

**City Council of the Mayor and Council of New Castle**  
**Regular Council Meeting**  
**Tuesday – February 10, 2009 – 7 p.m.**

Present:

Council President William Blest  
Councilperson Janet Churchill  
Councilperson John Gaworski, Jr.  
Councilperson Teel Petty  
Councilperson Donald Reese

Also present:

Mayor John Klingmeyer, City Treasurer Janet Carlin, City Administrator Cathryn Thomas, City Solicitor Roger Akin, City Engineer David Athey, Police Chief Kevin McDerby

**Approval of Minutes by Date**

A motion was made by Councilperson Churchill to accept the January 13, 2009 Minutes as presented. It was seconded by Councilperson Reese and passed unanimously.

**Approval of Treasurer's Report**

Mrs. Carlin reported that there was \$400.00 in petty cash, \$255,452.52 total deposits for the month, \$468,392.27 total in the Wilmington Trust Accounts, \$1,750,375.15 in the Certificates of Deposit and Delaware Government Investment Pool and \$2,218,767.42 total cash on hand. A motion was made by Councilperson Reese to accept the report as presented. It was seconded by Councilperson Churchill and Petty and passed unanimously.

**Approval of City Administrator's Report**

Mrs. Thomas stated that her report to Council was in their packets. Mrs. Thomas also spoke on some of the projects she has been working on the previous month.

**Approval of Staff Reports**

Chief McDerby stated that the Police report was in Council's package. Chief McDerby expressed his condolences regarding the passing of Mr. Richard Evans, an active member of the New Castle community and also a member of the Volunteers In Police Service (VIPS). Chief McDerby also spoke about Officer Robert Elliott Singleton's heroic efforts to free a woman trapped in her house during a fire in Jefferson Farms.

**Grant Review**

Councilperson Churchill gave the grant information for the month of January. Monies received were \$133,413.60 from MSAF for 2009 appropriations. Expenditures for the month were \$25,686.94 to Joshi Construction for Bellanca Air Hanger.

**Communications**

None

### **Business from the Floor (concerning agenda items only)**

Mr. Andy Taylor, an attorney representing the Trustees of the New Castle Common, spoke concerning the proposed expansion of the building which houses the Good Will Fire Co. Mr. Taylor informed Council of the progress to date regarding approvals, etc.

### **Business from the Mayor**

None

### **Business from the Council President**

None

### **Unfinished Business**

1. Discussion to set a date for a second public hearing to consider amendments to Chapter 74 of the City Code entitled, "Tree Commission" and the addition of a new Section to the City Code entitled "Street Tree Ordinance". A public meeting will be held on Tuesday, February 24, at 6 p.m.
2. Motion, Discussion and Vote on Resolution No. 2009-3, authorizing the Mayor to sign the "Certificate of Ownership" section of plans prepared for the Trustees of the New Castle Commons, for property at 401 South Street, which proposes to construct an addition to the Good Will Fire Company. Council President Blest read the Resolution. A motion was made by Councilperson Reese to accept the Resolution. It was seconded by Councilperson Churchill and passed unanimously. (Gaworski-yes, Petty-yes, Churchill-yes, Reese-yes, Blest-yes)
3. Discussion and review of the Draft Comprehensive Plan Update, including the remaining steps in the process, which also includes Public Hearings before the Planning Commission and the City Council. A public hearing has been scheduled for Tuesday, February 24 at 6:30 p.m.

### **New Business**

1. Motion, Discussion and Vote on a Resolution to Appoint an Absentee Ballot Clerk for the City Election to be held on April 18. A motion was made by Councilperson Reese to have Mr. Francis "Bud" Waraksa appointed as the Absentee Ballot Clerk for the City Election. It was seconded by Councilperson Gaworski and passed unanimously.
2. Motion, Discussion and Vote on a Resolution approving a Vendor Permit for "Dogs Gone Wild" for the location of the Wharf area adjacent to Battery Park. Councilperson Churchill made a motion to approve the vendor permit. It was seconded by Councilperson Petty and passed unanimously.
3. Motion, Discussion and Vote on a Resolution to Confirm the Mayor's selection of a Planning Commission member, Florence Smith, to fulfill the unexpired term of Mr. Bernard Pinkett, term ending April 2011. A motion was made by Councilperson Churchill to accept the Mayor's selection of Florence Smith to the Planning Commission. It was seconded by Councilperson Reese and passed unanimously.
4. Discussion of items to be requested by the City for funding from the Trustees of the New Castle Commons. Council President Blest reported on the department heads' requests for

funding from the Trustees.

5. Motion, Discussion and Vote on Resolution No. 2009-4, approving a new personnel policy to allow employees to donate sick time to one another in situations where an employee has a catastrophic illness or injury. Councilperson Churchill read the Resolution. A motion was made by Councilperson Reese. It was seconded by Councilperson Churchill and passed unanimously.
6. Motion, Discussion and Vote on Resolution No. 2009-5, amending Resolution No. 2007-14, approved by the City Council on July 10, 2007, approving transfer to the Trustees of the New Castle Commons the Banks Building on the Wharf at the end of Delaware Street. Councilperson Reese would like to revise the Resolution and go back to Council for their consideration. Councilperson Churchill made a motion to table this item until Council's next meeting. Councilperson Petty stated that she is not in agreement with the Resolution and felt that Councilperson Reese should not have brought this matter to Council without her knowledge because of her liaison position with the Trustees as a Council member. Councilperson Petty is not in favor of transferring ownership of the Banks Building. Councilperson Gaworski seconded the motion to table this matter and it passed unanimously.
7. Motion, Discussion and vote on Resolution No. 2009-6 approving a budget transfer for the Police Department. Councilperson Churchill read the Resolution. A motion was made by Councilperson Reese. It was seconded by Councilperson Gaworski and passed unanimously.
8. Discussion of Verizon Cable Franchise negotiations. Council President Blest spoke regarding the franchise negotiations. Mrs. Thomas explained the information contained in the packets she received from Mr. Cohen. Council decided to discuss this matter at the February 24, public hearing since they just received the packets from Mr. Cohen with his negotiation recommendations.
9. Comments from the floor. Dr. Padmalingam wants the beach at Battery Park cleaned up. He requested that Council add this item to the list of funding requests to the Trustees.
10. Executive Session to discuss personnel matters.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Jill F. DiAngelo,  
City Clerk