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**Mayor and City Council of New Castle  
Public Hearing and Regular Council Meeting  
New Castle Town Hall–Delaware Street–New Castle  
Tuesday, March 9, 2004–6:15/7:00 PM**

**Roll Call**

**Present:**

President Castagno	Councilman DiAngelo
Councilwoman Miller	Councilman Padmalingam
Councilman Reese	

**Others Present:**

Treasurer Janet Carlin, Finance/Human Resources Manager Marian Delaney, City Attorney Cliff Hearn, City Administrator Bob Martin, City Health Officer Herb Swanson; Public Services Manager Jim Weldin

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**Public Hearing**

President Castagno convened a public hearing at 6:15 PM to discuss proposed changes to the New Castle zoning code. The changes are part of the Comprehensive Plan developed by Kise, Straw, and Kolonder, hired two years ago to update the City Comprehensive Plan passed in 1968. The zoning changes are intended to ensure the comprehensive plan's successful implementation. Copies of the plan are available at the City Office. Although the firm's representative was unable to attend, he asked for public feedback so that he could answer questions and explain the plan at the next Council meeting.

Councilman DiAngelo agreed with most of the 21-page suggestions for changes, but questioned the inclusion of a Neighborhood Commercial category. This category provides for "controlled and limited" retail stores on corners lots in residential areas. These stores would serve a walk-in trade with "food, groceries, dry goods, newspapers, and magazines." He read a letter from **Tom Whitehead**, which expresses concerns that combining residential and commercial zoning would create noise, objectionable odors, and limited parking for neighboring residents. He further pointed out that, although the commercial establishment would increase in value, the value of its surrounding residences would decrease. He approves of commercial establishments like O'Donnell's, once located on Delaware Street, but he wants the Neighborhood-Commercial category eliminated. President Castagno assured him that the planning firm's representative would be at the next meeting to address his concerns and that having someone from the Planning Commission might be present to help explain the plan.

**Mr. Whitehead** also observed that because the plan contains many careless mistakes it needs more work and that additional details should be included. President Castagno reminded him that the plan has been two years in the making.

**Charlotte Houben of Washington Park** noted that the new plan does not contradict the existing charter. She questioned why commercial establishments that close revert to residential zoning. President Castagno advised that this occurs only if another commercial establishment does not occupy the building within a year.

**John DiMondi** agreed with Mr. Whitehead that it is a mistake to make any corner commercial without input from neighbors.

**Charles Cobb** distributed a 12-page plan, heavily annotated in blue that summarized his suggestions. He discussed his extensive recommendations in detail. *His annotated plan is attached.* He recommended that Jeff Bergstrom and Jim Weldin stringently review the plan to ensure that the changes are feasible, especially those associated with the Residential-Commercial provisions. . He also noted no member of the existing Planning Commission has civil engineering or architectural experience. He urged that the Planning Commission should include members with city planning experience. He cited the lack of open space in Boothhurst as an example of poor planning. He noted the problem lies in the fact that the landowners association in Boothhurst decides whether or not open space is to be provided.

Councilwoman Miller agreed that the City should have controlled it. Councilwoman Miller answered that before being annexed by the City, Boothhurst belonged to the County. She served on the first City Council to consider the annexation, and that Council rejected it. Another Council approved the annexation. She agreed that there should be open space in Boothhurst. She pointed out that the Planning Commission has no legal power for annexation.

President Castagno thanked Mr. Cobb for his detailed evaluation and explained to those assembled that the Plan is a document in progress and that it will be reviewed with the planners again before it is finalized.

**Ned Hutchinson** approved of the plan in most particulars, but listed five points he wishes implemented.

- 1 Have qualified professional urban planners and civil engineers attend Planning Commission meetings.
1. Give the Planning Commission the legal authority to approve or reject any planned setback, drainage project, and subdivision.
2. Clearly delineate both the responsibilities of the Planning Commission and HAC, and make HAC subservient to the Planning Commission. Include a reference to HAC in the zoning code.
3. Change the ordinance that allows the Mayor to appoint all members of the Planning Commission; instead have the City Council appoint members.
4. Consider appointing a member of HAC and a member of the Planning Commission to the Board of Adjustments.

