

**MAYOR & COUNCIL OF NEW CASTLE**  
**PUBLIC HEARING**  
**TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE**  
**TUESDAY – APRIL 9, 2002 – 6:30 P.M.**

A Public Hearing for the purpose of discussing the annexation to the City of approximately 155 acres of land known as the Parkway Gravel Parcel.

**Pledge of Allegiance to the Flag**

Mr. Castagno documented the Public Hearing was posted in the News Journal on March 20, 2002 in accordance with the law.

Visit Protocol – Please observe time limit, no profanity. Wants everyone to act professional.

Don Isken – Representing Parkway Gravel.

Mr. Castagno – The Council has asked for clarification. Also, has concerns and issues.

Don Isken – Parcel of property that abuts Centerpoint Business Park bound by railroad tracks and bound by Route #9 and a small parcel along river. Approximately 165 acres in total. Proposed industrial office park consist of eight buildings 450,000 square feet office and industrial space. The main egress will be off Johnson Way onto Route #273. Second egress would be onto Route #9. Limited access for vehicles. Can only turn right/only left into property. A sound study has been done to see the increased noise. Results were shared with Council. Small increase on background noise. Positive fiscal impact on City. Increased revenue from property tax, water, and electricity.

Steven Rosenfeld – (Vandemark and Lynch Engineers) – The access onto Route #9 will be curved. Trucks will not drive through town. Other improvement to Route #9 would be at the expense of Parkway Gravel.

Ned Hutchinson – Is this trustees land?

Don Isken – No, Parcel is owned by Parkway Gravel.

Charlotte Houben – Only left into the Industrial Park. How will police and fire gain access.

Steven Rosenfeld – Why would emergency vehicles use of Route #9 as opposed to Route #273.

Don Isken – Curbing will be 12 inches tall. Will stop traffic.

Charlotte Houben – Not our Fire Company. Our Fire Company will go right in.

Sally Monigle – Nature of business that will occupy these buildings.

Don Isken – Will be consistent with make-up of other Industrial Parks.

Anna DiMaio – Can a chemical company go in the Industrial Park.

Chris Castagno – Will be zoned IOP (Industrial Office Park).

Anna DiMaio – You have not considered the expenses that will be incurred by this area, i.e., police damaged equipment, water, and electricity. We still have not received a refund Commission Municipal Service.

Don Isken – These properties are taxed at higher rate but buildings like this generally consume less City provided services.

Anna DiMaio – With current drought should be concerned with water usage. City should have a referendum.

Don Isken – Hard to comprehend what the complex will look like. The issue tonight is whether to annex this parcel into the City of New Castle not whether it will be developed but whether it will be developed in the City or the County.

Anna DiMaio – Will definitely be developed.

Gerry Kavanaugh – Will be zoned as the Planning Commission recommended by IOP with open space recreation.

Don Isken – OS&R not intended to be developed. Therefore, the City will have jurisdiction over OS&R land.

Anna DiMaio – Noise factor – Big noise problem on Third Street, East & West. 900 trips that will double present vehicles.

Don Isken – Traffic impact study. The figures far exceed what will be experienced. Not fair to assume all trucks will be heard.

Steven Roseneld – Traffic engineers determine trips. Different than everyone else. A trip is one way.

James Steele – Have spoken before about road on to Johnson Way. Access from your park should be done by Burriss Foods.

John Klingmeyer – Questions have been raised about what is permitted.

Gerry Kavanaugh – Read the Ordinance regarding what is allowed in IOP.

Corky Viola – Property in County would be heavy industrial causing larger issues that will effect City. Traffic issue impacting quality of life. Exercise what control we can have. Focus intently on what Parkway Gravel has in mind. Take destiny in our own hands. Bigger problems could develop.

Tom Simperts – Now zoned heavy commercial. We have guarantee from Joe Corrado to zone IOP. Corrado has always done well for City. In favor of annexation.

Sally Monigle – Has annexation committee been appointed.

Chris Castagno – Committee has been appointed, have received, and done research. Our Planning Commission has reviewed.

John Klingmeyer – Received a letter from MSC suggesting figures are not accurate.

Mr. Castagno – Municipal Service states that total revenue is correct. Just figured differently.

Jack Klingmeyer – Worried about noise level in Dobbinsville.

