

Mayor and City Council of New Castle
Public Hearing and Regular Council Meeting
New Castle Town Hall–Delaware Street–New Castle
Tuesday, June 8, 2004–6:30 PM

President Castagno convened the Public Hearing at 6:30 PM and led those assembled in the pledge of allegiance. He announced that the hearing had been advertised in the newspaper to conform to legal requirements.

President Castagno then read a letter from Jim Steele of the Planning Commission informing the Council that the Commission had unanimously recommended that the Civic Association's property at 111 Buttonwood Avenue be rezoned from Open Space and Recreational (OS&R) to Historic Commercial (HC). The purpose is to permit the Civic Association to "complete the renovation/reconstruction of the Buttonwood school and to permit its adaptive use as a museum, civic center, and community focal point." Teel Petty, Chair of the Buttonwood Restoration Committee, asked for the change to finish Phase 3 of the project, which will put back the kitchen and a storage area onto the school. Without the rezoning, the restoration could not include those additions.

Councilperson Miller asked if the OS&R designation prohibited the school from receiving grants and getting bids on the renovation. **Teel Petty** of Buttonwood revealed that according to **Jeff Bergstrom**, rezoning the property puts it into four different zoning categories. She told him that it doesn't make sense to change the zoning when it could be the same as the adjoining neighborhoods. She noted that the public schools in the OS&R area sell food, and questioned why the Buttonwood School couldn't do if it remained OS&R. Mr. Bergstrom said that acquiring funding would be easier under the HC category. Councilperson Miller asked if the change would hinder the community from renovating property. **Architect Dalby** said the change is necessary to move forward.

Earl Carpenter asked if the rezoning is required to complete the renovation. **Ms. Petty** said that without rezoning, Mr. Bergstrom would not approve the completion of the building because of existing codes. **Mr. Carpenter** then asked why any work was done under OS&R. **Mr. Dalby** said that the renovation of the existing building could be done under OS&R, but that additional construction required rezoning. **Mr. Carpenter** summed up the reason for the HC designation is the need for additional construction to replace the original kitchen, which had been torn down. Councilman DiAngelo noted that by code nothing can be added to an historic property. He revealed that the site of the school had been County land and that the Trustees bought the land and had the school annexed. Councilperson Miller noted that the HC zoning opens up a lot of possibilities, that, a person could start a business on the land involved.

Councilman Padmalingam asked if changes to the property after rezoning would have to be approved by HAC. Mr. Dalby replied that they would. **Mr. Carpenter** then asked if HAC's authority extends beyond the historic area. President Castagno answered that according to his

understanding, HAC's approval is required for anything within historic zoning, but that the Council needs further clarification on that point. Councilperson Miller noted that if it is an historic building, it will probably go on the Historic Register. She asked if HAC would have a say in the Senior Center's planned renovations. Councilperson DiAngelo revealed that three areas will be in the HC category: Buttonwood School, Booker T. Washington School, and the Bellanca site, all of which will be classified as HC. **Mr. Dalby** said the reclassification is an issue, not a problem.

President Castagno then concluded the Public Hearing.

President Castagno called the regular meeting of the City Council to order at 8:00 PM and asked for a moment of silence in memory of President Reagan.

Roll Call

Present: President Castagno Councilperson DiAngelo
Councilperson Padmalingam Councilperson Miller

Absent: Councilperson Reese

Others Present: Treasurer Janet Carlin, Finance/Human Resources Manager Marian Delaney, Mayor Klingmeyer, Police Chief Kevin Mc Derby, City Health Officer Herb Swanson, Public Services Manager Jim Weldin

Approval of Minutes by Date

President Castagno called for the approval of minutes by date. Councilperson Miller moved to approve the minutes. Councilperson DiAngelo seconded the motion. Councilpersons DiAngelo, Miller, and Padmalingam approved the motion. The motion carried.

Approval of Treasurer's Report

Treasurer Janet Carlin reported that as of May 31, 2004:

- Total cash on hand totaled \$270.
- Total monthly deposits totaled \$260,664.91.
- Wilmington Trust accounts totaled \$200,051.57
- Certificates of Deposit and DE Government Investment Pool totaled \$13, 572.20
- Cash on hand totaled 213,623.77.

Councilperson Miller moved to accept the treasurer's report. Councilperson Padmalingam seconded the motion. Councilpersons DiAngelo, Miller, and Padmalingam approved the motion. The motion carried.