He wants the City to hire a city planner and a civil engineer.

**Chandler H. Gebhardt** thanked all involved for trying to improve the City. He supports the commercial provisions of the plan. As the proprietor of a funeral home established and operated since 1885, he hopes his business will be covered in the new zoning code. He thinks the code will help create a town where both visitors and residents get be accommodated.

**Tom Whitehead**, who revealed that he had been a surveyor for 35 years, noted that his concerns deal with page 7 of the code. He observed that the code should be more specific to forestall ambiguous interpretations.

**Mr. Cobb** explained that the document is not a zoning code, but merely recommendations for a zoning code. President Castagno concurred that the code is a work in progress and that the Planning Commission recommended that the Council review the code.

Sally Monigle, Chair of the HAC committee, represents the New Castle Historic Society, briefly clarified some aspects of HAC.

- In conformity with a City ordinance, HAC representatives include an appointment from the Planning Commission.
- HAC does not deal with issues that are the purview of the Planning Commission.
- HAC's purpose is to monitor exterior design changes.
- HAC and the Planning Commission collaborate effectively.

President Castagno recommended that the responsibilities of both HAC and the Planning Commission be clearly delineated in the code. He then adjourned the Special Hearing and called the regular meeting of the City Council.

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## **Regular Council Meeting**

President Castagno convened the meeting at 7:00 PM and led those assembled in the pledge of allegiance. He asked attendees to sign in and to take a copy of the agenda.

### **Approval of Committee Reports**

President Castagno called for approval of committee reports by date. He announced that the reports are available at the City Offices. These reports describe the activities and accomplishments of three departments: Finance, Human Resources, and Public Safety.

President Castagno called on Jim Weldin, Director of Public Safety, to introduce Robert Chambers, the City's new Code Enforcement Officer. Mr. Chambers, who is an auditor with the US Army, has just completed training for the position. He will work from 4:30 PM to 5:30 PM and all day Friday and Saturday to handle complaints from residents, the City Administration, the Police Department, and the City Council. He will both respond to complaints and drive around to discover violations like high grass, strewn trash, and unsafe conditions.

Accompanied by Mr. Weldin, he has addressed concerns about vacant properties in Dobbinsville and discovered the offending property is to be sold, and investigated problem sites in Buttonwood.

President Castagno asked how Mr. Chambers will perform his job. Mr. Weldin replied that if possible, Mr. Chambers will personally issue a complaint when he discovers a problem; if that is not possible he will leave a card, followed by a letter. Mr. Weldin reported that the first complaint Mr. Chambers investigated involved siding falling from the back of a house. Court proceedings will begin only after two letters have failed to produce results. A descriptive brochure is being devised. Mr. Weldin reported that he and Rob Renzi, the previous Code Enforcement Officer, have already created a form for reporting complaints.

Councilwoman Miller moved to accept the committee reports as written. Councilman Reese seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the committee reports. The motion carried unanimously.

### **Approval of Treasurer's Report**

Treasurer Carlin reported that as of February 29, 2004, petty cash totaled \$270.00; monthly deposits totaled \$258,646.39. Cash in Wilmington Trust accounts totaled \$374,005.22. Total cash on hand equaled \$509,327.44. Councilman Reese moved to accept the treasurer's report as presented. Councilman Padmalingam seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the Treasurer's report. The motion carried unanimously. President Castagno announced that copies of all reports are on file at the City Offices.

### **Approval of Minutes by Date**

President Castagno called for approval of the February minutes. Councilwoman Miller noted that Carrie Downey is spelled incorrectly. However, she moved to accept the minutes with that correction. Councilman DiAngelo seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the February Minutes. The motion carried unanimously.

### **Communications**

Councilwoman Miller reported that Frank Di Sabatino of New Castle wishes to purchase Lot 601 on Center Street. City Administrator Martin has informed him that the City must go through protocol to sell a piece of property.

