

**MAYOR AND COUNCIL OF NEW CASTLE
PUBLIC HEARING
TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE
WEDNESDAY – MAY 14, 2002 – 6:30 P.M.**

A Public Hearing held on May 14, 2002 at 6:30 p.m. Purpose to consider “Right-of-Way” Ordinance for the City of New Castle Ordinance #406

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Castagno – Read definition of “Right-of-Way”.

Chip Patterson, Secretary of Municipal Service Commission (MSC), states that the genesis of this Ordinance came about probably two years ago (as the City developed Industrial Parks, Boothhurst, etc). MSC found utilities in public right-of-way was becoming constrained. Needed to regulate the right-of-way with some type of order. It is also a problem that the installing companies do not return the right-of-ways to the original condition. MSC agreed to fund commission consultant who is URS Company so the best interests of the City are served. This is actually a pioneering Ordinance. City should be commended for taking pro-active steps. Good way to manage the right-of-way. This Ordinance establishes rules and regulations concerning the right-of-way. A companion book will be developed that will present a picture of how a right-of-way is laid out. Protect the City of New Castle from disorganization.

Mr. Castagno – Permits City to achieve uniformity. Highlight what the Ordinance addresses. Asked how fees will be set.

Jeff Bergstrom – There is a fee schedule in the appendix of code. Need to revisit and see if everything is covered.

Mr. Reese – Is the fee based on per foot charge?

Jeff Bergstrom – Deals only with area in right-of-way. Permit cost has a relationship with the area disturbed. Problem with horizontal boring. We do not know the damage this may cause. Could be quite expensive.

Mr. Reese – Is this really a groundbreaking Ordinance.

Jeff Bergstrom – Many jurisdictions all ready have right-of-way. This is not an easy Ordinance to create, so many issues are not straightforward. This is one of the cities biggest assets. Must be managed properly.

Earl Carpenter – The damage that was caused on 6th Streets sidewalks. What is in the Ordinance to protect the homeowners?

Jeff Bergstrom – There is 100% bonding.

Mr. Castagno – There is a mandate of insurance.

Jeff Bergstrom – Film area to be excavated. We could then show the area before and after.

Chip Patterson – Read Ordinance as it applied to the questions Mr. Carpenter asked. Public “Right-of-Way” is in City’s interest.

Earl Carpenter – This Ordinance does not satisfy the homeowners. Homeowner is not protected. Charter says homeowner is responsible for curb and pavement. The Ordinance protects only the City’s rights.

Chip Patterson – Homeowner is responsible for pavement even though it is a right-of-way. Good point. We will discuss with URS and have them evaluate issue.

Jeff Bergstrom – Right-of-Way is an absolute ownership. Wants Ordinance to be reasonable. Scale it back a bit. Ordinance as written has some areas that need clarification (bonding, permits, fees). Also, there are hundreds of encroachments on right of-way.

Mr. Castagno – Certain minor projects would not go through entire process.

Chip Patterson – Maintenance does not go through same process as planned construction. New construction submits plan and gets permits. Sidewalks are something the City should control. People reduce sidewalks by planting and flower boxes. City has specific responsibility to insure this does not happen.

Mr. Balascio – Repair and maintenance would be different. Some people repair sidewalk by removing bricks.

Chip Patterson – There will be guidelines handled by Rules and Regulations.

Mr. Balascio – Another Ordinance should address maintenance of sidewalks.

Mr. Martin – Maintenance of existing utilities.

Earl Carpenter – Wants an answer about protection for homeowners. No redress on getting curb and pavement repaired.

Mr. Martin – Utilities are no independent from homeowners property.

Mr. Castagno – Will address homeowners issue on repairs. Burden of proof. Was there pre-existing damage.

Mr. Martin – Incorporate into Ordinance.

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Chip Patterson – Prior to work have lines properly labeled. Photograph area before work.
Restore quality to new or better than what existed.

Mr. Reese – Hold bonds. All companies would come back and make repairs.

Mr. Martin – Procedure now is someone goes out before job is started.

Adjourned Public Hearing.

Respectfully submitted,

Kate Toner

Kate Toner
City Clerk

**MAYOR AND COUNCIL OF NEW CASTLE
REGULAR MONTHLY COUNCIL MEETING
TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE
WEDNESDAY – MAY 14, 2002 – 7:00 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: Janet Carlin, Treasurer; Robert Martin, City Administrator.

Review of Protocol: Refrain from profanity. Public is welcome to comment at specific times in Agenda.

Resolutions honoring Detective/Corporal Thomas Donlon, Patrolman Reinaldo Ruiz, and Patrolman First Class Richard P. McCabe, New Castle City Police Department.

Mr. Reese read the resolution of each officer.

