

Final Version

Mayor and City Council of New Castle
Regular Council Meeting
New Castle Town Hall–Delaware Street–New Castle
Thursday–May 13, 2003–7:00 PM

Roll Call

Present:

President Castagno
Councilwoman Miller
Councilman Reese
Councilman DiAngelo
Councilman Padmalingam

Others present:

Treasurer Janet Carlin, Finance/HP Manager Marian Delaney,
Mayor Klingmeyer, City Administrator Bob Martin, Public Service
Director Jim Weldin

President Castagno called the meeting to order at 7:00 PM.

Approval of Committee Reports

Councilwoman Miller moved to accept the reports as written. Councilman Padmalingam seconded the motion. The committee reports were approved unanimously.

After the reports were approved, Councilman DiAngelo suggested removing the light currently installed on a telegraph pole on Young Street and moving it across the street. Councilman Reese asked if the City is to receive land from Deemer Steel.

Treasurer's Report

Treasurer Carlin reported that there was \$207 in petty cash and \$398,574.23 in monthly deposits. Other funds include \$268,146.57 in Wilmington Trust accounts and \$290,306.32 in CDs, for a total of \$558,452.89.

Councilman Reese moved to accept the treasurer's report; Councilman DiAngelo seconded the motion. The motion passed unanimously.

Minutes

Councilman Reese moved to accept the minutes as written; Councilwoman Miller seconded the motion. The motion passed unanimously.

Business from the Mayor

Mayor Klingmeyer questioned which rules of order were to be adopted by the Council. President Castagno suggested using *Roberts Rules of Order*. No objections were raised, and Councilwoman Miller offered to buy a copy and donate it.

Business from the Council President

President Castagno noted that since 2001 police activity in every grid in New Castle has risen.

Battery Park Sluice Gate Repair: Battery Park will be under construction for eight weeks, beginning June 16, 2003. The area will be closed off, with only a south access for residents. Councilman DiAngelo asked that a boardwalk be built around the area to allow easier access for residents. Mr. Martin consulted George Lynch, the contractor, who said that a walk way is dangerous in a work area. He said that an application for a temporary entrance off State Road with a lighted, stone parking lot is planned. Mr. Martin suggested delaying the construction until winter; however, the contractor said that such a delay was not feasible.

Honor for Bob Martin: President Castagno recognized the honor recently accorded City Administrator Bob Martin, who received an International Credentialed Manager Award (ICMA). Currently, there are only three ICMA recipients in Delaware. ICMA recipients must be qualified by experience and education and be active in professional government management.

Business from the City Administrator

New Castle Flower Beautification Project (NCFBP): Mr. Martin reported that the NCFBP is helping to build the park at Ninth and Young Streets. Together, they have met with Del Dot about the park, and they are hoping that the University of Delaware will become involved in replacing some trees at the old Glebe site.

Election Board Manual: Mr. Martin has received a letter from the Beverly Rossi, Election Board Chair, who would like to have the Election Board Manual rewritten at a cost of \$25/hour. She said that the City Solicitor endorses this. President Castagno noted that an estimate of the total cost was required. Councilwoman Miller said that the Council should elicit advice from Norma Schroeder, past Election Board Chair. Councilwoman Miller offered to work on the project for no fee, but stipulated that any rewrite would have to be in accord with the parameters of the charter. She would like to meet with the board and its chair to discuss the rewrite so that the Council has a voice; however, she doesn't want to be on the Election Committee. President Castagno encouraged her to pursue the matter for the Council.

Mr. Martin declared that the City Solicitor said that the City's charter needs well-established guidelines and rules. Absentee ballots, for example, require more precise guidelines than currently exist. He asked if a model manual exists. Councilwoman Miller affirmed that one does and that it could be updated, but that it cannot be changed without changing the charter.

Correspondence.

1. The City was notified that its application for CBDG funds to place sidewalks on Meehan and Arbutus Avenues was not approved, but that the City can apply again next year.
2. Trustees have once again requested that the City return the old city garage to them.
3. The City has received a grant of \$2500 to buy two trailers to use as mobile recycling centers for bottles and cans. One will be operational by the weekend. Mr. Martin instituted the request for the trailers after noting that the Lions Club buys 120 cases of soda for Art on the Green. The empty cans will now be recycled.