Approval of Directors' Reports

Police Chief McDerby reported that the eight had graduate from the Citizens' Police Academy and that three students had been held back until they qualify. The Academy received much positive feedback from those who attended.

An accident in Buttonwood involved substantially more damage that was previously reported at a Council meeting. He added four residents' names to the accident report so that they can make insurance claims to replace damaged electronics equipment.

The bike officers graduated after training. One of the bike officers arrested a person for reckless burning and possession of marijuana. The person had been previously arrested for arson.

Collins Park to the entrance of the far end of Buttonwood has been closed, leaving Buttonwood Avenue as a thoroughfare for local residents.

Chief McDerby met with Chief Petty and Ms. Petty to discuss the need of Buttonwood residents to send a letter to the City, Senator Margaret Henry, and Representative Houghton addressing accidents in Buttonwood. Ms Petty wrote a letter to Senator Henry, and learned that a dialogue between the Mr. Weldin, Senator Henry's office, and DeIDOT is necessary to rectify the problem. When Mr. Weldin contacted Ralph Reed within DeIDOT to advise him of the City's intention, there was no response. He finally heard from Mr. Reed after Senator Henry contacted Mr. Reed. Mr. Weldin then read a letter from Nathan Hayward concerning the accidents on Buttonwood Avenue and the City's plan to block the road to and from Collins Park. The closure will make the road a thoroughfare for Buttonwood residents only. Another problem that will be solved is that the railroad crossing on Buttonwood Avenue will eliminate the hazard to motorists unfamiliar with crossing. In short, limiting access to residents will help to eliminate accidents caused by non-residents.

Public Services Manager Weldin met with Backflips about the **wharf railing** and learned that they can proceed with the project as soon as the City is ready. They warned, however, that the rising price of steel could impact the railing's cost. The City is looking into funding sources to help finance the project.

Mr. Weldin met with Mike Disotell of Diamond Materials to discuss the completion of **paving projects**. Outstanding issues involve grading to be completed on the curbing on Gray and Young Streets because of add on work requested by the City. That project will be completed soon.

Another issue involves finishing paving of Municipal Boulevard in front of the Police Station. Mr. Disotell is concerned about the base under that roadway, which has heavy traffic. He learned that because no type of study has been done, it would be foolish to pave the road until the roadway base is known. Engineering studies will be performed before the road is paved.

Bids are to be opened for the **Greenway Project**. Once the bids are opened, they will be submitted to Century Engineering, which will review the bids and make recommendations to

ensure the bids meet the requirements. After Century Engineering gives its approval, the City will award the bid.

Mr. Weldin also met with Terry Haskins of Tetra Tec to go over the final report on the **Washington Park drainage** issue. Approximately \$335,000 is required to rebuild the storm water drainage line. A major problem is that the marsh area involved doesn't drain well and sediment has collected there. Approximately \$100,000 is required for work on the marsh and the drainage ditch from the railroad to Seventh Street. He has discussed marshland restoration with Larry Ireland of New Castle Soil and Conservation about using the site as a possible wetlands migration site.

James Turner, the Acting Director of Homeland Security, appointed him Co-Chair of the Public Works Position on the State Homeland Security and Terrorism Working Group. He and Newark's Public Works Director will represent all Public Works Department in Delaware. Their primary tasks will be to assist other State Public Works Departments, including all municipalities, DeIDOT, Department of Natural Resources Environmental Control, and Delaware Bay Authority on homeland security and terrorism planning.

He is also attending a seminar sponsored by the Department of Natural Resources and Environmental Control on managing solid waste collection system. He will take the associated national certification test.

He wants to implement the resolution concerning New Castle parks, which carried at the last Council meeting. He plans to gather a committee, which will work out a plan for advertising the project and soliciting funds. He wants the committee to include Councilperson Padmalingam, a representation from the Tree Commission, and one from the New Castle Flower Beautification Committee to generate the funds to improve City parks and to beautify the City.

Director of Finance/Human Resources Marian C. Delaney reported that the general fund balance as of June 1, 2004, was \$60,592 and that \$20,000 was transferred for Separation Day expenses. She met with Councilperson Miller to consolidate categories for the City's 26-page budget. She reported that department heads are meeting bi-weekly with Councilperson Miller and City Treasurer Carlin to discuss accounts payable and cash flow balances. Budget meetings are scheduled for the next two weeks, with a target date for approving the budget of June 24, 2004, to make it possible to print out the tax bills on June 28, 2004.