Mr. Reese Also noted crime solving record is superior to the rest of the State.

APPROVAL BY DATE OF COMMITTEE REPORTS

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

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

APPROVAL OF MINUTES

Public Hearing	April 9, 2002
Public Hearing	April 9, 2002
Regular Council Meeting	April 9, 2002
Special Meeting	April 24, 2002

Mr. Castagno challenged the vote on Resolution #2002-06. Will revisit minutes and tape of meeting of April 9, 2002, Regular Council Meeting.

Dr. Miller motioned to approve minutes after revisit. It was seconded by Mr. Reese. Motion passed unanimously.

Notes were revisited and a correction to minutes and a correction to vote on Resolution #2002-06 was made.

Dr. Miller moved to accept Resolution #2002-06. It was seconded by Ms. Balascio. Roll call vote: Mr. Balascio, yes. Mr. DiAngelo, no. Dr. Miller, yes. Mr. Reese, yes. Mr. Castagno, yes. Motion passed four 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.

COMMUNICATIONS

Mr. Reese – Received a letter about Battery Park, specifically about parking lot. Lot of activity going on in the parking lot after dark. Wonder about park hours and it should also include parking lot.

Dr. Miller – This should be turned over to the Trustees.

Mr. Castagno – Received correspondence from Rob Garbacz, Store Manager of Home Depot, extending an invitation to the New Castle Neighborhood Pre-Grand opening celebration on June 5th from 6 p.m. until 9 p.m. RSVP required.

Mike Marinelli – Responded to the letter sent concerning property assessment being filed electronically from Council President. Advising Council President to redirect letter to County Executive, T. Gordon.

Joseph Given – Requested a permit for an addition to his residence. It was denied because it did not include lines and grades. Asking Council to see if this requirement could be waived.

Mr. Balascio – Working on park improvements with Mr. Castagno. Have found a corporate sponsor for Dobbinsville Park. Will install some equipment on June 15, 2002. Thirty representatives from a company will be there. Would like everyone to come out and show support.

Mr. Martin – Have received 15 to 20 applications for park counselors (will take applications until Friday, May 17, 2002). Will start interviews latter part of next week. Seeking approximately 12 counselors.

COMMENTS FROM THE FLOOR

None.

BUSINESS FROM COUNCIL PRESIDENT

Mr. Castagno – Requests permission to write County Executive for information on filing property assessment electronically.

Mr. Reese – Said County has some aerial views of the City which we would like. They are very useful.

Jeff Bergstrom – Most recent aerial shots need to be improved (glares and airplane wings). There are 1992/1997 online now. New shots show more inhabited part of State.

BUSINESS FROM THE CITY ADMINISTRATOR

A letter from Channel 10 NBC News proposes to give community leader opportunity to learn more about station, i.e, news, programming, station projects on Wednesday, May 22, 2002 from 7:00 p.m. until 9:00 p.m. RSVP by May 14, 2002.

U.S. Risk Underwriters, Inc. has advised that Zurich Specialties London Limited has discontinued Public Entity Professional Liability Insurance. Cancelled as of July 1, 2002. We will definitely have insurance by July 1, 2002.

Division of Parks and Recreation has reviewed your proposal for Parkland Development on Young Street and has found it eligible for funding through this Grant Program.

Comcast will change the later fee charge from \$2.00 to \$4.95. Concurrent with this the 30 day late payment end will now be assessed after 45 days past due.

Community Redevelopment Fund reallocated \$200,000.00 to project. New Castle City Police Building (Site Improvement Funds). Reallocation expires on June 30, 2005.

Request by Betsy Martino to conduct walking tours of New Castle. Traditional tour with addition of Ghost Stories.

Mr. Martin states this would require a business license.

Mr. DiAngelo reminds Council that citizens are very concerned about having night time Ghost Stories.

UNFINISHED BUSINESS

None.

NEW BUSINESS

First and Second reading of Ordinance #406. Right-of-Way for the City of New Castle.

Mr. Castagno read the highlight of Ordinance #406. There are copies in the City office and are also available her tonight.

Dr. Miller motioned to accept First and Second reading of Ordinance #406. It was seconded by Mr. Balascio. Motion passed unanimously.

Naming of roadway entrance into Municipal Service (Municipal Boulevard).

Dr. Miller proposed entrance into Municipal Service be Municipal Boulevard. It was seconded by Mr. Reese. Motion passed unanimously.

Request for a vendor's permit to roam the City limits to sell sandwiches. Should make a formal application to obtain a permit.

Discussion on amending Ordinance #204-66 to identify trash can placement and enforcement.

