

Draft: Subject to Change

**Mayor and City Council of New Castle
Regular Council Meeting
New Castle Town Hall–Delaware Street–New Castle
Tuesday July 8, 2003–7:00 PM**

Roll Call

Present: President Castagno Councilman DiAngelo
 Councilwoman Miller Councilman Reese

Absent: Councilman Padmalingam, Mayor Klingmeyer

Others present: Treasurer Janet Carlin, Finance/HP Manager Marian Delaney, City Administrator Bob Martin, Police Chief Kevin McDerby, Public Service Director Jim Weldin

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

Approval of Committee Reports

President Castagno called for approval of committee reports, which are on file at the City Offices. Councilman Reese made a motion to accept the committee reports as written. Councilwoman Miller seconded the motion. The motion was approved by all Council members present.

Approval of Treasurer's Report

Treasurer Carlin reported that as of June 30, 2003, petty cash totaled \$270.00; deposits totaled \$23,058.20. Funds in Wilmington Trust totaled \$267,799.10 and CDs totaled \$186,245.03, for a total cash on hand of \$454,044.13. Councilman Reese made a motion to accept the reports as presented. Councilman DiAngelo seconded the motion. The motion was approved by all council members present.

Approval of Minutes

Two sets of minutes were to be approved at the meeting. The minutes for the Council Meeting for June 10, 2003, were not considered because of a misunderstanding. They will be voted upon at the August 12, 2003, meeting. Councilman Reese noted that the date for the next Council meeting cited in the minutes for the June 30 was August 12, when it should have been July 8. Councilman DiAngelo made a motion to accept the minutes as amended. Councilman Reese seconded the motion. The motion was approved by all Council members present.

Communications

Ned Hutchinson has written a letter to Police Chief Kevin McDerby to thank him for helping to reduce the noise of motorcycles on New Castle streets.

Ken Oppenheimer complained that the City lacks a means to review the plans for new construction in the City. President Castagno tabled the issue for later discussion.

Councilwoman Miller introduced **David Skupien**, the City's newly hired full-time Human Resources Benefit Coordinator. He will process employee benefits and ensure that the City complies with governmental regulations. More than 70 people applied for the position, of whom 15 were interviewed.

Senator Connor introduced the **team responsible for the restoration of the Court House**. They are James A. Stewart, Administrator of Delaware State Museums; Daniel R. Griffith, Director of the State Historic Preservation Office; Kevin Rychlicki, Senior Architect of Bernadon, Haber, and Holloway, the architectural firm in charge of the restoration; Mr. Michael Smith, the contractor for the project, and Cindy Snyder, Administrator of the Court House Museum. Senator Connor also announced that she had acquired \$750,000 in 2003 funds and \$250,000 in 2004 funds from the Delaware legislature for the renovations, for a total of \$1,000,000.

Mr. Griffith described plans for the site and revealed that the work is funded jointly by the National Park Service and the State of Delaware's Capital Improvement Fund. Mr. Rychlicki displayed plans for the Court House and explained their significance. He described the restorations for the building's windows, doors, woodwork, handrail, and terrace. He emphasized that the restoration, which began in June, will not change the building, but rather replace or repair 24 windows and seven doors and repaint in the building's historic colors: beige for the oldest part of the building and gray for the part of the building that dates from 1845. The cast iron handrail will be restored and the pavers of the terrace will be lifted and reinstalled to form an even surface. All replacements will be customized replicas, made by craftsmen. Mr. Smith, the contractor, has hired Delaware labor to do the restorations. Once the building's exterior is finished, the interior will be restored. He assured the Council that the group is sensitive to the needs of the City's residents. Cindy Snyder announced that the building would be open during the restoration.

Senator Connor noted that the empty Sheriff's House is being considered as the next restoration project. The building's architecture is being evaluated and possible uses for the now-empty building are being discussed, with accessibility a major concern.

