

City Council of the Mayor and Council of New Castle
Regular Council Meeting at Town Hall, 201 Delaware Street, New Castle
Tuesday, May 11, 2010, 7 p.m.

Present:

Council President William Barthel
Councilperson John Gaworski
Councilperson Teel Petty
Councilperson Ted Megginson

Absent:

Councilperson John Cochran

Also Present: City Treasurer Janet Carlin, City Administrator Cathryn Thomas, Police Chief Kevin McDerby, City Solicitor Roger Akin, City Building Official Jeff Bergstrom

President Barthel called the meeting to order at 7 p.m. Roll call was taken.

Approval of Minutes by Date

A motion was made by Councilperson Megginson to approve the minutes of April 13, 2010 as written. Councilperson Petty seconded the motion. The motion was approved unanimously.

Approval of Treasurer's Report

Treasurer Carlin reported that, as of April 30, 2010, petty cash on hand was \$400; total monthly deposits \$190,198.69; total cash in accounts \$717,328.05. Total certificates of deposit in the Delaware Government Investment Pool \$1,047,329.73; total cash on hand \$1,764,657.78.

Councilperson Petty made a motion to approve the Treasurer's Report as presented. Councilperson Megginson seconded the motion. The motion was approved unanimously.

Report from City Administrator

Administrator Thomas noted several items from her written report. She met with fellow municipal managers and Governor Markell and reported that municipal street aid funding that was eliminated from last year's State budget has been proposed to be placed back in. Funding is typically \$6 million but \$4 million is being proposed by the Governor which is better than no funding.

Negotiations with the Delaware Solid Waste Authority are still taking place. If the City is subject to the 40% rate hike for tipping fees at the landfill it would be a \$60,000 item added to the budget. It would be unavoidable and additional recycling would be a great help. Ms. Thomas and fellow managers spoke at the DSWA Board Meeting, and a follow-up meeting will also take place. It is the City's hope that they will work with us so we do not incur the whole 40% increase in one year.

The City will be changing in early July from twice a week garbage pick up and once every other week recycling pick up to once a week trash pick up and once a week recycling pick up. Notices will be sent to residents in mid-June. She detailed the schedule to help ensure an easy transition for residents.

A hearing has been scheduled for the National Park. She deferred to former Councilperson Don Reese to provide additional information. Mr. Reese informed the hearing will be on Wednesday, May 19, 2010, at 2:30 p.m. in the U.S. Senate Conference Room. The meeting will involve a number of senators and will be open to the public.

City Council will begin its budget process soon with budget workshops. The dates and meeting locations for those workshops will be published in the newspaper and the agendas will be posted on the City's website and outside the City office. Workshops will deal with different parts of the budget.

Council President Barthel said the report was accepted as presented.

Approval of Staff Reports

Chief McDerby reported that Administrator Thomas and Councilperson Megginson are prepared to move forward with the placement of the gate at Buttonwood. They will proceed once the City boundary line is established.

Council President Barthel said the staff reports would be accepted as presented.

Communications

Councilperson Petty informed that she and Administrator Thomas met with the residents of Buttonwood and Mr. Bruce Jones last week concerning mitigation in the community. Mr. Jones will return and look at some of the properties and offer suggestions on what can be done. The meeting was very productive.

Business from the Floor (concerning agenda items only)

Ennio DiAlessandro, 38 West 7th Street, referred to Item 2 of Unfinished Business concerning Ordinance No. 469, approving rezoning for 700 Delaware Street from R2 Residential to RC Retail Commercial. He voiced his opposition to approval of the rezoning because it will add to the parking and traffic issues that already exist in the area. He does not have an issue with the applicant receiving a variance but once the property is rezoned the problem will continue to exist beyond the current applicant.

Larry Cishanik, 36 West 7th Street, reiterated the concerns previously mentioned and added the area is outside the area of properties being considered to be zoned commercial. He runs a commercial business in his property that has a variance. His property is directly next to the property in question. The street is residential and he questioned why it is part of the proposed Comprehensive Plan. He expressed concern over future uses of the property should the rezoning be granted. He also lives on that block and would prefer to see it remain Residential.

Administrator Thomas clarified there are a number of commercial permitted uses that could go into the subject area, but there are some commercial businesses that would not be permitted. Council President Barthel said the uses were addressed at the public hearing on this matter on April 13, 2010.

Business from the Mayor

Nothing to report.

Business from the Council President

Nothing to report.

Presentation

Councilperson Megginson made a motion to approve Resolution 2010-11 recognizing Chief Kevin McDerby's 10 years of service with the City of New Castle. Councilperson Petty seconded the motion.

Council President Barthel read the resolution. He noted that Chief McDerby was also instrumental with the Law Enforcement Memorial that was dedicated in Dover last week.

Resolution 2010-11 was passed by unanimous vote.

Council President Barthel presented the resolution to Chief McDerby along with a dinner certificate for two to the Hotel DuPont. Chief McDerby said he has enjoyed his time with the City and it has been an honor to serve the community.

Unfinished Business

1. Third Reading and Adoption of Ordinance No. 468 which would establish 'NO PARKING' on Third Street between South Street and where the road ends at the New Castle Sailing Club for the side of Third Street directly adjacent to Battery Park on the Delaware River side of the roadway.

Councilperson Megginson read the proposed ordinance.

Councilperson Gaworski made a motion to approve Ordinance No. 468 as read. Councilperson Megginson seconded the motion. The motion was approved unanimously.

