

City Council of the Mayor and Council of New Castle
Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle
Tuesday – May 12, 2009 – 7 p.m.

Present:

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

Also present: Mayor Jack Klingmeyer, City Treasurer Janet Carlin, City Administrator Cathryn Thomas, Finance Director Marian Delaney, Police Chief Kevin McDerby, Building Official Jeff Bergstrom, State Senator Dori Connor, City Planner Marian Hull, City Engineer David Athey, City Solicitor Roger Akin

Approval of Minutes by Date

A motion was made by Councilperson Petty to accept the April 14 and April 20, 2009 minutes as presented. The motion was seconded by Councilperson Cochran. It was approved unanimously.

Approval of Treasurer's Report

City Treasurer Carlin reported that, as of April 30, 2009, total petty cash on hand was \$400; total monthly deposits, \$78,684.10; total cash in the Wilmington Trust accounts, \$452,036.60; total certificates of deposit and Delaware Government Investment Pool, \$1,077,973.92; and total cash on hand, \$1,530,010.52.

Councilperson Cochran made a motion to accept the report as presented. Councilperson Megginson seconded the motion. The motion passed unanimously.

Report from the City Administrator

Administrator Thomas stated that her full report to City Council was in their packets and also would be published this week in the *New Castle Weekly*. She added that the City Council had set up a schedule for budget workshop meetings, which are open to the public. President Barthel said the report was accepted as presented.

Approval of Staff Reports

Administrator Thomas gave a report on the appropriations for 2009/2010 from the Trustees of the New Castle Common: Tree Commission, \$20,000; Good Will Fire Company, \$85,000; one police car, \$30,200; one police car docking station for mobile computers in car (half of requested amount) \$6,250; and seasonal bike patrol, \$10,000.

Administrator Thomas also commended Finance Director Delaney on doing a very nice job on creating a current and 10-year history of appropriations from the Trustees of the New Castle Common.

President Barthel said the staff reports were accepted as presented.

Grant Review

President Barthel said there was nothing to report for this meeting.

Communications

Councilperson Petty presented two items: one from the Serviam all-girls school which will be coming to New Castle County and be housed at Holy Spirit School on New Castle Avenue. She provided a packet of information. The second item was a packet from a workshop she attended on derailing rail cars. She described the session as very informative.

Business from the Floor (concerning agenda items only)

President Barthel said the City Council had adopted a three-minute limit regarding comments from the floor.

Business from the Mayor

Mayor Klingmeyer expressed his appreciation for the past City Council and welcomed the new City Council. He said the new City Council is enduring an economic time unlike one faced by any City Council in 50 years—it will require innovation and boldness.

Unfinished Business

1. City Planner Marian Hull, from URS Corp., presented an overview of the Update to the 2003 Comprehensive Plan, entitled the 2009 City of New Castle Comprehensive Plan. The planning Commission will meet on May 18 and recommend its final draft version to the City Council for its consideration in June.

New Business

1. Presentation, discussion of and decision regarding, Coastal Resiliency Planning Efforts which may be undertaken as a pilot program with the Department of Natural Resources and Environmental Control (DNREC) Delaware Coastal Programs, designed to identify vulnerabilities, prioritize problems and develop action plans to address issues over time and develop hydrodynamic modeling for the City of New Castle and surrounding coastal impoundments (structures designed to dam or hold back water).

President Barthel explained this item and item No. 2 were brought forward by Building Official Bergstrom. Dave Carter from DNREC explained the City is located behind dikes and there are risks with water levels rising. The City is eligible for a grant. The program would address existing and future coastal hazards. Councilperson Gaworski asked about whether any study has been done about the level of silt buildup on the river's edge. He expressed concerns about the impact. Mr. Carter explained there is a new statewide study beginning on sediment. Councilperson Cochran asked about the direct cost of the proposal to the city. Mr. Carter explained grant money pays for it but DNREC usually asks for a committee and staff to work on it. Councilperson Petty said the City has been talking about the flooding issues and sluice gates for decades, and asked how long will it take to complete. Mr. Carter said the current project would be done in a year. Councilperson Petty and Mr. Carter pointed out the

area has not been hit by a major storm since 1973. Councilperson Petty moved to approve the City going forward in the grant process; Councilman Gaworski seconded the motion. It was approved unanimously.

2. Presentation by Green Stone Engineering, discussion of and decision regarding, a final application for Green Project Reserve Funding for: Buttonwood Dike Flood Mitigation, Nutrient Reduction and Habitat Enhancement; Washington Park Flood Mitigation, Nutrient Reduction and Habitat Enhancement Project; and City of New Castle Stormwater Management Facility Retrofit projects.

