

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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**CITY OF DELAWARE CITY
PUBLIC HEARING &
MAYOR AND COUNCIL MEETING
January 27, 2013**

CALL TO ORDER – PUBLIC HEARING

The Honorable Mayor Green called to order the Public Hearing at 6:00 PM.

ROLL CALL

Present were Council Members Barrett, Johnson, Malinowski and Buchheit. Also present were City Manager Cathcart, City Secretary Gwynn, City Treasurer Hartman, Police Chief Tjaden and City Solicitor Walton.

ORDINANCE 13-1216-01 RELATING TO ESTABLISHING A PROCEDURE TO ENABLE THE TRAPPING, NEUTERING AND RETURN OF ABANDONED, STRAY, LOST OR FERAL CATS IN THE CITY.

Mayor Green asked if anyone present was interested in speaking about this ordinance. No one was there to make a comment.

RECESS PUBLIC HEARING

Mayor Green recessed the public hearing until 6:25 as there was no one present to discuss the ordinance.

RECONVENE PUBLIC HEARING

The Honorable Mayor Green reconvened the Public Hearing at 6:30 PM. He asked if anyone was present to speak about the ordinance.

Miqui Beaston, 211 Adams Street, asked why, after trapping and neutering, the cats were going to be returned to the neighborhood. She suggested that more should be done than just returning them.

ADJOURN PUBLIC HEARING

Council Member Johnson made a motion to adjourn the public hearing. Council Member Barrett seconded the motion. A roll call vote was taken and passed unanimously. Council Member Green adjourned the Public Hearing at 6:30 PM.

CALL TO ORDER – MAYOR AND COUNCIL MEETING

The Honorable Mayor Green called to order the regular meeting of the Mayor and Council at 6:30 PM.

PLEDGE OF ALLEGIANCE

Mayor Green led the Pledge of Allegiance to the flag.

ATTENDANCE ROLL CALL

Present were Council Members Barrett, Johnson, Malinowski, and Buchheit. Also present were City Manager Cathcart, City Treasurer Hartman, City Secretary Gwynn, Police Chief Tjaden and City Solicitor Walton.

RECOGNITION

Mayor Green recognized Mrs. Breidenbach and her son, Justin, from St. Georges' Troop 123, who is working on a badge for Eagle Scout. Justin said he would earn his Citizenship in the Community badge for attending the Mayor and Council Meeting.

ACTION UPON THE TREASURER'S REPORT

City Treasurer Hartman presented the December 2013 Treasurer's Report. She reported that the City would receive a discount of 19% on Worker's Compensation due to a good grade on the safety inspection. The City Treasurer informed the Mayor and Council that line item 5390-01-000 contains a posting error. She emailed the revised Treasurer's Report with this corrected. She also emailed a copy of all legal bills for FY14 to date. She said she would print them out if they would prefer a printed version. A question was addressed regarding the fact that Real Estate Tax Revenue is at 97% and the collection dunnings. *Council Member Buchheit made a motion to approve the December 2013 Treasurer's Report, subject to audit. Council Member Barrett seconded the motion. No discussion occurred. A vote was taken, all ayes, motion carried.*

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Council Member Johnson made a motion to approve the minutes of the December 16, 2013 meeting as written. Council Member Barrett seconded the motion. No discussion occurred. A vote was taken, all ayes, motion carried.

POLICE REPORT

Chief Tjaden reported the police activity statistics for the period from 12/16/2013 through 1/24/2014, with a total of 21 arrests: 10 criminal arrests, 10 traffic arrests and 1 drug arrests. He also reported the following:

- Assisted in the distribution of toys to local children with members of the community, Mayor and Council and employees of the Delaware City Refinery.
- Attended the second meeting of the Civil Citation group at the Department of Justice in Dover. This group will be working on policies for the State of Delaware's first Community Court Program, using the Delaware City program as a model.
- Attended a meeting for the new Crime Mapping software at DIAC in Dover.
- Investigated an alleged rape, working with an uncooperative victim. Waiting for results from CAC.
- Assisted Probation and Parole with an escapee from Governor Bacon. Arrest made.
- Assisted Delaware State Police (DSP) on a robbery investigation which occurred in New Castle. Defendant was found in the Delaware City Mobile Home Park. Arrest made by DSP.
- Assisted the Cutting Edge with snow removal by checking streets to make sure everyone was safe.
- Ended 2013 with a total of 1,151 complaints.

CITY SOLICITOR'S REPORT

City Solicitor Walton reported the following:

- Accompanied City Manager Cathcart and Mayor Green on a trip to Fort Monroe. Will be working on some legislation in respect to that visit during the next few months. He thanked the mayor for the photograph commemorating the trip.