The City has notified Mario DiAngelo that within two weeks he must remove the portion of his fence that extends across School Street. In a letter dated March 9, 2004, Mr. DiAngelo responded with a request to leave the fence until the City opens that end of School Street. He further noted that in the 25 years he has had the fence, his care not only gives the area a neater appearance, but also eliminates a place for "kids to hide from the police." Councilman DiAngelo recommended visiting the property to decide on an effective course of action. President Castagno proposed placing the issue on the next Council Meeting's agenda to resolve the issue. City Solicitor Hearn will be consulted.

### **Business from the Floor**

President Castagno asked that business be limited to agenda items and that other concerns be introduced at agenda item 9,

### **Comments from the Floor.**

John DiMondi asked if New Castle will be expected to handle Newport's trash. President Castagno asked him and others to withhold questions until the discussion of agenda items.

### **Business from the Mayor**

There was no business from the Mayor.

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

There was no business from the Council President.

### **Business from the City Administrator**

City Administrator Martin reported on the following.

- URS Corporation has raised its rates on an average of 6%, effective July 1, 2004.

- URS also reported that because signs at the three-way stop at Seventh and South Streets are confusing, an accident could occur. **David Athley** of USR, who is New Castle's City Engineer and a Newark City Councilman, inspected the intersection. As a result, he advised installing additional signs under the stop signs. The additional signs would warn motorists that the intersection is a three-way stop, and that opposing traffic does not stop. Councilman DiAngelo suggested solving the problem by making Seventh Street one-way toward Delaware Street. Mr. Athley suggested investigating whether or not traffic volume warrants the change. Councilman Reese assured him it does. Mr. Martin advised that any changes must "have the blessing of DelDOT" because that organization maintains the streets involved.
- Mr. Martin said that Wilmington Area Planning Commission (WILMAPCO) has asked the City to submit plans for their Transportation Improvement Program (TIP) for the 2006-2008 fiscal years. The deadline is March 26, 2004. President Castagno asked if the submission could be accelerated. Mr. Martin revealed that the WILMAPCO committee will meet with planners and prioritize projects. He said that the City can cite an impressive development project history.
- The New Castle Flower Beautification Project (NCFBP) has received donations for approximately 12 urns, which will be placed around the City. NCFBP volunteers will begin planting the City's gardens soon.
- Solid Waste fees (\$58.50/ton) will remain the same.
- Nathan Hayward III of the Delaware Department of Transportation expressed appreciation for the City's support of Route 9 as a scenic and historic highway. A meeting is planned for the end of March.
- The George Reed House on The Strand is the only City building within the City that the State Historic Society Preservation Office has designated as an historic property.
- As of February 29, 2004, the City had collected 73.6% of its anticipated revenues, down 4.2% from last year. Expenditures were 73.7% of the budget, with 67% of the fiscal year passed. Factors influencing the higher expenditures include insurance bills, construction work, and two retirement buyouts. Councilman DiAngelo noted that because the City has received only 52% of its grant money, its financial position is better than it appears. A comprehensive copy of the audit is available in the City Offices.

President Castagno then introduced Mr. Robinson of the Delaware Mentoring Council (DMC). The Council is a State agency, involving a coalition of church, business, and government organizations. Mr. Robinson, a public school teacher, passed out flyers and stated that the State has identified 30,000 students most at risk. He believes far more students could benefit from the program. He described the benefits to both students and mentors and asked for volunteers. He revealed that those who work can monitor after school. He asked those who belong to organizations to help provide DMC information to them. He also asked if a notice could be placed in City paychecks. Councilwoman Miller informed him that Immanuel Episcopal Church on the Green has a sophisticated mentoring program. Councilman DiAngelo said that the Progressive Club does also. DMC can be reached at 1-866-DE MENTOR or 302-831-0520.

### **Unfinished Business**

There was no unfinished business.

## **New Business**

**Resolution 2004-03: Commemorating the 200<sup>th</sup> Anniversary of the Church of St. Peter the Apostle:** Councilwoman Miller read a resolution honoring the church's 200<sup>th</sup> anniversary. She credited Jean O'Hara with providing her with the information gathered by John Murphy as the basis for the resolution's text. Established in 1804, the church trustees purchased the building site in 1806 for \$350.00. The current church, begun in 1870 and consecrated in 1876, replaced the original church built in 1808 and continued in operation until 1868. Extensive rebuilding occurred in 1911. The school was built in 1909.