The Sheriff's office has notified the City that four properties are scheduled to be sold at Sheriff's sales on July 13: 1640 Wilmington Road, 130 North Katrin Circle, 513 West Ninth Street, and 5 West Ninth Street.

Collectively, \$1600 is owed in City taxes, which will be added to the County's cost sheet.

Human Resources has had one laborer in Public Works resign. The laborer has been replaced by a temporary employee.

On Separation Day, the inclement weather was a problem. As a result, the Separation Day Committee has set August 4, 2004, as a tentative date to display fireworks at Battery Park after the summer concert. She recognized the Separation Day Committee for their efforts, especially Mikki DiEmidio, the behind the scenes coordinator, "who has done a great job for years."

At her invitation, the mayor spoke on the City's plans to declare Friday a Day of Mourning, when City Offices will be closed. Councilperson DiAngelo noted that because the close will affect the trash pickup on Friday, the City is trying to notify residents of the change. Trash will be picked up on the next regular trash day. **Mr. Carpenter** informed him that it's too late for a notice in the *New Castle Weekly* to be effective because of the Friday mail delivery. Washington Park and Van Dyke Village will be affected. President Castagno asked if the City has an agreement to follow all of the State's holidays. He questioned whether or not the Union contract makes provisions for that. The Mayor disclosed that he had spoken with union representatives and that the contract permits it. Councilperson Miller suggested placing a flyer in everyone's mailbox. The Mayor noted that the *Wilmington News Journal* would probably publish something about the close.

President Castagno called for a motion to approve directors' reports. Councilperson Miller moved to accept the Directors' reports. Councilperson DiAngelo seconded the motion. Councilpersons DiAngelo, Miller, and Padmalingam approved the motion. The motion carried.

Communications

Councilperson DiAngelo read a proclamation from the Terry Spense, Speaker of the State's House of Representatives extending its sincere congratulations and commending Dr. Padmalingam for the distinguished honor of being selected Family Physician of the Year 2004. The award was presented by the Delaware Academy of Family Physicians.

Councilperson Padmalingam thanked the Academy and the House of Representatives for according him the honor and the city for giving him the opportunity to be part of the community. President Castagno then read a resolution from the Delaware Academy of Family Physicians citing Dr. Padmalingam for providing his patients with comprehensive, compassionate, and caring family medicine on a continuing basis, for his participation in community affairs, and for his position as a role model to health professionals and medical students. He has been a dedicated member of the Delaware Academy of Family Physicians, serving as its president from 1997-1998.

President Castagno then read a request from Dee Bennet representing CanalFest of 2004, for the use of the City's stage on September 18, 2004. She also asked to have the stage two days before the event. President Castagno then called for a motion to approve the request. Councilperson DiAngelo observed that Mr. Weldin could coordinate the pickup and return. He moved to approve the request. Councilperson Padmalingam seconded the motion. Councilpersons DiAngelo, Miller, and Padmalingam approved the motion. The motion carried.

President Castagno also read a letter from Sutton of the Training Center, requesting permission to have a 5K run for the Cystic Fibrosis Foundation on November 21, 2004. The run would begin

and end at the Court House. He suggested that the Training Center go through the normal parade process of applying for a permit. Councilperson Miller asked if the parade would require people to move their automobiles. President Castagno replied that would be part of the application process. Councilperson Miller then asked if streets would be blocked for the run. President Castagno said they would. The run would take approximately one-half hour. With Council's permission, President Castagno will advise the applicant to apply for a parade application.

Business from the Mayor

Mayor Klingmeyer emphasized the need for a City Administrator, especially because of the City's budget crisis. He wants an experienced professional on board. Qualified people have applied, and the Committee has recommended several to the City Council, which has not taken action. He cited the City's responsibility to the residents, the Trustees, the Commons, Municipal Services, and other agencies. He insisted that finding a new City Administrator should be the Council's first priority.

Opening of Bids for the Heritage Trail

Mr. Weldin opened the bids for the Heritage Trail. Grassbusters Landscaping Company, Inc., bid \$205,482. Merritt Construction Engineers bid \$282, 007. Mr. Weldin will contact Century Engineering to ensure that the bids are appropriate.