Business from Senator Dori Connor

Senator Connor revealed that during her tenure, she has acquired \$200,000 for the City Police Building and \$100,000 for the City wharf. The funds are in matching dollars. Mr. Martin noted that all but \$30,000 has been spent on the wharf. Other monies include \$40,000 allotted to the Buttonwood School, \$66,600 for the Old Library, \$30,000 for an elevator in the existing library to make the 3,000 square feet of the lower level accessible, \$100,000 toward restoring Booker T. Washington School, which will become the Senior Center; and \$1,000,000 for technology for the Police Department. She and Representative Mulrooney are responsible for acquiring \$40,000

each for the City's roads. She suggested that the City ask for \$50,000 for roads next year. Funding totaled \$1,600,000 in four years. She also noted that the Good Will Fire Hall is slated to receive significant funds, that plans for the Buttonwood drainage project are finally coming to fruition, and that a new project for Washington Park is being considered.

President Castagno thanked her for her dedicated efforts on behalf of the City.

Ned Hutchinson asked about dredging of the river. Senator Connor replied that there is no cash for the project. Mr. Hutchinson noted that the Army Corps of Engineers found reasons for dredging and that the four agencies will share the \$325,000,000 costs, with the biggest share coming from the federal government. Senator Connor revealed that the project doesn't have State support. A total of \$12,000,000 has been allotted for all projects. She advised the City to make a long list of what the city needs.

Business from the Mayor

There was no business from the Mayor.

Business from the Council President

President Castagno discussed finding alternative funding for infrastructure projects and capital improvements. These projects are not funded through traditional tax revenues. He asked the assembly to present ideas to Mr. Martin within the next two weeks. Among the many possible projects are park improvements and eliminating drainage problems.

Business from the City Administrator

Bob Martin reported the following.

A letter was sent to parents of children attending the City's summer recreation program. To date, 45 children are registered. The program is going well.

The New Castle Beautification Committee is not only actively planting and caring for the City's gardens, but also planning the landscaping for the park at the old railroad site at Eighth and Young Streets.

The Department of Transportation's distribution of municipal street monies for New Castle equals \$146,659.22. The amount is lower than last year, as was that of other Delaware municipalities, while funding for beach areas increased.

The DENREC newsletter revealed that \$65,000 has been issued to encourage recycling and that the City is one of the recipients. The City's portable units were especially useful for A Day in Old New Castle. The City reports on its recycling efforts to DENREC every three months. President Castagno noted that it would be helpful to know how many pounds of recyclables the City collects. Mr. Martin responded that at present no exact numbers are available, but that he is working on acquiring more precise information. He also reported that the quantity of recyclables

collected and transported to the collection site at Fourth and Chestnut Streets is substantial, but not enough to truck to Wilmington; however, the numbers keep increasing.

Unfinished Business

The Board of Building Appeals: President Castagno announced the names of those named to the Board of Building Appeals. They are Ned Hutchinson, Thomas Whitehead, Ennio D'Allesandro, Charles Cobb, and John J. Bovankovich.

Resolution 2003-09: Penalty for Returned Checks: President Castagno read the resolution, authorizing a \$25 penalty to be imposed on returned checks. He asked how the fee compares to those imposed by other Delaware municipalities. Councilman DiAngelo noted that the average penalty is approximately \$30.00. Councilwoman Miller made a motion to accept the resolution. Councilman Reese seconded the motion. The motion was approved by all Council members present.

New Business

Resolution 422, Amendment to City Code Ordinance, Chapter 209: President Castagno presented the first and second reading of the resolution, which amends City Ordinance Code, Chapter 209 forbidding artificial barriers on City Streets. Specifically, Chapter 209 calls for "maintenance of clear zones within rights-of-way and unobstructed passage on highways and roadways." President Castagno said that the resolution was written in response to the many complaints about basketball apparatus obstructing City streets and the behavior of the players.

