, DNREC, and Delaware City Police Department. The event was well attended (30 – 40 people) and provided valuable information to those that attended.
- Submitted a FEMA Pre-Application for a grant request in the amount of \$875,000. These funds, if awarded in whole or in part, will be used to mitigate the flooding issues on the northeast end of Washington Street. This was a plan that former City Manager Morrill worked on. It is in three phases.
- Submitted request for funding for street re-paving to Rep. Longhurst's office.
- The City received formal approval of the National Flood Insurance Program Community Rating System application. The floodplain management activities implemented by the City will qualify city residents for a 10% discount on their flood insurance. This will be in the next City News.
- We are advertising for a full time certified police officer and two seasonal police officer positions.
- Budget Workshop has been scheduled for March 25<sup>th</sup>.

### **GENERAL MEETINGS**

- Delaware Health Impact Assessment Group
- Mayors Ball Committee
- Community Garden Group

- Library Building Committee (Lease)
- Tom Maddox – 20<sup>th</sup> Annual Walk Across Delaware
- River Towns Ride and Festival Committee (October 5, 2013)
- Ft. DuPont Working Committee
- Escape From Fort Delaware Event
- Clarion Hotel Joint Promotional Group
- Becky Sheppard, U of D Canal Lock Study Report review
- Delaware City Day Committee

### PROJECT UPDATES

- Solar Farm: Solar City has mobilized for the Solar Farm installation. The project is projected to take 45 days to complete. We are planning a ceremony upon completion. This will reduce the City's cost of electric from 28 cents per kilowatt hour to 15 cents per kilowatt hour.
- Tide Gate Dragon Run Creek: Had a follow-up meeting with Pennoni Engineering to review existing elevations of the areas on Madison, Monroe and Solomon Street. The repair and improvements to the tide gate and dike structure should provide protection for the "20 year" storm. Had a contractor visit the site to determine best access and to evaluate the existing structure for a proposal for a temporary fix while waiting for the design/construction of the permanent fix, which would cost the City about \$75,000.
- Branch Canal Project is still waiting for Army Corp of Engineers permit approval.

### OTHER

- Reedy Point Players (RPP) Lease: City Manager Cathcart gave a fact sheet packet to the Mayor and Council. He highlighted the information regarding the lease which was also included in the packet. The lease draft was presented to RPP on November 12, 2012. They finally responded December 12, 2012. The lease is for a 2 year agreement: 1<sup>st</sup> year, rent is \$1 per year with \$100 per performance (Assuming they will have the same amount of performances they've had previously, the cost for the first year would be \$900); the second year, the rent would be \$1800 (\$150 per month) and \$50 per performance. \$150 security deposit upon signing. The City requires them to maintain an insurance policy, which they've done. RPP has occupied building for about 12 years, without paying any rent, contributing to utilities or contributing to maintenance of building. Prior to the time when the Library decided

they no longer wanted to be responsible for the administration of the Community Center, RPP occupied about 3000 square feet of space. They are currently occupying about 1000 square feet. Also in the package is a budget of revenue and expenses for the Community Center. The City has also asked the Library to pay some money toward deferred maintenance. Last year the bldg. operated at a \$31,000 deficit. And the projection for FY2013 is a \$37,000 deficit. Within the packet is a letter from the president of RPP to the Mayor and the City's response to that letter. He received a letter last week, saying they are not going to sign the lease as they can't afford it. City Manager Cathcart said he hopes this clarifies some of the inaccuracies in the letter from the president of RPP and the stories that are being passed around. Mike Hendry followed up on the letter by getting some additional information for the Mayor.

Mark Chura from Main Street summarized his interactions, on behalf of the City, with RPP. He said Main Street is very supportive of RPP and community theater. Discussion followed. City Manager Cathcart said the City has agreed to many changes to the lease and feels the City has been more than generous. Erin Miller and Mike Hendry were appointed by the board of directors as representatives of RPP to work with the City. It was decided that the City Manager and Main Street would meet with representatives, who are authorized to make a decision, from RPP to negotiate the lease. It was agreed that City Manager Cathcart has the authority to negotiate the contract on behalf of the City.

Discussion followed regarding the fact that the work on the solar field would have no impact on the Little League.

Discussion followed regarding the paving of the Town Hall parking lot. City Manager Cathcart said he received bids and that the work would start as soon as the asphalt plants open again after the winter.