4. The Sailing Club has submitted its season's agenda. President Castagno questioned whether or not the Club needs a yearly lease on City property. Councilman Reese noted that the Club has a lease, but that the ramp used by the Sailing Club belongs to the City. Mr. Martin will review and approve the lease.

Zenith's Noise Pollution: On Saturday two weeks ago, Mr. Martin advised the Council that he had spoken with representatives of the Perdue Corporation in Lower Delaware. Perdue had had similar problems, generated by old, worn equipment, which they subsequently replaced. Mr. Martin, Mr. Weldin, and Mr. Bergstrom met with Zenith Corporation to discuss the noise generated by that firm. The source seems to be an external fan. Zenith promises to do what the City wants, but they insist on knowing the standards and decibel levels involved. Mr. Weldin said that he is working on defining acceptable decibel levels and on investigating the current noise ordinance but that, according to experts, our noise ordinance is difficult to interpret. Jim Weldin said that the Police Department has a decibel meter, but hasn't yet taken a reading. They currently enforce the existing noise ordinance. Mayor Klingmeyer said that the City had earlier adopted controls based on zoning data. Mr. Martin is working on the noise problem, but doesn't have enough evidence to shut down Zenith's operation. According to Mr. Weldin, the City's zoning code is complicated. According to DENREC, the State's code is weak. President Castagno suggested instituting a new ordinance to set precise standards for noise control. Councilman Padmalingam asked the exact location of the noise and learned that the source is in the Buttonwood and Moore Avenue area.

Marmon Keystone: Councilman Reese asked about Marmon Keystone's request for tax relief. Mr. Martin learned that the County has removed taxes for a building that had been demolished, but not for the land. Mr. Martin said that the company will be off the City's tax roles until there is an occupancy. The permit was granted

Bike Patrols: Bike patrols will begin Memorial Day. Classes for the patrol will begin Monday, May 19. The Battery Park Commission has allotted \$10,000 to fund the patrol for the summer.

Railing Around Wharf: Mr. Martin met with the contractor who will construct the railing around the wharf. The contractor maintains that an engineered railing is necessary for insurance purposes. To observe safety regulation, a top railing for the fence is necessary. Mr. Bergstrom is looking into the railing requirements for insurance purposes. President Castagno instructed Mr. Martin to give Jerry Kavanaugh the information necessary for him to determine safety regulations and the particulars for a related ordinance. Mr. Weldin already has some information on the subject.

Unfinished Business

1. Noise Issue

Councilman Reese reported receiving an email from Mr. Tom Nolan about the noise problem. Tom Nolan addressed the Council from the floor. The Council had sent him two letters from Zenith. Last October, he talked with Kevin Orcutt, Zenith's Safety Manager, about enclosing the offending equipment. Zenith claimed the estimated cost would be \$250,000. The firm has refused to do so because it is not cost effective. He maintains that Zenith knows it is breaking the law and is laughing at the residents and the City. He has worked on equipment like that used at Zenith and knows that what Zenith has done to is no more than preventative maintenance, which

should be done routinely once a month. He suggested fining the firm \$1,000 a day, and if they still don't comply, shutting down their operation. He has talked with Senator Connor about the problem.

Councilman Padmalingam wanted to know how many complaints had been received. President Castagno said that he had received six and that he has personally heard the noise. He suggested that Council members correspond between meetings to keep each other aware of developments. He said that noise standards are set forth under Section 230.46 of the City's charter.

2. Battery Park Walk

President Castagno noted that Battery Park walk near the Sailing Club will be under construction for eight weeks, beginning June 16, 2003

New Business

1. Resolution Honoring Paul A. Taylor

President Castagno presented a formal resolution honoring Paul A. Taylor. Mr. Taylor, an employee of the City, was instrumental in restoring the New Castle Courthouse. President Castagno called for a motion. Councilman Reese introduced the motion and Councilman Padmalingam seconded it. The Council members unanimously approved and signed five copies of the resolution. A copy will be forwarded to his daughter, his two sons, and his companion of ten years.