Mr. Castagno – 1000 feet between Dobbinsville and new Industrial Park. 500 feet between Industrial Park and Washington Park.

Jack Klingmeyer – Wants planner to give professional view.

David June – Civic League, New Castle County, Washington Street, will not be used for trucks? Is there any discussion with Del Dot concerning Route #273. Issues to be concerned with:

1. there are many children
2. speeding and other traffic issues
3. widening Route #273

Gerry Kavanaugh – Washington Street is Route #9 which is a State Road. City can only give input. City can make no restriction on Route #9.

Mr. Castagno – Working with Del Dot going through process with the State. Hoping to accelerate their schedule.

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Don Isken – Property is zoned Heavy Industrial in the County. With annexing would be down Zoned. The City would have jurisdiction over Industrial Park.

Mr. Castagno adjourned the Public Hearing.

Respectfully submitted,

*Kate Toner*

Kate Toner  
City Clerk

**MAYOR AND COUNCIL OF NEW CASTLE**  
**PUBLIC HEARING**  
**TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE**  
**WEDNESDAY – APRIL 9, 2002 – 7:15 P.M.**

A Public Hearing in regard to the recommendation of the Planning Commission that a definition of "driveway" be added to the Zoning Code at Section 230-1 and that the Zoning Code be amended by adding new sub-paragraph D at Section 230-28 providing that driveway in residential districts shall not exceed a certain specific width.

Protocol revisited

Mr. Balascio – States the Planning Commission has approved the definition of driveway. Read definition of driveway in sub-paragraph D at Section 230-28. Take appropriate measures to allow driveway. So no one can harden entire lawn.

Rodman Talbot – What about driveway that already exists?

Mr. Balascio – This would not apply to them.

Rodman Talbot – Is this front yard or does it go all the way to backyard?

Mr. Balascio – As written, it controls front yard area. Backyard or side yard is not effected.

Rodman Talbot – Trailer and RV can be parked in driveway if big enough.

Ned Hutchinson – When are you going to give the citizens back their town. It is so very difficult to follow codes as written. Are you aware of the 4<sup>th</sup> Amendment of the Constitution (unwarranted search and seizures). If you have these laws, you must enforce them. Make Ordinance so you can read them.

Charlotte Houben – Is there an Ordinance that has a height restriction?

Mr. Balascio – Yes, the height restriction is 84 inches.

David June – (Civic League) – Horse trailer included in definition of a trailer.

Mr. Castagno – A trailer is a trailer.

David June – Harden Surface. Flat concrete blocks make area a harden surface.

Gerry Kavanaugh – Concrete blocks are harden surface.

Corky Violo – Will the proposed Ordinance effect the historic area in any way?

Mr. Balascio – Width of driveway the only change.

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Lew Indellini – What are we talking about? Seems like a waste of time.

John Klingmeyer – Some areas have suburban curbs which do not differentiate between a driveway and a regular curb. Therefore, the curb cut-out would not apply. Wants definition of a boat. If a person has a kayak or canoe attached to their car. Does that mean they cannot park in their driveway?

Flo Russell – Harden Surface – So anyone who wants to put flat concrete blocks on their lawn can do so?

Mr. Balascio – There is a maximum width of driveway. Therefore, the entire front lawn could not be hardened.

Mr. Castagno adjourns the Public Hearing.

Respectfully submitted,



Kate Toner  
City Clerk

**MAYOR AND COUNCIL OF NEW CASTLE  
REGULAR MONTHLY COUNCIL MEETING  
TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE  
TUESDAY – APRIL 9, 2002 – 7:45 P.M.**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

**Present:** Council President Castagno  
Councilman Balascio  
Councilman DiAngelo  
Councilwoman Dr. Miller  
Councilman Reese

**Also Present:** Mayor John Klingmeyer; Janet Carlin, Treasurer; Robert Martin, City Administrator.

Review of protocol: Reminded of time limit. Refrain from profanity. Use judgement and professionalism. Reminded of the times that public has input.

**APPROVAL BY DATE OF COMMITTEE REPORTS**

Police Department Report	March 2002
Building Official Report	March 2002
Finance Department Report	March 2002

Mr. Reese commented police grid on Page 8 – Some officers were using different codes. Reason for dramatic differences.

Mr. Reese moved reports to be accepted as submitted. It was seconded by Dr. Miller. Motion passed unanimously.