2. Third Reading and Adoption of Ordinance No. 469 approving rezoning for 700 Delaware Street with a current zoning designation of R2 Residential requested to be changed to RC Retail Commercial.

Council President Barthel read the proposed ordinance.

Councilperson Megginson made a motion to approve Ordinance No. 469 as read. Councilperson Petty seconded the motion. The motion was approved unanimously.

Council President Barthel noted that this was approved by the Planning Commission and a public hearing was conducted on the matter last month at which time many of the concerns expressed tonight were addressed.

3. Third Reading and Adoption of Ordinance No. 470, an amendment to Section 193-18 (Sanitary Code – Solid Waste – Collection) of the New Castle City Code to require private solid waste collection companies to obtain business licenses.

Council President Barthel read the proposed ordinance.

Councilperson Megginson made a motion to approve Ordinance No. 470 as read. Councilperson Gaworski seconded the motion. The motion was approved unanimously.

4. Third Reading and Adoption of Ordinance No. 471 approving changes in Chapter 204 – Solid Waste in the New Castle City Code.

Councilperson Megginson read the proposed ordinance.

Councilperson Gaworski made a motion to approve Ordinance No. 471 as read. Councilperson Petty seconded the motion. The motion was approved unanimously.

5. First and Second Reading of Ordinance No. 472 concerning enforcement of the City's Abandoned Vehicle Code and amending that section of the Code so that the Code Enforcement Officer may perform enforcement functions in addition to the New Castle City Police Department.

Council President Barthel read the proposed ordinance. He noted that there was a public hearing concerning this ordinance at 6:30 p.m. tonight.

New Business

1. Motion, Discussion and Vote on approving a City Vendor Permit for Baileys Dawgs.

Administrator Thomas said that our City Code does provide that vendors may operate in the City by obtaining a City permit. There is a fee involved. In the case where vendors will be stationary and operate from a single location they require approval to operate in that location. The Dogs Gone Wild vendor is not returning this year which is the reason for the request by this vendor. The location being requested will be near the path at the wharf at Battery Park.

Councilperson Gaworski is fine with the vendor's request as long as they operate within the City's rules.

Council members were in agreement with the requested location.

2. Discussion of a proposed project entitled, "Dike Stabilization and Native Grasses Establishment Plan," at a cost of \$445,000 which would be a short-term, low-interest loan.

City Building Official Jeff Bergstrom said the City has received another Green Reserve Fund application that has been recommended by the EPA for inclusion in this year's funding. It is a low-interest loan with forgiveness of \$242,500 of the loan. The project involves removing substantial wooded vegetation and establishing native

species of grass on a large portion of the dikes in town. So far this fund won't be addressing the elevation of the dike but will stabilize the structures that are there now. It is a good start to a long-term path to protect the approximately 25% of the City that is subject to flooding. The application is due by June 14, 2010 but there is no commitment until we get to the end of the process which may be in the fall.

A discussion was held about the various studies being done. Mr. Bergstrom said they (EPA, Corps of Engineers, City and State) were all aware and that this is their design to begin that project. It will integrate in or stand alone. Councilperson Gaworski asked how this would help with flooding and water retention. Mr. Bergstrom said we almost lost the Buttonwood dike because it wasn't properly stabilized. The City needs to stabilize all the dikes. They can't become overgrown with trees and such. As part of the long-term goal the heights will have to be adjusted because of the rise in sea level. They haven't settled uniformly so some are low in places. As the City moves towards compliance with the Corps' methods and the State law for maintaining dikes and levees, the City will be able to enter these in the insurance fund so the federal insurance fund that the Corps has that doesn't cost the City anything. They will cease to be eligible if the levees that the sluice gates are in are not being addressed. He believes it is a good start to the project and will benefit the community long-term. He attributed neglected maintenance over a period of time for current conditions.

Council President Barthel would like a meeting with all parties so it is clear what is being done now and what to expect later. Council members agreed to go forward with the application and schedule a meeting later.

Comments from the Floor

Mayor Klingmeyer informed there is a breakfast this Saturday (May 15) honoring former Councilperson Gladys Clark. He asked Council to prepare a resolution expressing appreciation for her service to the City of New Castle. Councilperson Petty will provide pertinent information to Administrator Thomas to prepare the resolution.

Councilperson Megginson made a motion for Administrator Thomas to prepare a resolution in honor of Gladys Clark, former Councilperson, with biographical information provided by Councilperson Petty. Councilperson Petty seconded the motion. The motion was approved by unanimous vote.

Chief McDerby said he was remiss in not mentioning Mayor Klingmeyer in his earlier comments.

A resident of Casimir Drive said that the drainage ditch next to his house is collapsing. After October 2009 a snow fence was put up which made the situation worse. Grass is now growing up in the area, the snow fence is coming down and the ditch is collapsing. He asked for a date when to expect this problem to be addressed. Administrator Thomas reported the contract was submitted to Cirillo Brothers several weeks ago authorizing the necessary work. Mr. Bergstrom added the work was scheduled to be done last week. The resident expressed his frustration in the work not being done.

Council President Barthel directed Administrator Thomas to contact Cirillo Brothers and tell them to get the work done. If they can't do the work we will get another contractor.

Councilperson Megginson made a motion to adjourn the meeting and go into executive session. Councilperson Petty seconded the motion. The motion was approved unanimously.

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Debbie Turner
Evening Stenographer