Unfinished Business

There was no unfinished business.

New Business

Memo of Understanding between the City of New Castle and the Delaware Office of State Planning Coordination President Castagno called for discussion on the Planning Commission's recommendation that the Council accept the proposed "Memo of Understanding between the City of New Castle and the Delaware Office of State Planning Coordination." The memo is a State law that went into effect March 5, 2004. Councilperson Miller asked for a definition of the Office. President Castagno called on Jim Steele, the Chairman of the Planning Commission, to explain the highlights. Mr. Steele revealed that he had met with the State Planning Office to clarify the Primary Land Use Services (PLUS) program, which requires that before any permit is issued, it will be reviewed by the State. The Understanding "is expected to result in a more efficient use of resources and improved consistency and coordination between various levels of government and other interested parties." Before any job could start it would be reviewed by the State. The State's original recommendations for review involved constructions of 75, 000 square foot and single family dwellings of 50,000 square foot. The State Planning Office subsequently lowered single-family dwellings from 50,000 to 12,000 square foot, and the 75,000 square foot requirement to 25,000 square foot. For example, Under the Memo of Understanding, a builder planning to construct 12 units of fewer than 10,000 square feet each could acquire a permit; anything above that would have to be approved by the DelDOT, environmental authorities, and any other relevant State agency. Councilperson Miller asked if the memo applies to single-family

homes. Mr. Steele revealed that it could apply to houses or apartments. Councilperson Miller then asked if the Memo would apply to the apartments being built on Deemer and if the builder would have to go to the State for approval. Mr. Steele said he didn't know if the Deemer builders had ever gone to the State, but that under the Memo of Understanding, the builder would have to go to the State for a permit.

Councilperson Miller then asked if the Memo means that the City would relinquish its authority. Mr. Steele revealed that the builder would have to go through the City first, and after approval, to the State. He said that the Memo is part of Governor Minner's "Quality of Living."

Councilperson DiAngelo asked about the life span of the Memo and if it could be changed. Mr. Steele thinks it can be changed. President Castagno asked about the criteria used to arrive at the 25,000 figure. Mr. Steele replied that the lower number would get more State involvement in a project. For example, the State will now review any project 25,000 square foot or above proposed for New Castle. The process would involve submission, review, approval/disapprove. The process is expected to have a two-week turnaround time. Mr. Weldin said that the plan doesn't take away the City's authority but would provide a stricter set of standards. He said that the City couldn't go any lower than the State law mandates. Councilperson DiAngelo said that the Memo states that the law can be changed from time to time.

Mr. Carpenter noted that Amazon.com erected their building in a record amount of time to thwart their competition. He wonders how long the process would now take. President Castagno observed that the process is an information process, not an approval process. The City will retain its permit process. He read the section of the memo that states, "Nothing in this agreement shall be construed to deny the City of New Castle its final decision-making authority over planned land use in the corporate limits of The City of New Castle."

Mr. Weldin thinks there could be consequences if the City does not follow the State's comprehensive plan. Mr. Steele and the Planning Commission are comfortable with the Memo.

Councilperson Padmalingam asked if the State had been involved in planning the construction on the Deemer property. Mr. Steele said that the State got involved after the permits were issued, but not with the initial approval process. Under the Memo, the State would have been involved before construction was approved and permits issued. President Castagno revealed that he had called other municipalities to elicit their opinions, and all were compliant. It's basically a formal agreement between the City, the New Castle Planning Commission, and the State Planning Commission to ensure that all information is known.

Councilperson Miller moved to accept the Memo of Understanding as read. President Castagno then read parts of the Memo. Councilperson DiAngelo seconded the motion. Councilpersons DiAngelo, Miller, and Padmalingam all approved the motion. The motion carried.

First and Second Readings of Ordinance 427: President Castagno read Ordinance 427, which amends the code of the City of New Castle for the purpose of rezoning a portion of land at 111 Buttonwood Avenue from Open Space and Recreational (OS&R) to Historic Commercial (HC). The New Castle Planning Commission recommended the rezoning. He then distributed the

technical description of the parcel. Councilperson Miller asked about a tract in the distributed survey that lacks services. She asked if that section was also to be rezoned. Councilperson DiAngelo said it was not to be rezoned.

Councilperson DiAngelo moved to approve the first and second reading of Ordinance 427. Councilperson Padmalingam seconded the motion. Councilpersons DiAngelo, Miller, and Padmalingam approved the motion. The motion carried.