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

The Honorable Mayor Buchheit read a Harriet Tubman Proclamation for her role as the most influential conductor of the Underground Railroad in bringing countless African Americans out of slavery, and for serving the Union Army as a cook, nurse, scout for raiding parties and a spy behind Confederate lines. He proclaimed March 10, 2013 as Harriet Tubman Day. *Mayor Buchheit called for a voice vote for the proclamation. It was approved unanimously.*

The Honorable Mayor Buchheit appointed Bill Miller to the Ethics Commission. *Council Member Green made a motion to appoint Bill Miller to the Ethics Commission. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

The Honorable Mayor Buchheit said he would like to appoint Richard Cathcart to the Delaware City Day Committee. *Council Member Sullivan made a motion to appoint Richard Cathcart to the Delaware City Day Committee. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

The Honorable Mayor Buchheit said he would like to appoint the following people to serve on the Delaware City Day Committee: Linda Cathcart, Beth Konkus, Dale Slotter, Kate Cieslak, Lindsay Baffone, Virginia Monroe, Paul Johnson, Jenn Sullivan and Anthony Branda. *Council Member Sullivan made a motion to appoint the named slate to the Delaware City Day Committee. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.*

The Honorable Mayor Buchheit announced that there would be a meeting at the Kathy Wilbur Elementary School, Wednesday, February 27th at 6:00, to discuss the trains running to and from the refinery.

The Honorable Mayor Buchheit also announced a fund raiser for the Library at Crabby Dick's all day on February 27.

The Honorable Mayor Buchheit announced that the Second Annual Mayor's Ball took place on February 23<sup>rd</sup>. The final figures have not been calculated yet as the City is still receiving payments for ads and auction items. He thanked everyone who worked to make the ball a successful event.

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

Planning Commission –Commissioner Schofield reported that the next meeting would be held on March 4<sup>th</sup> at 7:00 and that the January and February meetings were cancelled as there was no business to conduct. Discussion followed regarding meeting schedules.

Historic Preservation Commission – Commissioner Martin reported that there was one advisory case presented at the February meeting. Several members attended training for the board, and window repair. She said HPC is waiting to receive a report on the canal lock research project. They discussed having the lock evaluated for restoration. City Manager Cathcart said he had met with Becky Shepherd to review the draft of the report. Discussed the next phase to look at the condition of the actual structure.

Board of Health – Council Member Green said the monthly meeting was cancelled due to illness. Later in the week, he and Brenda Parker met to complete the second draft of the Citizen’s Volunteer Group/Community Emergency Response Team Manual. They are hoping to submit it to the City Manager by mid-March.

Delaware City Day Committee – City Manager Cathcart reported that the committee had their organizational meeting last week. He said he was very pleased that Beth Konkus agreed to assist him in his chairperson’s role. Future meetings will be the third Thursday of each month at 6:00 at Town Hall. He asked for additional volunteers.

Main Street – Christine Lewis said the oral history project and photo project has started. There are six people scheduled for interviews. On Tuesday, March 12<sup>th</sup> from 2:00 to 4:00, residents can come bring artifacts or photos, to be scanned and cataloged.

There will be a diabetes class, every Tuesday, for six weeks, starting March 5<sup>th</sup> from 10:00 to 12:30 at the Community Center.

Ms. Lewis invited residents to attend the Main Street board meeting on March 12<sup>th</sup> at 7:00 in the Community Center.

The Dolly Spanker series will continue on March 20<sup>th</sup> at 7:00 at the Community Center. Ed Okonowitz will be speaking about “The Tales Tombstones Tell”.

Main Street just acquired equipment to show movies at the Community Center. March 22<sup>nd</sup> is the first movie night. They are looking for sponsors to facilitate snacks, popcorn, etc.

The events calendar will be done this week and distributed.

**OLD BUSINESS**

**Second Reading and Adoption of Ordinance 13-0128-01- Relating to a Community Court**

*Council Member Sullivan made a motion to adopt Ordinance 13-0128-01, An Ordinance to Establish an Ad Hoc Community Court. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.*

**Second Reading and Adoption of Ordinance 13-0128-02 – Relating to a Vacant Property Registration Program**

*Council Member Green made a motion to adopt Ordinance 13-0128-02, an Ordinance to Establish a Vacant Property Registration Program for the City of Delaware City. The motion is to accept for the ordinance as written along with the*

*associated cost to the ordinance. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

### **NEW BUSINESS**

#### **First Reading and Introduction – Ordinance 13-0225-01 – Relating to Composition of the Board of Adjustment**

Interim City Solicitor Walton said this ordinance was prepared at his urging. He said there are times when the solicitor needs to give advice to the City. He said there are four different styles of Boards of Adjustment allowed in the Delaware Code. He recommended that the City adopt the style that consists solely of residents and that the City Solicitor does not sit on the board. *Council Member Johnson moved to introduce Ordinance 13-0225-01, an Ordinance to Change the Composition of the Board of Adjustment of the City of Delaware City. Council Member Titus seconded the motion. A roll call vote was taken, all ayes, motion carried.*

### **COUNCIL COMMENTS**

*Council Member Barrett made a motion to mail a \$1500 donation that was budgeted to the Delaware City Athletic Association. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried.*

Council Member Green gave a report of his activities during the previous month. He said he continues to work on the “past mayors’ information”. He said he has written a program for citizen and employee recognition. He would like to give it to the City Manager by next month. He commended Paul Morrill for his hard work and he pointed out that Jan Morrill should also be recognized for serving on committees and working for the good of the City.

