

MAYOR AND COUNCIL OF NEW CASTLE
SPECIAL HEARING - NEGOTIATIONS
TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE
WEDNESDAY – JANUARY 23, 2002 – 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Council President Castagno
Councilman Balascio
Councilman DiAngelo
Councilwoman Miller
Councilman Reese

Also present: Mayor John Klingmeyer; Robert Martin, City Administrator

Mr. Castagno revisited the protocol.

Agenda consist of four issues to be discussed.

1. Vote on Resolution (2002-1) to retain Appraiser, Ms. Joyce Tice, MAI of Appraisal Associates, Inc. to appraise Van Dyke Armory and further advise Council as necessary.

COMMENTS FROM THE FLOOR

Mr. DiAngelo – Is there a letter from the City Solicitor with the recommendation of Mr. Cobb from the Planning Commission?

Dr. Miller – This is not the only appraiser that was consulted.

Mr. DiAngelo made a motion to pass Resolution 2002-1 to do appraisal of Van Dyke Armory. Mr. Balascio seconded. Motion passed unanimously.

Mr. Reese noted there is a four week window.

2. Vote on Resolution 2002-2 soliciting specific non-binding letter of intent from owner of the Van Dyke Armory as to the lease/purchase of that property after renovation, to create police station offices and authorizing President of City Council to sign such a letter.

COMMENTS FROM THE FLOOR

John Klingmeyer, Mayor of the City of New Castle – Worried about Council signing a letter of intent. Entire process appears to be in reverse order. All action is being done by President of Council and not by Council collectively. Council is a body of its own independent of President of Council. Wants all information to be disseminated in an above board manner. This should be turned over to the Planning Commission for further study.

Mr. Castagno – All information is coming through President after conferring with City Solicitor, Mr. Kavanaugh, and Real Estate Attorney James Harker. The attorneys are handling this resolution.

John Klingmeyer – Why aren't City Solicitor and Real Estate Attorney present? Everyone has questions that need to be answered. Decisions should be made by entire Council. Strongly urges no action.

Mr. Balascio – At this point, we don't need any advise. We are just entering into non-binding discussion.

John Klingmeyer – Very upset about the direction process is taking. Wants Solicitor present at meeting.

Charlotte Houben – Concerned about signing a letter of intent without a Real Estate Attorney.

Mr. Castagno – Real Estate Attorney, Jim Harker, will be involved in lease negotiation.

Flo Russell – Will all Council members have option of signing Resolution. Wants more information.

Mr. Castagno – Information has been available. Tetra-Tech was at past Council meeting. Believes Council has given an exceptional amount of information. Selected a Site Committee in 2001. Everyone has been informed this was our objective. Are continuing to assemble more information. All information is available at City office.

Charlotte Houben – Appears Council is trying to sell the Armory.

John Houben – Has no problem with non-binding agreement. Wants a professional hired to guide City. Also, no one from trustee is present during discussion.

John Klingmeyer – Request Solicitor meets with Council and Mayor.

Mr. DiAngelo – Request that appraisal be done before we sign a letter of intent. Called for no vote until we have appraisal.

Mr. Castagno – Fact of the matter is we will be leasing this building. After it has been renovated for a police facility.

Mr. DiAngelo – Believes a remodeled building will be more expensive than a new facility. This Council is not working as a unit. Nothing is done in unison. This is a heated issue.

David June – *member of Council 9212*
New Castle Civic League Director Lou Indellini told David June that a two acre parcel was available at New Castle Common for the City to use as a police facility.

Mr. Castagno – Council has not been approached about space. Also has not come before Trustee Property Development Committee or the full Board. In addition, no letter has been received by the City from the Trustees.

David June – Concerned about money being spent on Armory Site.

Mr. DiAngelo – Environmental study should be done at Armory and who will pay for it.

Mr. Castagno – Study will be handled in lease negotiations.

Mr. Reese – Appraisal should be done before we enter in lease negotiations. Wants Mr. Kavanaugh to handle negotiations. Council decided ten years ago to let President of Council and the Major talk to City Solicitor and funnel questions through them. This is how this matter has been handled and is not a conflict of interest.

Mr. Castagno – When do we have appraisal done, before or after renovations.

Mr. Reese – Query about being locked into agreement.

Dr. Miller moves to accept Resolution 2002-2. Mr Balascio seconded the motion. Roll call vote: Mr. DiAngelo, no; Dr. Miller, yes; Mr. Reese, no; Mr. Balascio, yes; Mr. Castagno, yes. Motion passed three to two. Council voted with conditions.

3. Consideration and action on recommendation of Ad Hoc Task Force regarding retaining of Kise, Straw, and Kolander to assist the New Castle City Planning Commission in Comprehensive Plan update and Zoning Code revisions.