Father Fiori expressed appreciation for the resolution. He volunteered that "It has been a great 200 years," during which the church, like its sister church, Immanuel Episcopal Church on the Green, has been an integral part of the New Castle community. He noted that the church is in its seventh year of an extensive restoration project. Councilman Reese moved to accept the resolution. Councilman DiAngelo seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the resolution. The motion passed unanimously.

**Presentation of Audit:** Councilwoman Miller read the results of the City audit, which is available in the City Office. Completed June 30, the audit showed that the general fund has \$251,979 and that Special Revenues (grants) total \$141, 916.

**Flooding on Route 9:** Councilman Padmalingam discussed the flooding problem on Route 9 and distributed a plan for flood control. He complained that heavy rains make it impossible to cross Route 9 near Dobbinsville, and that flooding occurs even after only one-inch of rain. President Castagno noted that Route 9 is a State rather than a City issue, and that DelDOT may have different priorities. Councilman Padmalingam hopes to get candidates for governor and County Council in the coming elections to agree to address the problem.

**Charlotte Houben** complained that she has difficulty getting out of her development because of flooding, and that traveling on Route 9 at any time is a problem.

**Charles Cobb** questioned whether or not DelDOT is motivated to consider the problem. Councilman DiAngelo noted that the City needs to pressure DelDOT because of ever increasing traffic on Route 9. He advised that unless the City exerts pressure, nothing would be done to alleviate the problem.

Mr. Martin suggested submitting a request to WILMAPCO for their Transportation Improvement Program (TIP) for 2006-2008. WILMAPCO lists all potential projects and meets with DelDOT to consider which to fund. Because high-priority projects can sometimes be funded more quickly, he suggested submitting a detailed history of the problem with the request. He added that the current need is the kind of project WILMAPCO likes to fund. Councilman DiAngelo asked about the status of the interim WILMAPCO study of four years ago. Mr. Martin said that it was being considered in the State Transportation budget, and that plans for Sixth Street and Ferry Cut off will be discussed at a public hearing in the near future. Plans for Seventh and Washington Streets are in the proposal for rebuilding Washington Street in 2005.

President Castagno reiterated that because State Road 9 is not a City issue, the City needs to work closely with the State. Councilman Padmalingam asked if the federal government will get involved. Mr. Martin noted that federal money trickling down from homeland security was supposed to help with transportation issues. However, Senator Biden stated that money lost to tax cuts significantly reduced available money. He suggested that if the tax cut on incomes over \$400,000 were withheld for one year, the nation could pay for transportation upgrades and homeland security.

Councilman Padmalingam reminded the Council that Delaware will get \$60,000 of the \$3 billion in federal funds allotted for State transportation needs. President Castagno said that Senators Carper and Biden favor funding transportation projects. He observed that WILMAPCO determines how the transportation monies are distributed in Delaware. He advised that putting pressure on multiple agencies simultaneously helps and disclosed that the program for marshland rehabilitation, funded by Delaware Economic Development and DENREC, was accelerated five years.

John DiMondi doesn't want better roads that will make it easier to go through Dobbinsville. He wants an alternate route so that cars bypass New Castle. Councilman Padmalingam noted that his plan takes traffic away from Dobbinsville and the town and reroutes it to Route 273.

**Installing Gates for the City's Railroad Crossings:** Councilman Padmalingam opened the discussion favoring gates and more effective signals at the five points where the railroad crosses City highways. He pointed out that the railroad crossings are near schools, businesses, and residential areas. These are Happy Harry's, Wilmington Road, Buttonwood, Washington Street, and Young Street, none of which has a gate. Mr. Martin has sent them a letter citing the need for gates and signals, but they haven't responded. President Castagno and Mr. Bergstrom met with CSA Railroad earlier to no avail. They will contact railroad authorities again and set up a meeting.