2. Ordinance 419

The Council considered the first and second readings of Ordinance 419 for amending the code of the City of New Castle. The ordinance would change the code by rezoning a parcel of land at Basin and Frenchtown Roads designated retail commercial (RC and Residential-R1) to Open Space and Recreational (OS&R). Bob Martin explained that the change was necessary because of lack of direction early in the annexation process. In response to Councilman's Reese's question of who owns the parcel, Mr. Martin revealed that the City owns it.

Councilwoman Miller suggested letting the public name the park. Bob Martin noted that the original name had been Washington Park.

Comments from the Floor: Earl Carpenter asked if the park could be named Bantam Park after it had been rezoned.

Chris Castagno called for a motion to adjourn the second hearing for Ordinance 419. Councilwoman Miller presented the motion; Councilman Reese seconded it. The motion was approved unanimously.

3. First and Second Reading of Ordinance 420

The Council considered the first and second readings of Ordinance 420 for amending the code of the City of New Castle by rezoning a parcel of land at Quigley Boulevard and Frenchtown Road, from Residential (R1) to Retail Commercial (RC). President Castagno noted that the parcel is currently in use as retail commercial. Mr. Robert Walls, Executive Secretary of the Delaware Credit Union League, noted that the City considered the change in 2001 but that the parcel

“slipped through the cracks.” Councilwoman Miller asked to know the precise location of the commercial business in that parcel. President Castagno revealed that it is in the building that looks like a house on the left side of the location. Mr. Walls explained that that his business planned to build a branch office for a credit union, using one of the two acres of the parcel. There were no comments from the floor.

Chris Castagno called for a motion to adjourn the second reading of Ordinance 420. Councilman Reese made a motion to adjourn the reading. Councilwoman Miller seconded the motion. The reading was adjourned. The rezoning will become effective when it is duly recorded as 230-2 on the zoning map.

4. Street Basketball Issue

President Castagno identified the problem as the increasing number of complaints about children playing basketball involving portable basketball hoops on public streets. He invited those who wished to address the Council on the street basketball issue to introduce themselves and asked that they limit their comments to three minutes. Councilwoman Miller asked how many neighborhoods are involved. President Castagno lacked knowledge of the exact number. He connected the issue to both public safety and recreation and acknowledged that the laws related to street basketball are vague. Mr. Martin observed that the police intervened at 10th and School Streets because the players were blocking a public roadway. In such a situation, the law can be invoked. President Castagno noted that to control the problem requires a statutory code enforcement and that no code now exists. Councilman Padmalingam suggested setting aside land in every neighborhood for a basketball court, then passing a law banning basketball on the streets. Councilman Reese believes that the uncooperative attitude of the players is the problem.

Comments from the Floor: Mayor Klingmeyer noted that kids need recreation and that the players on his street are no problem. Cindy Burningham noted that when she was growing up, the court was in her backyard, not in the street. She said children come home from school at 4:30 Pm and that the parks close at 6:00 PM, leaving little time for recreation, especially in winter. She also complained about the preponderance of court lights without bulbs in her neighborhood.

Diane Simper said that even though some neighborhoods have courts, other recreational opportunities are needed for the children in the area, and that the unique problems of each neighborhood need to be addressed. Councilman DiAngelo also noted that each neighborhood has its own problems, and that Washington Park’s problem is its lack of a park.

President Castagno responded that the problem is to devise a law that covers every neighborhood. Ms Simper also wants to get lights back on the streets since some children get home too late to play in daylight. Major Klingmeyer revealed that the City is considering putting lights on the street, but Ms Simper maintained that the streets have lacked adequate lighting for 25 years.

Flo Russell noted that because Washington Park lacks a park and because the closest park is so far, children choose to play in the street. She suggested that parents solve the problem by parking their cars on the street, thus freeing up their driveways for basketball games. Councilman DiAngelo noted that some driveways do not accommodate basketball games.