Building Official Bergstrom introduced Bruce Jones of Green Stone Engineering and Larry Ireland of New Castle Conservation District. Mr. Ireland said the three New Castle projects were submitted to DNREC, were approved and rated highly. Mr. Jones said the program allows 2 percent loans to communities for green infrastructure projects with 50 percent of the loan cost forgiven. He said there is no financial commitment necessary for the City of New Castle now if it goes forward. The purpose of the Washington Park project is to address the flooding. It includes rehabilitating and/or upgrading the stormwater infrastructure, improving drainage conveyance for stormwater; and enhanced or new wetlands. The Buttonwood Dike aims to improve reliability of flood protection and enhancements of wetlands. It would involve design and construction of a new self-regulating floodgate. The Stormwater Management Facility Retrofit projects involve rehabilitation and/or redesign of six existing aging facilities. The total costs for all three projects would be \$1.61 million, of which the City would incur—if it chose to go forward with the projects—\$287,500 in cash contributions and loan repayment of \$661,250.

President Barthel said the City Council needs time to digest the numbers. He confirmed with the presenters that the City can go forward with the final phase of the application process with the understanding the City can withdraw at any time its desire to proceed with the project whether it is approved or not.

A motion to move forward was made by Councilperson Cochran and seconded by Councilperson Gaworski. It was approved unanimously.

3. Motion, Discussion and Vote on a Bank Resolution to pay \$25,000 to the New Castle Library Board of Trustees, as a contribution to the Capital Library Expansion Project, which the City pledged to pay a total of \$300,000, broken down to pay \$100,000 each fiscal year starting with FY 08/09, and that the City is currently making four payments in the last four months of FY 08/09, to meet the \$100,000 annual contribution.

A motion on the resolution was made by Councilperson Megginson and seconded by Councilperson Petty. It was approved unanimously.

4. Discussion of, and decision regarding, a \$50,000 grant award available to the City of New Castle under the Stimulus Package Energy Efficiency Block Grant Program.

Administrator Thomas provided City Council with a list of possible items for which to use the grant. She noted that at the previous City Council meeting library representatives suggested the full \$50,000 could be used toward the library renovation's geothermal heating project. President Barthel had asked Administrator Thomas to look into uses of solar energy to install panels on the City Administration building.

Councilperson Megginson made a motion, for discussion, to use the grant for the solar panels. Councilperson Cochran seconded the motion. Councilperson Gaworski brought up the issue of conflicting with Historic Area Commission regulations, which the project would need approval under. Councilman Cochran said he did not want to lock into a single project initially. Other possible projects to explore and follow-up with reports are replacement of the HVAC system at the City Administration building and storm window installation at City facilities.

The motion was withdrawn and City Council plans to address the issue in June.

5. Discussion of, and decision regarding, repairs needed for the exterior of the City Administration building.

Councilperson Petty explained the City has received three bids for work to repair damage on the cornice of the building.

Councilperson Cochran made a motion to award the work to R.C. Marland & Associates Inc., with the complete proposal at a cost of \$21,245. Councilperson Gaworski seconded the motion. It was passed unanimously. The agreement for the work is to be detailed in a contract to be reviewed by the City Solicitor prior to being signed by the Mayor.

6. Discussion of, and decision regarding, City employees working overtime and whether or not to place limits on overtime worked.

Councilperson Cochran reported he had reviewed City budget numbers this year and that the City has roughly \$70,000 to \$75,000 in overtime across all departments. He would like the City Administrator to send a memorandum to Department Heads, minimizing to the greatest extent possible any overtime to be worked by City employees, from now until the end of the fiscal year on June 30 and continuing indefinitely into the new fiscal year. No City Council members stated any concerns regarding Councilperson Cochran's proposal.

7. Discussion of, and decision regarding, creating an ordinance and holding a public hearing to consider a nighttime curfew governing persons under 18 years of age.

President Barthel explained he brought up this matter after being presented with it by some people in the Boothhurst area where it was a concern to them.

Councilperson Megginson made a motion to hold the hearing. It was seconded by Councilperson Petty. The motion was approved unanimously and hearing is to be held at 6 p.m. on June 9 at the Town Hall City Council Chambers.

8. Motion, Discussion and Vote on a Resolution to confirm the Mayor's selection of a Planning Commission member, Daniel Knox, to fulfill the unexpired term of Mr. George Freebery, term ending April 2010.

Councilperson Petty made a motion to approve the resolution to confirm the selection. Councilperson Gaworski seconded the motion. It was passed unanimously.

9. Comments from the floor. Esther Lovlie would like it investigated what other communities are doing regarding solar energy, adding that solar energy is not going away. She would like the City to be proactive rather than reactive. Ms. Lovlie also expressed concerns about how long it will take to prepare the grant, given that City Council is going into next month on a decision.

Delaware State Senator Dori Connor wished the three new City Council members well. The Senator added that there is a bill in the state Senate regarding solar energy that would overrule any local maintenance organization in the state.

10. Executive Session to discuss a collective bargaining. Councilperson Petty made a motion to go into Executive Session, Councilperson Megginson seconded it. It was passed unanimously.

The meeting adjourned at 8:51 p.m.

Respectfully submitted,

Michael A. Dickinson
City Clerk