

**City Council of the Mayor and Council of New Castle
Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle
Tuesday – July 13, 2010 – 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, Treasurer Janet Carlin, City Administrator Cathryn Thomas, City Solicitor Roger Akin, City Engineer David Athey, Building Official Jeff Bergstrom

Approval of Minutes by Date

A motion was made by Councilperson Petty to approve the minutes of meetings on June 1, June 3, June 8, June 10, June 15, June 17, June 21 and June 22 as written. The motion was seconded by Councilperson Gaworski. The motion was approved unanimously.

Approval of Treasurer's Report

Treasurer Carlin reported that, as of June 30, 2010, total petty cash on hand was \$400; monthly, deposit, \$188,016.55; total cash for accounts, \$304,333.11; total certificates of deposit and Delaware Government Investment Pool, \$1,156,468.76; and total cash on hand, \$1,460,801.87.

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

Report from the City Administrator

Administrator Thomas said this is the first week that City crews are handling recycling. The City has received a good response to a direct mailing that explained how it would work and 250 new people signed up to get recycling bins. She thanked Chris Castagno of the Trustees of the New Castle Common for meeting with her on Saturday to look at the barns on the farm as a possible site to store the extra totes. Just the new recycling customers are expected to save the City \$25,000 a year in landfill tipping fees.

Approval of Staff Reports

Council President Barthel said the staff reports were accepted as presented in the packets.

Grant Review

Councilperson Cochran said the grant income in June was: VIPS, \$71.99; grant expenses: Cirillo Bros. \$13,975; Separation Day, \$25,366.81; drug grant, \$509.23; and Separation Day \$10,835.66.

Communications

Councilperson Petty introduced some of the City Recreation staff. Summer Camp Coordinator Aaron Searson said there are approximately 85 kids registered this summer and it is going well despite the heat. He introduced two other counselors, Takeiyah Young and Michael Thompson.

From the Mayor

Mayor Klingmeyer nominated Dorsey Fiske, a member of the Trustees of the New Castle Common, for a second term on the City Planning Commission, and Susan Marinelli, an

employee of the Municipal Services Commission, for the Planning Commission. Ms. Marinelli would succeed Daniel Knox.

New Business

1. Motion, discussion and vote on Resolution No. 2010-18 to add the following item to the New Castle City Fee Schedule: Excessive Consumption of Inspection Fee \$200

A motion to approve the resolution was made by Councilperson Petty and seconded by Councilperson Megginson. It was passed unanimously.

2. Motion, discussion and vote on appointment of Thomas McDowell to the Historic Area Commission.

Councilperson Cochran made a motion to approve the appointment. Councilperson Petty seconded the motion. It was approved unanimously.

3. Motion, discussion and vote on Planning Commission appointments recommended by Mayor Klingmeyer.

Councilperson Petty made a motion to approve the appointment. Councilperson Gaworski seconded the motion. It was approved unanimously.

4. Discussion and possible action on a matter concerning St. Anthony's Club and a City Street adjacent to the Club property at 1017 Gray Street.

President Barthel said the City was approached by St. Anthony's Club about selling or handing over this street. He contacted Solicitor Akin about it. He asked Mr. Akin to provide an update.

Mr. Akin explained the bocce courts and horseshoe pits are located across the stub of School Street from the club. Traditionally members would order a libation and then walk across the street to participate in bocce or other activities. This matter came to the attention of someone in the area who notified the State Alcohol Beverage Control Board Commissioner's Office. The State determined walking across the street with an open container of alcohol was in violation of the club's liquor license.

He and Mr. Andy Taylor, the attorney for the club, have met to discuss the issue and look for possible alternatives. He does not believe the matter is in a position to be acted on at the meeting. It will require additional research and work. He has determined also that the City has criminal law that prohibits the crossing of City's streets with an open container of alcohol.

President Barthel said he feels if the City can find a way to do it that it is worthwhile.

5. Discussion and possible action concerning a fee of \$1,510 paid for Building Permit No. 16806, issued on May 23, 2003, to Angelo Rispoli for construction of a new single-family residence at 516 Harmony Street, which request is to allow the fee previously paid to be applied to a new Building Permit so that construction may commence on a new single-family residence at 516 Harmony Street.

President Barthel explained the situation and said he contacted Mr. Akin. He read a letter from Mr. Akin stating it would not be, as general policy matter, appropriate for Council to adopt a “special resolution” or take some other action that would provide a discount from the current building costs or waive the fees. There is no provision in Code. Such special legislation is frowned upon by the courts.

President Barthel said it is something the City would like to do but is not prudent given the precedent it would set that could be taken advantage of by others.

Mr. Akin said the City Council, if it wishes, could address it through legislation.

6. Motion, discussion and vote on a Bank Resolution to pay \$29,806 to the Lyons Companies for various insurance premiums through the DeLea Founders Insurance Trust for the policy year beginning July 1, 2010.

Councilperson Petty made a motion to approve the resolution. Councilperson Cochran seconded the motion. It passed unanimously.

Comments from the floor:

Mr. Ennio DiAlessandro said he was confused why the Family Foundation started building a new school without building permits and the City fined them \$1,700-\$1,800 and the City then waived the fines. Why can't it do the same for the permit matter tonight?

Mayor Klingmeyer explained the Family Foundation came to the Board of Adjustment and got approval. But the City Solicitor serving at the time was sick for about three months and couldn't complete the necessary letter. The builder faced a deadline for the school year and had to make a choice because he could not get a permit even though the City granted it to him. The City was actually liable for not granting a permit in a reasonable time. The Council recognized that.

Oliver Brown said the City is wise not to set a precedent but wondered whether there were other precedents.

Building Official Bergstrom said there were not.

Councilperson Cochran made a motion to adjourn the meeting and go into Executive Session. Councilperson Megginson seconded. It was passed unanimously.

The meeting adjourned at 7:44 p.m.

Respectfully submitted,

Michael Dickinson
New Castle City Clerk