Senator Dori Connor noted that if Del Dot prohibits basketball hoops on the street, Del Dot can take action. She cited their removal of a hoop illegally placed in the street. She suggested publishing an article spelling out the pertinent regulations in the City paper. Councilwoman Miller suggested that if the hoop is in a public thoroughfare, it would have to be removed. President Castagno asked whether or not action against street basketball is to be complaint driven. Councilwoman Miller suggested checking the feasibility of putting up basketball hoops off-street in Dobbinsville and investigating further to see if hoops are required to be removed from public thoroughfares.

6. Appointments for the Board of Building Appeals

Appointments for the Board of Building Appeals included Edward (Ned) Hutchinson, nominated by Councilwoman Miller; Tom Whitehead, nominated by Councilman DiAngelo, and Ennio DiAlessandro, nominated by President Castagno.

7. Issues From the Floor

Basketball Lights at Dobbinsville Park: Charlotte Houben asked that lights be provided for the basketball court at Dobbinsville Park. Councilwoman Miller said that the lights provided in Dobbinsville are routinely shot out. Ms. Houben asked that the community be given another chance. President Castagno promised to contact Municipal Utilities about the possibility of getting lights replaced there.

Street Repairs in Washington Park: Brian Simper asked that the City fill in the mud holes in Washington Park. Jim Weldin assured him that the City is working on it. Mr. Simper also asked the City to pave the 700 block of Clymer Street. He supported his request with pictures of potholes, which he showed to Bob Martin. Mr. Martin explained the likely schedule for such repairs. President Castagno also promised that topsoil and grass seeding is coming, and that Chip Patterson will take out Hawthorn trees, but that patience is required.

Dori Connor: Senator Connor had two concerns to pass on to the assembly. First, the state police are actively ticketing the occupants of moving vehicles who are not wearing seat belts and whose children are not in car seats.

The second concerns a fraudulent letter attributed to her. Senator Connor reported that on April 21, 2003, the Wilmington News Journal printed an email over her name that she did not write. Furthermore, the Journal printed it without consulting her as to its validity. She learned that of the six to ten letters they print a day, they check the validity of only two or three. The original letter, sent to her and two other Senators, concerned Omuladen and the flooding on Route 9. The contents of the letter were strongly at variance with her known views and threaten to undo the understanding she has reached after six years of negotiations with Omuladen and the residents of Route 9. Subsequently, feedback from her constituents was extremely negative, with some wishing to remove her from office. She wants the Journal to publish a retraction, but they haven't yet agreed to do so. She will meet with them soon to discuss the matter, after which she will check to see if the Journal's policy changes. The person who originally sent the email purporting

to be from Senator Connor is liable to prosecution for ID fraud, computer fraud, and impersonating an elected official.

Basin Road Construction: Basin Road will be closed for eight months for repairs. Earl Carpenter asked Senator Connor if the Route 141 reconstruction will go to the Gambacorta Marsh on Washington Street. Senator Connor said that the current construction and the Gambacorta Marsh construction are two different projects. The current construction will end at Route 273. President Castagno tried to get the construction extended, but couldn't do so.

Annexing Industrial Areas: Mr. DiAlessandro would like a referendum about annexing surrounding industrial areas,

Truck Parking: Flo Russell is concerned about the high grass at Washington and 11th Streets, where cars and trucks park illegally, even though the police go by there many times a day. One truck parked there from 12:00 noon to 3:00 PM for three weeks with nothing done about it. She is also concerned about the Dobbinsville Park drainage problems.

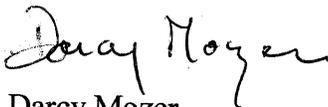
Meeting Adjourned

President Castagno called for a motion to adjourn. Councilman Reese presented the motion; Councilwoman Miller seconded the motion. The motion carried. The meeting was adjourned at 8:52 PM.

Next Meeting

The next meeting will be held at 7:00 PM on June 10, 2003 in the Town Hall.

Respectfully submitted,



Darcy Mozer
City Clerk