President Castagno reminded those present that one more reading would occur at the July meeting.

Resolution 2004-08, Honoring John “Jack” Weaver who died May 23, 2004. President Castagno read the resolution honoring John “Smiling Jack” Weaver. He cited his active participation in sports, his army service, and his founding of Weaver’s Pole Line Construction Company. His accomplishments were many. He was a 32nd degree Mason, an Arnall Patz Fellow from the New Castle Hundreds Lions Club, and a member of the New Castle City Council for 20 years, serving as President for most of those years.

Councilperson Miller moved to accept the resolution. Councilperson Padmalingam seconded the motion. Councilpersons DiAngelo, Miller, and Padmalingam approved the motion. The motion carried.

Resolution 2004-09, Honoring Robert Wm. Martin: President Castagno read the resolution honoring Robert Martin, New Castle’s City Administrator for 10 years. Some of Mr. Martin’s many accomplishments include repaving 70% of the City’s streets, the Young Street Park, the rehabilitation of the Deemer property, the new Police Station, the modernization of the Public Works operation and equipment at the Old Trolley Barn, and Penn Bantam Park.

He was also honored for 20 years of dedicated service to the Local League of Governments, Outstanding Service as President of DEDA, named ICMA Credentialed Manager, commended by the Delaware Senate General Assembly as City Manager of the Year 2000, and awarded a certificate of appreciation by the Mayor and City Council for his outstanding and dedicated service to the City. Councilperson Miller moved to accept the resolution honoring Mr. Martin. Councilperson DiAngelo seconded the motion. Councilpersons DiAngelo, Miller, and Padmalingam approved the motion. The motion carried.

Resolution 2004-10, Limiting Access to Buttonwood Avenue: President Castagno read the resolution to close the intersection at Buttonwood Avenue and Howell Drive because of the large incidence of accidents there. The closure limits travel to the residents there. Police Chief discussed the issues involved as part of his report.

Councilperson Miller moved to accept the resolution. Councilperson Padmalingam seconded the motion. Councilpersons DiAngelo, Miller, and Padmalingam approved the motion. The motion carried.

Comments from the Floor

John Houben of Washington Park requested and received a copy of the new City budget and also a copy of Mr. Martin's memo to the City Council regarding his retirement. He learned that the new City budget had not been finalized, even though it is due on July 1, 2004.

He believes that it is critical to hire a professional City Administrator as soon as possible. He pointed out that the City has a four million dollar budget but no one qualified to run the City. He disclosed that Mr. Martin offered to share his expertise with the new administrator and suggested that one be hired immediately. Councilperson Miller revealed that the City has no plans to hire an administrator and that each department director will manage his/her own department. He complained that no one currently employed by the City has the expertise to run the City, as defined in the advertisement for a new City Administrator. He wants the City to hire an administrator as soon as possible.

Pearlette Maddox of Buttonwood reported that her five-year-old grandson was hit by a car there. She noted that there are no signs that warn about children playing and that from the railroad tracks motorists can't see a child playing. She also noted that many motorists don't observe the 25 MPH speed limit. She thanked the Council members for trying to do something to keep motorists from speeding there.

Gale Askew asked how the City Administrator's job gets done and if everyone who works for the City has to live within the City limits. Councilperson Miller said that they do not. Ms Askew then asked why not. Councilperson DiAngelo revealed that only those elected must live in the City. Ms. Askew maintained that most other cities require city workers to be residents. Councilperson Miller asked about the advantage. Ms. Askew replied that it would keep the money involved in the City.

Councilperson Miller moved to go into an executive session. Councilperson DiAngelo seconded the motion. Councilpersons DiAngelo, Miller, and Padmalingam approved the motion. The motion carried.

President Castagno adjourned the regular meeting at 8:15 PM and convened an executive session.

Next Meeting

The next regular meeting will be held at 7:00 PM on July 13, 2004, in the Town Hall.

Executive Session

The Mayor and the City Council members discussed issues related to the City's union contract and its participation in the national holiday recognizing President Reagan. The Council then moved into an open session. Councilperson Miller moved to adjourn the meeting. Councilperson DiAngelo seconded the motion. Councilpersons DiAngelo, Miller and Padmalingam approved the motion. The Motion carried.

Respectfully submitted,

Darcy Mozer, City Clerk