CITY MANAGER'S REPORT

City Manager Cathcart reported the following:

- Along with Mayor Green and City Solicitor Walton, we traveled to Fort Monroe, VA to meet with the staff of the Fort Monroe Development Authority to get some insight for the Fort DuPont project. Mr. Walton has

drafted legislation that will create a similar Board and authorize the annexation of the Fort DuPont property to the City. The legislation will be introduced within the next week or two.

- Met with representatives from Del DOT, the Refinery and the Fire Company to discuss the closing of School House Road. The Fire Company had a few concerns that the refinery said would be addressed.
- Held the first "Planning Committee" meeting for the Community Center and Dragon Run Trail Master Plan. The first Public Meeting is this Wednesday night at the Community Center starting at 6:00 PM.
- Along with Kathy Clifton we attended the Stormwater Discharge Permit meeting. We also met with Dave Athey, from Duffield Associates concerning specifics of the City's responsibilities. Again, it is clear that the new permit requirements will add additional cost to the annual operating budget.

General Meetings

- African Union Cemetery Committee
- Historical Preservation Commission
- Mayors Ball Committee
- Delaware City Day Committee
- Fort DuPont Development Committee

Project Updates

- Branch Canal Project progressing as expected with numerous weather related delays.
- Street, Sidewalks and Curbs contract will be delayed to spring.
- Community Center/Dragon Run Trail Master Plan; Public Meeting

Discussion followed regarding the meetings for the Park Master Plan. Discussion followed about steps taken by the police when people were found sleeping in the post office and bank.

MAYOR AND COUNCIL REPORTS

Council Member Buchheit reported the following:

- The Christmas Toy Run was a success. Thanked Jack Reed for being an "awesome" Santa, and the other volunteers.
- Decorated gazebo for the holidays.
- Awarded prizes to the top three place winners in the Christmas Decorating Contest. They were awarded gift cards from Crabby Dick's and Cordelia's.
- Was married on New Year's Day in the park.

- Attended HPC meeting and talked about HPC acting only in an advisory capacity for the residential area, as opposed to having the same authority as in the business district. Mayor Green formed an ad hoc committee to study this. Meetings will be posted in the future.
- Presented Delaware City Playground Fund with a check in the amount of \$148 from the tips jar in Cordelia's.
- Buster Nut's will be opening in March so there will be about 12 new jobs available. Any interested parties should contact Council Member Buchheit.
- Would like to see Delaware City implement Code inspections and enforcement rather than relying on New Castle County. He asked the opinion of Council. City Manager Cathcart said he would look into it. The only way the City could afford it would be to hire a part-time inspector. The City Manager said it would be more viable with the annexation and renovation of Fort DuPont. City Solicitor Walton said the anticipated changes for Fort DuPont would require Code changes so all that could be worked in together at the same time.
- New sidewalks have been installed downtown. Fortunately, the merchants have the same pavers in the same pattern. Councilmember Buchheit asked if there could be an ordinance to require the uniformity of sidewalk replacement. Council Member Barrett asked if this would only impact the commercial district, to which the reply was "yes". City Manager Cathcart said he would look into drafting the ordinance.

Council Member Malinowski reminded everyone that last month they had discussed the problem with trash carts being left out in the business district after trash collection. He said he would like to expand that to the residential areas. City Manager Cathcart said this was just addressed in the City News. He said the follow-up is to start citing the violation by using police stickers to notify the residents.

Council Member Johnson pointed out that four residents had passed away since the last meeting. He noted Roy Vandegrift, a member of the Vandegrift family who were long-time residents and Heather Vandegrift's father, Doris Schirling who was Mike Schirling's mother, Ruth Press who was 97 years old and lived on Washington Street, and the last was Katherine Poppe Boyer, Wally Poppe's mother. He said he would like to acknowledge the deaths and offer condolences.

Council Member Johnson announced that he set up "Delaware City Town Hall" on Facebook. This is for official town business only. People can't comment as the page would be used for information only.

Mayor Green reported the following:

- Attended the Delaware League of Local Governments, the Delaware City Senior Center, and the Delaware City Firepersons Appreciation Dinner.
- Assisted in setting up a dinner for the Blue Gold Football fund raising event at Citibank DE.
- Was contacted by Darlise DiMatio from the Pike Creek Running Club who is interested in having running events in Delaware City. Referred her to City Manager Cathcart.
- Met with resident Tyler Russell regarding using the gym at the Community Center for lacrosse practice until March. Made an agreement with stringent stipulations regarding times and adult supervision. Supervised last Saturday and will continue to assist when possible.
- Visited convalescing residents.
- Assisted with Toy Run and the Christmas Decoration Contest judging. Council Member Johnson said he would take on the judging next Christmas.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS

Mayor Green said he would like to appoint the following people to the Election Board: Marcelle Beaston - Chairperson, April DeBenedictis and Bonnie Hanna.

Council Member Buchheit made a motion to appoint Marcelle Beaston as Chairperson of the Election Board. Council Member Johnson seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Johnson made a motion to appoint April DeBenedictis to the Election Board. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Buchheit made a motion to appoint Bonnie Hanna to the Election Board. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried.