**Ordinance 424: The Green Infrastructure:** President Castagno summarized the ordinance which strikes "Tree Commission" and adds "The Green Infrastructure" to Chapter 74 of the City Code. The purpose is to promote the residents' "public health, safety, and general welfare." The chapter covers the means for protecting the green infrastructure, a part of recycling focused on trees, storm water facilities, and landscaping, as opposed to the gray infrastructure (i.e. streets and sewers). The Tree Commission is not yet ready to go forward, but urges residents to provide input. The Council will hold a public workshop within two weeks in April to elicit feedback from the public and the Tree Commission. The Council urges residents to provide feedback so that there is enough information for a first reading of the chapter at the next Council meeting.

**Ordinance 425: Recycling of Yard Waste in New Castle:** The purpose of the ordinance, which amends Chapter 74 of the City Code, is to keep residential yard waste out of the landfill. The ordinance provides for the reuse of grass, leaves, trees, and Christmas trees. Benefits to residents include "extending the life of landfills," "reducing the consumption of renewable sources of energy and raw materials;" as well as reducing municipal costs, the emissions of greenhouse

gasses, and saving energy. He noted that the City already recycles Christmas trees, and processes them for compost and mulch for City parks and trees.

President Castagno identified factors that make recycling mandatory. These include the cost of landfill tonnage, which comprises 20 or 30% of the City's tonnage, and then-Governor Carper's executive mandate that 30% of residential waste be recycled. Councilwoman Miller said that New Castle once recycled and that New Castle had a separate pickup for grass.

Councilman Reese noted that after salaries, the City's biggest expense is landfill fees. Mr. Weldin revealed that the City is charged by weight and that yard waste is very heavy.

He explained that the ordinance describes separate programs for each category to be collected because the City has no separation facilities. The ordinance covers residential recycling only. Some of the salient facts include the following.

- Delaware Solid Waste Authority is seeking to expand the landfill.
- Yard waste has the most weight.
- Grass clippings and leaves cannot be placed in plastic bags because tearing the bags and dumping the contents is time consuming. Grass clippings in garbage cans or plastic cans will be collected curbside from April 1 through October 31. No other materials are permitted in yard waste.
- Leaves in garbage cans will be collected curbside from October 1 through November 30. Residents can arrange for a special pickup by calling the Public Services department. Residents may not deposit leaves at curbside at any other time, unless a special pickup is arranged with the Public Services Department.
- Branches are to be bundled in lengths 4 feet by 2 feet and left at the curb for pickup.
- Christmas Trees can be left curbside from December 26 through January 26.
- The Public Works department will send violators a written warning, followed by referral to the Code Enforcement officer after two warnings have been sent. After two warnings, the violator will be fined \$50.

Mr. Weldin further revealed that the City already mulches Christmas trees and that at Councilman Padmalingam's urging, the City has instituted a recycling program at Battery Park. He also revealed that the yard-waste accounts for 700 tons of waste a year. Eliminating this from the landfill will save the City \$33,000/year. The City also saves the cost of mulch because of mulched Christmas tree recycling. Eventually residents will be able to get mulch for their gardens.

Mr. Weldin hopes to eventually add paper to the recycling effort.

President Castagno asked how recycling will affect manpower. Mr. Weldin replied that he will collect recyclables on Wednesday because he has more people available on that day. He will commit two people six hours a day. The trade off is saving money and acquiring a product.

Mr. Weldin reported that DENREC has granted New Castle and Newport \$50,000, to be shared equally. He will meet with the City of Newport to discuss a possible cooperative effort. Coun-

cilman DiAngelo emphasized that the City can share equipment with Newport, but doesn't want Newport's trash. Mr. Martin suggested using grant funds to acquire Bobcats to turn the compost.

**Charlotte Houben**, City resident, approves of recycling, but complains that it isn't fair to put it in Dobbinsville. She wants to put the recycling in an area without homes. Mr. Weldin said that the Trustees donated the land there to be used as a landfill. He explained that leaves and trees decay without offensive odors, but admitted that grass can sometimes create an odor. However, the compost facility will be separated from residences by 600yards.