**TREASURER'S REPORT**

Treasurer's report read by Janet Carlin.

Mr. Reese motioned to approve Treasurer's report as presented. It was seconded by Mr. Balasico. Motion passed unanimously.

**APPROVAL OF MINUTES**

Public Hearing	March 12, 2002
Regular Council Meeting	March 12, 2002
Public Hearing	March 12, 2002
Special Meeting	March 12, 2002

Mr. Castagno noted Council Planning Committee Ad Hoc minutes are posted on line.

Mr. Reese motioned to approve all minutes as submitted. It was seconded by Mr. DiAngelo. Motion passed unanimously.

### **COMMUNICATIONS**

Mr. Reese – A schedule of Public Hearing with the Planning Commission is included with the electric bill. First meeting, New Castle Middle School, April 11, 2002, 7:00 P.M.

Stan Sykora – This Public Hearing is specifically to discuss land use and redevelopment issues. Mr. Sykora is also chairperson of Ad-Hoc Committee.

### **BUSINESS FROM THE FLOOR**

John Houben – This is concerning Agenda Item #2, New Business, cc: Resolution #2002-06. Facts to remember: Never floated bonds. No cut in service. No tax increase in nine years. In addition, 80 residents have signed a petition against annexation. Planner is on board and should have him look at annexation. CSX (railroad) needs to give permission for Parkway Gravel to cross railroad. Has anyone from Parkway Gravel looked at the Archaeological Site. As a citizen, I ask that this be tabled.

Mary Jane Robinson – In regard to Agenda Item I, Unfinished Business, cc: Ordinance #404. Planning Commission originally turned this down. Trustees are holding this City hostage. Wants Council to listen to meeting tapes. Need room for discussion. Table Ordinance and listen to tapes. Point #2, Agenda Item #2, New Business, cc: Resolution #2002-06. There is an Ordinance which states no one will be given a permit to build unless property is suitable for development. One issue is flooding on Route #9. Do what the Ordinance says and prove it is suitable for development.

Dr. Miller – Responding to Mrs. Robinson, do not feel like the City is being held hostage. Not Intimidated by Trustees. Held hostage is a strong term.

Mary Jane Robinson – Problem is the way this has unfolded. Feels like it is partisan.

Mr. Castagno – Have asked Mr. Sykora to speak about this issue later.

### **BUSINESS FROM THE MAYOR**

None

Business for the Council President – None that is not already on the Agenda.

Business from the City Administrator:

Comcast telling what has happened in the past year. Upgrades include digital, cable television, and high speed internet. No change in basic rate charges, converters, and remotes.

University of Delaware 2002 Internship Program will be available again this year. City has participated the last six years.

Wilmapco will have a Public Open House, Monday, April 22, 2002 from 5 p.m. to 7 p.m. It is for municipal agency and private citizens. To look at new proposal and provide comment.

Beautification Committee have provided meeting minutes from March 13, 2002. Have started working on garden. Also two (2) laid off employers from General Motors are working through the community service program and assisting the beautification committee.

Letter to Mayor from Delaware Economic Development Office. Currently have eight Delaware towns participating in Main Street. Unfortunately due to budget constraints unlikely they will take a new town in upcoming fiscal year.

Review of Delaware Solid Waste – Annual report. Report available in office.

Division Park and Recreation Commission advising will be seeking funds for Delaware Land Conservation – Have discussed using these funds for development of land off Young Street.

### UNFINISHED BUSINESS

**Third and final reading and motion to adopt as an Ordinance of the Municipality. Ordinance #404. Amending the Zoning Code of the Mayor and Council of New Castle to rezone three (3) Trustee Properties from Retail Commercial (RC) to Service Commercial (SC). The following three (3) properties will be affected:**

**Dempsey Diner – (Parcel #21 – 027.00-013)**  
**Soda Town - (Parcel #21 – 027.00-014)**  
**Texaco - (Parcel #21 – 027.00-015)**

Stan Sykora – Planning Commission (PC) – Guilty of not doing its job eight months prior. At the time of annexation we were asked to zone them Retail Commercial (RC). Planning Commission then created a new zoning classification General Commercial which is now in zoning code. When the Trustees had a tenant for property Planning Commission suggested a Variance. City Solicitor vetoed the the Variance. Planning Commission trying to correct past mistakes. Feels Planning Commission is now on right path.