Mayor Green said he would like to appoint Virginia Monroe as the Election Inspector, and Connie Howard, Cynthia West and Jean Bonner as Election Officers.

Council Member Malinowski made a motion to appoint Virginia Monroe as the Election Inspector. Council Member Johnson seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Buchheit made a motion to appoint Connie Howard as an Election Officer. Council Member Johnson seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Malinowski made a motion to appoint Cynthia West as an Election Officer. Council Member Buchheit seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Johnson made a motion to appoint Jean Bonner as an Election Officer. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried.

Mayor Green said he would like to appoint the following people to the Delaware City Day Committee: Beth Konkus, Anthony Branda, Chrissy Money, Dale Slotter, Bill Sahm, John Buchheit, Kate Cieslak and Linda Cathcart.

Council Member Malinowski made a motion to appoint Beth Konkus to the Delaware City Day Committee. Council Member Johnson seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Buchheit made a motion to appoint Anthony Branda to the Delaware City Day Committee. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Johnson made a motion to appoint Chrissy Money to the Delaware City Day Committee. Council Member Buchheit seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Johnson made a motion to appoint Dale Slotter to the Delaware City Day Committee. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Buchheit made a motion to appoint Bill Sahm to the Delaware City Day Committee. Council Member Malinowski seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Malinowski made a motion to appoint John Buchheit to the Delaware City Day Committee. Council Member Johnson seconded the motion. Mayor Green asked that the record show a vote was taken, three aye votes with one nay vote from Council Member Buchheit, motion carried.

Council Member Buchheit made a motion to appoint Kate Cieslak to the Delaware City Day Committee. Council Member Johnson seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Buchheit made a motion to appoint Linda Cathcart to the Delaware City Day Committee. Council Member Johnson seconded the motion. A vote was taken, all ayes, motion carried.

Discussion followed regarding the fact that the mayor failed to ask for an appointment for Richard Cathcart as the Chairperson of the Delaware City Day Committee, for which Mr. Cathcart said he was thankful. City Clerk Hartman pointed out that Mr. Cathcart was appointed in September, so he would not need to be reappointed until after the 2014 Delaware City Day celebration.

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Main Street - Mark Chura, program manager, reminded everyone that the Delmarva Foundation rents space in the Community Center. He said they actually manage the Health Care Exchange for Delaware. He said they would like to put on a couple events in the future to advertise their services.

Mr. Chura distributed a calendar of events for 2014 and highlighted various events. He asked for the City to review it so it can go out for printing.

OLD BUSINESS

SECOND READING AND ADOPTION OF ORDINANCE 13-1216-01 RELATING TO ESTABLISHING A PROCEDURE TO ENABLE THE TRAPPING, NEUTERING AND RETURN OF ABANDONED, STRAY, LOST OR FERAL CATS IN THE CITY

City Solicitor Walton said this ordinance was based on a model ordinance provided by Council Member Titus. However, this was not based solely on that ordinance as it was tailored around Delaware City Code. There were provisions made to match up with the existing Code.

Council Member Johnson made a motion for the second reading and adoption of Ordinance 13-1216-01, as it is written. Council Member Barrett seconded the motion. Discussion followed regarding cats that are a nuisance because they harass commercial customers. City Manager Cathcart said this method has been adopted by other areas as it is the most effective way of controlling the cat population. He cited St. Michael's, Maryland, which had previously had a huge cat problem. City Solicitor Walton said public nuisance cats are addressed in the ordinance in section 24-41.

City Manager Cathcart said this program is not paid for with City funds. Council Member Titus has applied for grants and been awarded enough money to

spay/neuter 250 cats. City Solicitor Walton said section 24-41b addresses the responsibilities of Community Cat Caregivers, as those responsibilities pertain to costs. *A roll call vote was taken, all ayes, motion carried.*

NEW BUSINESS

CERTIFICATION OF THE 3RD QUARTER SUPPLEMENTAL TAX ASSESSMENT FY14

Council Member Buchheit made a motion to certify the 3rd Quarter Supplemental Tax Assessment FY14. Council Member Barrett seconded the motion. A roll call vote was taken, all ayes, motion carried.

CITIZEN COMMENTS

Ray Fruytier, 909 Fifth Street, said he feels the sidewalks in the business district should not be helter skelter, with each business doing whatever they choose to do. All sidewalks in that area should be uniform.

APPOINTMENTS, ANNOUNCEMENTS, COMMUNICATIONS (continuation)

The Honorable Mayor Green, having previously appointed Marcelle Beaston, swore her in as Chairperson of the Election Board.

ADJOURNMENT

Council Member Johnson made a motion to adjourn the Mayor and Council Meeting. A vote was taken, all ayes, motion carried. Meeting adjourned at 7:20 PM.

Respectfully submitted,
Dawn K. Gwynn
City Secretary