**Mike Alfree**, City resident, had three questions. First, he asked if grass could be placed in the trash and if grass and leaves can be combined. Mr. Weldin reiterated that grass cannot be placed in the trash once the ordinance goes into effect, but that grass and leaves can be combined. Mr. Alfree then asked if the trash of organizations like St. Peter's would be collected for recycling. Mr. Weldin emphasized that only residential trash is to be collected. President Castagno added that eventually the program might be extended to commercial organizations. His third question concerned how to separate weeds from grass. Mr. Weldin assured him that weeds need not be separated from grass.

**Earl Carpenter**, City resident, said that his understanding is that City employees will decide what will go into compost when they pick up containers. He asked what control the City has over what Newport puts into its compost. Mr. Weldin reminded those assembled that the City has to share a \$50,000 grant with Newport, but if this involves jeopardizing the integrity of the City's program, the grant could be rejected. .

**Herb Swanson**, City Health Officer, pointed out that if New Castle provided residents with 25-gallon paper bags for recycling, as do some Delaware and Pennsylvania towns, composting would provide little saving. President Castagno assured him that the City has no plans to provide residents with paper bags, but the program could change. Mr. Swanson also asked if the City purchases a trash truck operable by only one person, how can glass in grass clippings be discerned. Mr. Weldin replied that the truck won't be used to pick up grass clippings. A person who includes glass in clippings will be warned. A person who repeats the offence will be fined. One possibility for detecting foreign matter is the use of cameras in the regular trash trucks used to collect compostable materials.

In response to **Mike Alfree's** question about plans to inform residents of the composting requirements. Mr. Weldin revealed that a brochure will be distributed detailing the program.

President Castagno then proceeded with the first reading of Ordinance 425. Councilwoman Miller said some aspects need to be clarified. President Castagno responded that that the ordinance will establish the program and that it can be fine-tuned to eliminate problems. Councilman Reese emphasized that the start of most projects encounter problems, followed by solutions to eliminate glitches. Councilwoman Miller emphasized that the Council must show the public the benefits of recycling, and avoid making one community feel discriminated against.

Councilman Reese moved to approve the first reading of Ordinance 425. Councilman Padmalingam seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and

President Castagno doubted that Mr. Allen would approve closing the street because residents are opposed to it. He advised that Police Chief McDerby should be consulted on any public safety issue and City Attorney Hearn will be consulted on legal issues.

**Chief Petty** also wants something done about dirt bikes that go down Buttonwood Avenue at 50 or 60 MPH. He said that he has called the police, but by the time they arrive, the speeder is gone. He wants the City to put police on dirt bikes to catch such speeders.

**Robert Warren** of Buttonwood complained that one-half of a block in Collins Park is one-way, with a stop sign the end of the block. Councilman DiAngelo suggested making the block all one-way to solve the problem. He promised to view the street from Collins Park and from Buttonwood.

**Louis Pinkett** reported that after a car jumped the sidewalk and hit a pole or a tree in Buttonwood, the resultant electrical surge was so great that residents suffered thousands of dollars in damages. **Paulette Maddox** related that her daughter's TV went out as a result of the electrical surge. One suggestion was that the driver's insurance would cover the damages. Another was that those affected could collect under their owner's or renter's policy. Mr. Pinkett declined to file a claim with his insurance company for something that wasn't his fault.

**Walt Guellich** asked if side streets in New Castle are 15 MPH, why are cars speeding up and down those streets. He complained that one red car goes 25 or 35 MPH on Fifth Street behind the library. He wants the City to use unmarked cars to catch such people. He also related that a woman who was tailgating him complained to a policeman that he was stopping for stop signs, and that she was in a hurry.

**Charles Cobb** asked if Ninth Street is to be repaired by the developer. Mr. Martin said that the matter is in negotiation. Councilman DiAngelo promised to do something with the street. President Castagno said the street's repair, which will cost \$150,000, is being negotiated.

### **Meeting Adjourned**

Councilman DiAngelo moved to adjourn the meeting and to go into an executive session. Councilwoman Miller seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the motion. The motion carried unanimously. The meeting adjourned at 8:45 PM.

### **Next Meeting**

The next regular meeting will be held at 7:00 PM on April 13, 2004, in the Town Hall.

Respectfully submitted,



Darcy Mozer, City Clerk