Mayor Buchheit said he met with the Mayor of Cheswold who has asked him to assist them with some fundraising.

### **CITIZEN’S QUESTIONS AND COMMENTS**

Mike Hendry, 400 Clinton Street, said he had written the letter regarding Reedy Point Players that was referred to earlier in the meeting. He said he inadvertently besmirched Main Street, for which he took responsibility and apologized. Mr. Hendry said Reedy Point Players is willing to pay for the use of the Community Center, but needs to discuss this before committing to a long term plan. He added that they just received their 501c3 status. He reminded everyone that they are a bunch of amateurs and asked for patience. Mayor Buchheit said he doesn’t think there is anyone in the room who wants to see Reedy Point Players go away.

Tim Dilliplane, 118 Clinton Street, questioned Chief Tjaden about the new police officer position that has been advertised. He also asked City Manager Cathcart about a drainage valve near the canal lock. The City Manager said it is going to be addressed with the next grant as it has been a problem for years because it gets silted in.

Kristina Lynn, 901 Fifth Street, spoke on behalf of Reedy Point Players, hoping that the Mayor and Council understand the value of community theater. She would like to see this group supported. She said she just heard the Mayor and Council approve a donation for the Delaware City Athletic Association and said the Mayor and Council should consider a donation for Reedy Point Players. City Manager Cathcart said the donation had been budgeted and was not a surplus.

Miqui Beaston, 211 Adams Street, asked if it would be possible for the Delaware City Board of Elections to access the State Department of Elections voter registrations so they have more to work with than the property owners of the City. City Manager Cathcart said the City elections allow any residents of Delaware City to vote so the voter registrations would not help. She said it would help so much when working with absentee ballots, voter lists, etc.

Deborah Martin, 212 Washington Street, thanked the Mayor and Council for the Harriet Tubman Day proclamation. She said Delaware City is part of the Harriet Tubman Underground Railroad byway. She said they are very happy to have organized 10 days of events. She said she would send the schedule to City Manager Cathcart.

Erin Miller, 127 Clark Circle, spoke on behalf of Reedy Point Players, saying that the group does not have a good system of communication between the executive board, the regular board and the members. The financials are not where they need to be to enter a lease of this magnitude. They love being in Delaware City, as this is their home, and agree that they should pay for the Community Center use. She pointed out the cost of scripts and royalties. She said they will be looking for grants and sponsorships now that they have their 501c3. The Honorable Mayor Buchheit pledged a \$1000 donation to Reedy Point Players which should enable them to sign the lease. Ms. Miller thanked Mayor Buchheit, on behalf of Reedy Point Players.

David Ream, Director at Large of Reedy Point Players, thanked Mayor Buchheit for the donation. He gave an overview of the programs Reedy Point has participated in in the past.

Tim Dilliplane, 118 Clinton Street, suggested that Reedy Point Players might consider a doing a play in the afternoon of Delaware City Day, as there is limited activity at that time. They would have a huge potential audience.

Mark Chura, Main Street, thanked Mike Hendry for his apology. He pointed out The Delaware Community Foundation, which is a non-profit who assists non-profits. Reedy Point Players should look into that.

**RECONVENE BOARD OF APPEALS – 3<sup>rd</sup> Quarter FY13 Supplemental Tax Assessment**

The Honorable Mayor Buchheit reconvened the Board of Appeals at 9:08 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 Barrett seconded the motion. A voice vote was taken, all ayes, motion carried. The Honorable Mayor Buchheit adjourned the Board of Appeals at 9:09 PM.*

**EXECUTIVE SESSION**

*Council Member Green made a motion to go into Executive Session to discuss potential litigation relating to MHA, Inc. and a letter dated February 18, 2013, from counsel for MHA, Inc. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried at approximately 9:15 PM.*

**RECONVENE REGULAR MAYOR AND COUNCIL MEETING**

The Honorable Mayor Buchheit reconvened the regular Mayor and Council Meeting.

**ADJOURNMENT**

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

Respectfully submitted,

*Dawn K. Gwynn*  
City Secretary



## ATTENDANCE SHEET – PLEASE SIGN IN

MEETING: MC DATE: 2/25/13

NAME:

ADDRESS:

Tammy Zmyewski  
Hank Zmyewski  
Jack Reed  
Carol Schofield  
Kathy Clifton  
RAY FRUYTIER  
Kristina Lynn  
Jim Wharry  
Bill Miller  
Molly Keifer  
Mike HADON/DAB SKUES  
Stacy Swed  
Margaret Kheel  
Paul J. Parrots  
Tom DELIPLANE  
Debra Martin

307 Clinton St.  
" "  
8 KNIGHTSBRIDGE ROAD  
205 Cleaver Rd  
Town Hall  
909 5th  
907 B Stn  
203 Cleaver Rd  
146 WARFEL DR.  
211 Clinton Street  
400 CLINTON ST.  
68 Dunsinane Dr - New Castle  
207 Fitch Street  
300 Bayard St.  
118 CLINTON ST DC  
212 Washington St.