Lew Indellini (Trustee) – Have been working on this project for four months. Annoyed with so much delay. Causing lost revenue for City.

Mr. Reese talked with Mr. Indellini concerning thoughts that a dealership would encompass all three (3) properties. Discovered Dempsey's Diner and Texaco both have new 25 year leases.

Mr. Castagno – Apologizes for the confusion on this issue.

Lew Indellini – Trustee will not do anything harmful to the City.

Mr. Castagno – Charter policy and procedures that we must abide by.

Stan Sykora – Trustees have a trust with the City. Retail Commercial not feasible zoning on a major highway. If Soda Town lease did not need to be renewed this problem would not have been discovered.

Anna DiMaio – Are cleaners moving into Soda Town Site?

Stan Sykora – No, cannot be biased. Must zone the entire corner. This is a major highway and We cannot spot zone. Also, this is not the entrance to the City.

Mary Jane Robinson – At both Planning Commission meetings. Do not want a car dealership at the gateway of City. Urge Council to listen to Planning Commission tape. Members are not adequately informed. This is the job of the chairperson. Tired of mistakes being blamed on volunteerism. If you cannot do the job stay home.

Mr. Klingmeyer – Chairman of Planning Commission – Says he is not concerned about what is going there. I am very concerned about what is going to be there. Planning Commission should be concerned about what is going out there.

Stan Sykora – Legal reality is what the property owner wants. Restate what Trustee had at the time of annexation.

Mr. Castagno – Read Ordinance #404.

Dr. Miller motioned to adopt Ordinance #404. It was seconded by Mr. Reese. Roll call vote: Mr. Balascio, yes. Mr. DiAngelo, yes. Dr. Miller, yes. Mr. Reese, yes. Motion passed unanimously.

**Strike Agenda Item #2.**

**Third and final reading and motion to adopt as an Ordinance of the Municipality. Parking Ordinance #399 with Amendments.**

Mr. Balascio asked that this Ordinance be tabled until we approve the zoning amendments.

Mr. Castagno have a special meeting in two weeks.

**Strike Agenda Item #4.**

**Third and final reading and motion to adopt as an Ordinance #403 amending the Zoning Code of the Mayor and Council of New Castle eliminating the requirements that an Industrial Office Park (IOP) District of at least 200 acres.**

Mr. Castagno read Ordinance #403.

Dr. Miller motioned to adopt Ordinance #403. It was seconded by Mr. Balascio. Roll call vote: Mr. Balascio, yes. Mr. DiAngelo, abstain. Dr. Miller, yes. Mr. Reese, yes. Motion passed unanimously.

**Strike Agenda Item #6**

**NEW BUSINESS**

**First and second reading of Ordinance #405 amending the Zoning Code by adding a new definition of "Driveway" to Section #203-1 and by amending the Supplementary District Regulation Section #230-28 by adding a new sub-section "D" limiting the size of driveway.**

Mr. Castagno – Read Ordinance #405.

Mr. Reese motioned to accept first and second reading. It was seconded by Dr. Miller. Motion passed unanimously.

**Action on Resolution #2002-06 – Extending and increasing the Corporate limits of the Mayor and Council of New Castle, pursuant to the provision of 65 Del Laws Ch 459 (a) by annexing thereto certain tracts and parcel of land contiguous to the present limits of the City referred to as Parkway Gravel Inc. lands, tax parcel #10-031-00-002 and #21-016.00-002 comprising of approximately 146+ acres, subject to such tracts and parcel being zoned IOP and OS&R at a later time.**

Mr. Castagno – Read Resolution #2002-06. (copy attached)

Dr. Miller moved to accept Resolution #2002-06. It was seconded by Mr. Balascio. Roll call vote. Mr. Balascio, yes. Mr. DiAngelo, no. Dr. Miller, yes. Mr. Reese, yes. Motion passed three to one. {Mr. DiAngelo gives reason for decision. This annexation is approaching a year.

Believes it should be turned over to Planner. The main egress will be developed on OS&R land. Public is opposed so voting no}.

**Discussion on leasing Dart Land (Shawtown) for development of Parkland.**

Mr. Castano – Invest in City beautification for entire City.

Mr. Reese – Spread top soil on the land.

Mr. Martin – Opportunity to get Grant Funding for some trees and do some planting this year. We need some engineering advice.