In response to President Castagno's call for comments, **Fred Walsh** of Van Dyke Village asked for a definition of clear zones, and learned that the term defines unobstructed right-of-ways, and that the City Police have the authority to remove from City streets "unofficial signs, poles, mailboxes not placed in conformance with Departmental regulations, basketball nets, backboards and poles, hockey nets, soccer nets and other hazards to safe passage." **Mr. Walsh** also objected to people who park illegally, and cited several such instances. President Castagno made it clear that the ordinance does not apply to sidewalks. **Steve Painter** of Washington Park objected that his children are penalized because other children are out of control, and thinks that there should be a penalty for parents who do not control their children. President Castagno explained that for a first offense, a warning is issued; subsequent offenses are fined from \$25 to \$100. If the offender is a juvenile, the warning or fine will be issued to the parents.

Charlotte Houben of Washington Park noted that the ordinance is also unfair to children in her area, because the slanted driveways there make basketball play impossible. As a result, children have to play in the street if they play at all. **David June** wants the ordinance to include penalties for vandalism to discourage the prevalence of wanton activity in Boothhurst. He wants the ordinance rewritten to deal with those who make terroristic threats to anyone who complains. **Vera Worthy** of Boothhurst noted that vandalism is not the only problem in Boothhurst; another problem is that children playing in the streets will not get out of the way. Her house is the meeting place for 20 to 30 basketball players. Complaining results in antisocial acts. Her car was vandalized. Her friend's car was also vandalized. **Alma Melton** of Boothhurst questions why parents do not take their children to parks to play. **Flo Russell** of Washington Park objected to

the ordinance and complained that her children are being punished because of the bad behavior of children in other areas. She noted that children in Washington Park are respectful and that the parents of children in Boothhurst who break the law should be charged.

President Castagno asked Police Chief Mc Derby if the police could enforce clear zones without the proposed legislation. The Chief responded that the State law only makes it possible to prosecute people who unreasonably block roadways for an unreasonable amount of time. He favors the resolution because it covers most road situations, and it conveys the power to make positive change. President Castagno said that the resolution gives the police a tool on a complaint-driven basis to eliminate troublesome situations. Jim Weldin agreed with the Chief and noted that Resolution 422 is modeled after DelDOT's provision for maintaining clear zones. Councilwoman Miller thinks the resolution will improve the quality of life in Boothhurst. Councilman DiAngelo pointed out that the real problem in Boothhurst is that players come from other areas, not just Boothhurst. **Evelyn Chambers** complained that children played in the streets until 10 or 12 PM, but that after parents pulled in basketball courts, the late play ceased. **Ellen Wilson** objected to the criticism of Boothhurst. She admitted that a problem exists, but that no one is looking at the whole picture. **Steve Painter** is not in favor of laws applied selectively. **Fred Walsh** wants basketball courts built in Boothhurst's parklands. Councilman DiAngelo thinks the solution is analogous to the skateboarding problem. The ordinance invoked to control skateboarding is complaint driven, as it will be with basketball apparatus. Councilwoman Miller noted that that the ordinance should help to alleviate Boothhurst's problems.

President Castagno called for a vote on Resolution 422. Councilman Reese made a motion to accept the first and second readings of the resolution. Councilwoman Miller seconded the motion. The motion was approved by all council members present.

Resolution Honoring Clay Bridgewater: President Castagno read a resolution honoring Clay Bridgewater, then recounted a brief history of Mr. Bridgewater's many contributions to the City and his achievements as a premier jeweler. One noteworthy example is the cross and Episcopal ring he crafted for the current Bishop of Delaware. Councilman Reese made a motion to pass the resolution. Councilwoman Miller seconded the motion. The motion was approved by all Council members present. The signed resolution will be forwarded to Alice Bridgewater, wife of the honoree.

Resolution Honoring Woodrow W. (Rick) Harrison: President Castagno read a resolution honoring Rick Harrison on the event of his retirement on July 6, 2003, after 29 years of service. He praised Rick for his many abilities, especially for doing whatever he was called upon to do cheerfully, dependably, and efficiently. President Castagno reminded everyone that a party was to be held in Rick's honor on July 11, 2003, in the Good Will Fire Hall. Councilwoman Miller made a motion to pass the resolution. Councilman Reese seconded it. The motion was approved by all Council members present. The signed resolution will be forwarded to his daughter Mary Ellen and his son Richard.