Effective zoning code revision comes down to how well we will enact the changes.

COMMENTS FROM THE FLOOR

Stan Sykora – Chairman of Planning Commission update the Zoning Code. The present code is incomplete and does not cover needs. Redo Comprehensive Plan. Steering Committee consists of Richard Appleby from Trustees; Chris Castagno, Council; Charles Cobb, Planning Commission; Eugene Dempsey, Visitors Bureau; George Freebury, Municipal Services; Virgil Irick, Planning Commission; Jack Klingmeyer, May; Bob Martin, City Administrator; Chip Patterson, Tree Committee; Stan Sykora, Chairing Ad Hoc Task Force Committee.

Received 13 bids proposed and Committee has chosen Kise, Straw, and Kolander. Shawn McCaney, Director of Planning will lead the team from Kise, Straw, and Kolander.

Shawn McCaney – When they have updated the Comprehensive Plan it will be able to go directly into effect without further revision.

Stan Sykora – Kick off meeting will finalize plan and discuss how to disseminate information Survey Format, TV, and water bills.

Jack Klingmeyer – Great mass of people who do not attend Public Meeting. Wants to contact everyone.

Shawn McCaney – Survey is another way to contact people.

David June – Civic League has a TV show on CNN 8 and is willing to have people discuss community affairs. This is an option.

Stan Sykora – Appointed to do a job. Will get input and wants results.

Charles Cobb – This will be a benefit to City. Has been two years in the works. City needs this.

Dr. Miller moved to retain Kise, Straw, and Kolander. Mr. Reese seconded the motion. Motion passed unanimously.

4. Discussion of Zoning relative to City site at 4th and Chestnut Streets.

COMMENTS FROM THE FLOOR

John Houben – Rezoning a piece of land, will it be removed from consideration as police site?

Mr. Balascio – Primary investigation changed from historic residential:

- a. option, rezone property.
- b. special exception through Board of Adjustment. City Solicitor says might be “spot zoning” and may be subject to legal action.

Do we want to set forth certain zoning district for benefit of government or follow through to maintain certain characteristics. Wants to know if property can be used. Need to address zoning problems.

Dr. Miller – Questions if ground is fine for building. Willing to consider this area.

Mr. Reese – Willing to look at site. Wants this to be submitted to Planning Commission.

Mr. Balascio – Says City Solicitor recommends we do not rezone. Does this Council want to make application to Board of Adjustment for special exception to have this property used for police site?

Mr. Castagno – Has any work been done by previous Council on this site?

Dr. Miller – Could not decide on a site. Never got this far. Must define what we want to do with this site. Not comfortable in making a decision.

COMMENTS FROM THE FLOOR

John Klingmeyer – Council has supreme authority. City Council makes the laws.

Mr. Balascio – Not a matter of whether we can but whether we should.

David Jones – Why is this an issue at this time?

Mr. Balascio – Site Selection Commission was not charged with addressing zoning issue.

David June – Rezone this property so we don't have any controversy.

Mr. Castagno – We are trying to address any future problems.

David June – County withdrew because these sites are in flood plan. Much discussion on flood plan.

Dr. Miller – County pulled out because they were not satisfied with Deemer Site.

David June – Wants harmony in City.

Charles Cobb – Zone Historic Residential – Joyce Tice, one of top three appraisers in State of Delaware.

Mr. DiAngelo – Cost of police facility at 4th & Chestnut Streets.

Charles Cobb – Over \$1,000,000.00. Can't give you an answer today. Recommends building be a two story building.

Dr. Miller – Moves to have Solicitor at Executive Session next week.

Charlotte Houben – Have Solicitor here.

Bill Henkowski – Would like to know where Trustees stand on this.

Mr. Castagno – Have not heard back from Trustees.

Mr. DiAngelo – Should meet with Trustees quarterly.

Mr. Castagno – Not in agreement on what we want.

Dr. Miller moved to go to Executive Session. Seconded by Mr. Reese. Passed unanimously.

Respectfully submitted,

Kate Toner
City Clerk

COUNCIL & MAYOR MEET WITH
CITY ADMIN FOR APPROX 15 MINUTES
IN EXEC. SESSION. AT CONCLUSION
OF DISCUSSIONS COUNCILMAN REESE
MADE A MOTION TO RETURN TO
OPEN SESSION ~~AND~~ BY BALASCIO,
ALL AYE.

~~BOTH~~ THERE WAS NO FURTHER
BUSINESS IN OPEN SESSION COUNCIL
DIANGELO MOVED FROM ADJOURNMENT
AND AYE ALL AYE.

I will
NOT Add
this