**Request for contribution to St. Anthony's Festival. Mr. Castagno appraised public of dates. Mr. Castagno recused himself.**

Dr. Miller – Asked for a donation previously. Separation of Church and State. Feels Council cannot make a contribution.

Mr. DiAngelo motioned to deny request. It was seconded by Dr. Miller. Passed unanimously.

Mr. Reese suggested giving some police support.

**Motion to retain Kise, Straw, and Kolandner to review Deemer's Landing Apartments plan for the construction of 144 apartments in a gated community.**

Mr. Rees motioned retaining Kise, Straw, and Kolander. It was seconded by Dr. Miller. Roll call vote. Mr. Balascio, abstained. Mr. DiAngelo, yes. Dr. Miller, yes. Mr. Reese, yes. Motion passed.

**Discussion on Resolution #2002-07 approving encroachment of a dwelling located at #2 Plum Alley.**

Mr. Castagno – Read Resolution #2002-07.

Code official believes this is an acceptable situation.

Dr. Miller motioned to approve Resolution #2002-07. It was seconded by Mr. Reese. Motion passed unanimously.

**Announcement of City Surplus Equipment sale at the Trolley Barn, 900 Wilmington Road, on April 27, 2002 from 7:00 a.m. to 11:00 a.m.**

Mr. Castagno – This is a garage sale, cleaning house (car, bicycle, computers, chair, etc.).

**Discussion on Code Enforcement Manpower Resources.**

Mr. Reese – Parking enforcement. Need to have Council appointee granted power to write tickets. A pro-active person most of the time is on bicycle. This is a year round program. Part-time Code enforcement.

Mr. Balascio – Need pro-active enforcement. Good plan. Help people comply with Code.

Mr. Martin – Wait until July.

Mr. Balascio – No present pro-active enforcement.

**Motion to authorize “Police Action Team” to write, send, and publish an RFP requesting construction services for a new Police Facility.**

Mr. Reese – Please explain what RFP is.

Mr. Castagno – It is a Request For Proposal.

Dr. Miller motioned to authorize Police Action Team to request bids on services for a new Police Facility. It was seconded by Mr. Reese. Passed unanimously.

**Authorization for intersection improvements at entrance on Municipal Service Property and Route #9.**

Mr. Martin – Discussion with the contractor Daystall-Sills. Talked to designer about our side of the road. Work needs to be done. Cost about \$104,000.00.

Dr. Miller – Need to worry about funding.

Dr. Miller motioned to give authorization for improvement at entrance of Municipal Service Property. It was seconded by Mr. Reese. Roll call vote. Mr. Balascio, yes. Mr. DiAngelo, yes. Dr. Miller, yes. Mr. Reese, yes. Passed unanimously.

**Request from Castillian Club for an extension of premises.**

Mr. Balascio – Concerned with people drinking outside.

Dr. Miller moved to grant an extension of premises. It was seconded by Mr. DiAngelo. Roll call vote. Mr. Balascio, no. Mr. DiAngelo, yes. Dr. Miller, yes. Mr. Reese, yes. Motion passed three to one.

**COMMENTS FROM THE FLOOR**

Bill Emery – When are the railings to be installed at Wharf?

Mr. Martin – We are getting the railing from Delaware City when they do their new construction.

Bill Emery – We are in violation of all safety codes. We open ourselves to legal action. Is the City willing to take the risk? In the last year the Fire Company has been to the Wharf six times to help people.

Dr. Miller – Do something temporary until Delaware City gives us their old railings.

Mr. DiAngelo – Delaware City fence will help. Need safety check at the Wharf. Do what needs to be done.

Mr. Castagno – Have Mr. Martin look into this issue.

David June – Who is on the Police Action Team?

Mr. Castagno – Group formed March 2002 consisting of Mr. Peden, Mr. Appleby, and Mr. Castagno.

Mary Jane Robinson – Who is paying for the construction on Route #9?

Mr. Martin – Paid for Harvey and Harvey. Not a bid job. The developer is paying for this. State has approved the work. Developer is paying for entire project.

Lew Indellini – When we approached this project of twin span I was under the impression developer was to do both sides of Route #9. The lease was between Trustees and Company. Suggest we go back to developer and ask for funding.

Mr. Castagno moved to adjourn to the executive session.

Respectfully submitted,

*Kate Toner*

Kate Toner  
City Clerk