Mr. DiAngelo has received complaints of trash cans being left out front. Containers must be moved to rear of house. The Ordinance address states the time that can must be removed by midnight of the same day the collection is scheduled. Enforce the Ordinance. Fine is \$100.00

Mr. Castagno read excerpt from Wilmington Code stating can must be back five feet.

Mr. DiAngelo said change the fine cost. Draft a new amendment.

Charlotte Houben – Who is responsible for enforcing the Ordinance?

Mr. DiAngelo – Code Enforcement Office. We are looking to add another Enforcement Officer.

Earl Carpenter – Trash put out on Friday night for pick up on Monday. Problem on 6th Street is some homes have doors less than five feet from curb.

Mr DiAngelo – Have had complaints. Same problem occurs on 7th Street.

Earl Carpenter – Expand this issue farther. Everyday parking in bus stops. Parking alongside fire hydrant. Everyday skateboards are on street and parking lot of Post Office property. No one to enforce the Ordinance.

Discussion of adopting the International Building Code (IBC) and related codes.

Mr. Castagno – Most other municipalities have moved from BOCA to IBC.

Jeff Bergstrom – All traffic laws are the same. All building code requirements should be the same. New Castle County (NCC) has adopted (IBC) asking Council to consider doing the same. We use BOCA. IBC is driven by design. It is a little more reasonable. It is time to update. IBC is more standardized. Land use management urges Council to change to IBC.

Mr. Castagno – Looking for continuity in codes with other government agencies. Old code is a lengthier process.

Jeff Bergstrom – Routinely contractors work in three or four other States. Wants to make playing field level. Code books are available in NCC office.

Mr. DiAngelo – Do these include all different codes, i.e., plumbing, etc.

Jeff Bergstrom – Difficult to write short Ordinance. Everyone has their own manual. Some time this year it will be available in NCC. Need to repeal old code and give training for IBC.

Mr. Castagno – Entertain new Ordinance for IBS next month. Where are we with Gov-Excel Software. When a permit comes in will be logged with Municipal Service and Building Code as same time.

Jeff Bergstrom – Will be uploaded soon.

COMMENTS FROM THE FLOOR

Charlotte Houben – Note – Very unprofessional when you took the vote on annexation.

Mr. Reese – Health and Housing had ten complaints. Five complaints related to trash.

Mr. Castagno – We are trying to address our problem with trash.

John DiMondi – Is the Executive Session on funding police facility? We do not want any creative financing. Let us decide to mortgage our future.

Bill Cramer – Do we put insurance out for bid?

Mr. Martin – No. We have an agent that shops for all vendors.

Mr. Balascio – Who pays the agent doing the shopping for insurance?

Mr. Martin – Insurance has risen 16% industry wide. He has gotten it at a cost that is only 10 to 11% higher.

Dr. Miller – Rationale says there is a reason we use an agent. We do not know which avenues to shop. It is not unusual for a City to use an agent.

Mr. DiAngelo – This year there is no time to look for insurance. Next year would not hurt to shop around.

Dr. Miller – Might be valuable for Council to have our agent come in and explain our insurance coverage.

Mr. Reese – Haven't we done that before?

Mr. Martin – We interviewed agents.

Mr. Balascio – Who does the agent work for?

Mr. Castagno – He is paid a commission from vendors.

Mr. Balascio – That means long term duty to vendor not City.

Mr. Reese – Insurance is so sophisticated. Who knows what we need.

Mr. Balascio – Make vendors compete for our business. He is our own agent.

Mr. Martin – Twelve different insurance policies. Shop for different vendors to fill our needs.

Mr. Castagno – Leave research with Mr. Martin and Dr. Miller.

Bill Cramer – Treasurer's report – How does it compare to last year?

Janet Carlin – At this time last year the balance was \$610,000.00

Dawn Robinett – 9th and Clayton Streets has a lot of violence in neighborhood. Does not know who to address when children have gone too far.

Mr. Balascio – We know who the children are. We know the parents. Police come out and kids disappear. As soon as police leave the problems are back.

Dawn Robinett – Does not want a confrontation with parents. Causes a lot of frustration.

Mr. Reese – Call 911 every time. Your quality of life is most important.

Mr. DiAngelo- We have some problems over to over again. Need a curfew. Problems are City wide. Actively go after loitering.

Mr. Castagno – Talk to Chief McDerby and Mr. Reese. Have the laws enforced.

Mr. Reese – This is where we should start community policing.

Mr. Castagno – Consider a curfew for the entire City.

Officer Ruiz – Best way to solve problem is to keep calling 911.

Mr. Castagno – Will someone take this issue and evaluate the problem.

Mr. Reese – Will evaluate the issue.

Mr. Reese moved to adjourn the Executive Session. It was seconded by Dr. Miller. Motion passed unanimously.

Respectfully submitted,



Kate Toner
City Clerk