Delaware Street Repaving: President Castagno opened the discussion concerning the repaving of Delaware Street between Second and Third Streets, with related adjustments to curbs and sidewalks. Councilman DiAngelo noted that 11 properties are involved in plans to update curbs and sidewalks and that Mr. Martin had distributed a memo to each property owner asking for permission, as set forth in the City's charter. The estimated total cost is \$25,000. Property owners must pay for their own curbs. He surmised that each property owner will be assessed

approximately \$2,000. The sidewalks must be adjusted because they are uneven. **Earl Carpenter** asked if granite curbing is available.

Business from the Floor

President Castagno called upon **Bob Briggs**, New Castle's insurance broker, to explain the City's current insurance status. He reported that insurance is becoming more expensive because of increased costs related to workman's compensation and auto losses. Delaware insurance rates are set by the State and those rates are increasing significantly. He cites many examples and compared the number of claims and the concomitant costs this year with those of previous years. Last year, for example, insurance companies gave the City a 25% credit in workman's compensation insurance because of the low number of claims; this year the credit was only 5% because the claims have increased significantly. Councilman Reese pointed out that only a limited number of companies will insure municipalities. Mr. Briggs concurred, noting that of the six companies he approached, most had discontinued writing new business for municipalities. In response to a question from Senator Connor, Mr. Briggs revealed that Delaware is so small that it even lacks an actuary. Mr. Martin revealed that the City tried to attain quantity buying, but was unsuccessful. **Ned Hutchinson** asked about the amount of liability the city incurs for people using Battery Park. He also complained that Municipal Services must clean up the messes left there. Mr. Briggs noted that the City pays no insurance for people using the park.

Charlotte Houben complained of flooding in Washington Park. Mr. Martin revealed that money has been appropriated to study the problem. Ms. Houben asked when the study would be finished and complained that other studies had produced no results. Mr. Martin said that there is \$30,000 in the City's budget plus State money for solving the problem. Flo Russell protested that not much had changed since the last study and that she wants results. President Castagno assured those concerned that money would be appropriated to address the problem. David June complained that water flowing down the hill from Route 141 causes flooding. Senator Connor noted that repairs had been done to alleviate that problem.

Fred Walsh asked about a gate for the marsh in the area near the sailing club and requested that the cracks in the sidewalk there be repaired to accommodate the handicapped. He also asked about the trees torn down as a result of the repairs in Battery Park and learned that the trees will be replaced. Mr. Walsh also wants the asphalt that tree roots have torn up repaired. He suggested putting a stop sign at Fourth and Harmony Streets. Mr. Martin promised to look into doing so. In addition, Mr. Walsh questioned whether the City receives income for Twin Spans. President Castagno responded that the City receives financial benefit from Twin Spans without raising taxes.

Ken Oppenheimer commended the City police and the bike police. **Mr. Briggs** cited the good work of motorcycle policemen.

President Castagno asked if the City has ever had a design review board, and cited the case of a shed that is within City code, but a nuisance to neighbors. Councilman DiAngelo suggested that more discussion is in order to investigate the feasibility of such a board. President Castagno recommended consulting the Planning Commission about the issue.

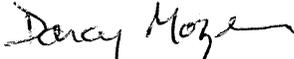
Meeting Adjourned

President Castagno called for a motion to adjourn. Councilman Reese presented the motion; Councilwoman Miller seconded the motion. The motion was approved by all Council members present. The meeting was adjourned at 9:01 PM.

Next Meeting

A special meeting will be held at 6:45 PM, followed by the regular meeting at 7:00 PM on August 12, 2003 in the Town Hall.

Respectfully submitted,



Darcy Mozer, City Clerk