

City Council of the Mayor and Council of New Castle
Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle
Tuesday – August 10, 2010 – 7 p.m.

Present:

Council President William Barthel
Councilperson John Cochran
Councilperson John Gaworski
Councilperson Ted Megginson
Councilperson Teel Petty

Also present: Treasurer Janet Carlin, City Administrator Cathryn Thomas, Building Official Jeff Bergstrom, City Engineer David Athey, Lt. Adam Brams

Approval of Minutes by Date

A motion was made by Councilperson Petty to approve the minutes of the July 13 meetings. The motion was seconded by Councilperson Megginson. Councilperson Cochran said he was at the Special Meeting/Workshop of July 13, though he arrived late. Councilperson Gaworski made a motion to approve the minutes as revised. Councilperson Petty seconded the motion. It was approved unanimously as amended.

Approval of Treasurer's Report

Treasurer Carlin reported that, as of July 31, 2010, total petty cash on hand was \$400; total monthly deposit, \$207,203.41; total cash for accounts, \$315,462.61; total certificates of deposit and Delaware Government Investment Pool, \$1,011,779.55; and total cash on hand, \$1,327,242.16.

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

Report from the City Administrator

Administrator Thomas mentioned that, as her written report reflects, the City has made it through a fair amount of time with the transition of trash and recycling collection. There have been many new people signed up for recycling carts. MSC helped find a spot for the extra carts. The workers have been doing a great job.

Council President Barthel said the report was accepted as presented.

Approval of Staff Reports

Lt. Brams updated Council on a couple of arrests. Police arrested a man in the robbery of New Castle Spirits store and arrested two 17-year-olds for graffiti. Following that, police arrested three additional individuals for graffiti. An arrest was made for a daytime burglar in Washington Park, where a man was caught allegedly breaking into his neighbor's house. Also, another daytime burglar was caught in Washington Park. Numerous drug arrests were made. He also praised the work of the police department volunteers.

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

Grant Review

Councilperson Cochran said under grant income: DEMA-Blizzard of February 2010, \$12,064.41; Police Pension Supplement, \$56,205.83; and Separation Day, \$27,200.

Communications

Councilperson Cochran provided copies of proposed policies related to computer use related to games; smoke-free workplace; telephone devices; and workers' compensation reference to Council for review.

Business from the Floor (concerning agenda items only)

Mr. Lew Indellini of West 11th Street, which is neighboring the St. Anthony's Club facility, said it has been 22 months since the club requested and was granted a quit-claim for a portion of Young Street to accommodate their facility. He now sees them coming back for a portion of School Street. He said it appears to be overkill for what they need. He noted they have some violations for liquor which they don't have a permit for. He asked that if Council decides to give the club what it is asking for now that it limits it to residential zoning since that's the area they are in, except for their building. He said the club members do not police themselves enough to be allowed to have alcohol outside. There are children that live on the other side of the fence. Outdoor liquor license is not appropriate. He asks the Council to take into account that it is a residential area.

Business from Council President

President Barthel said he received a letter from Gene Dempsey requesting Council permission to hold the annual antique show. He also received a letter from Michael Connolly, of the New Castle Historical Society, asking Council to consider assisting with the protection of Rosemont House on Delaware Street. They have presented a proposed easement to Council.

Councilperson Petty made a motion to adopt a Resolution honoring Dr. Somasunderam Padmalingam for 30 years of service as a family doctor caring for people in the City of New Castle. Councilperson Gaworski seconded the motion. It passed unanimously.

President Barthel thanked him on behalf of the City.

Dr. Padmalingam thanked Council and talked about his time in New Castle, and hopes to continue serving the City for a long time.

Unfinished Business

1. Presentation by City Planner Marian Hull and Discussion of Draft Changes to the City Zoning Ordinance and Scheduling a Public Hearing to consider those changes to match the Comprehensive Plan.

City Planner Marian Hull said the purpose of her appearance was to make sure everyone was on the same page. There were some changes since prior meetings.

She explained one area is the update of what is allowed in the general commercial district. Also there are changes and updates to the zoning amendment review process.

The largest set of changes involved the creation of a downtown gateway district in two areas.

A discussion was held regarding a meeting for a presentation on the changes. A date and location will be determined

Ms. Hull also she received a series of comments from City Administrator Thomas that raised good issues, including care of plantings, screening of some parking and banner signs. She said changes will be looked at to address those issues.

2. Presentation by Engineer Bruce Jones and Dave Carter of DNREC concerning Dike Stabilization, with a model program proposed to be implemented in the Gambacorta Marsh, which would include non-matching grant funding for the project being provided to the City.

Mr. Jones provided an overview of the current stormwater projects, designed to address flooding in the community and improve water quality, and additional ones that would deal with tidal flooding. Out of Mr. Carter's project, three things will come out: 1) emergency action plans developed; 2) series of recommendations for engineering improvements; and 3) dike maintenance recommendations.

Mr. Jones said a new project, initiated by DNREC, is a pilot project in the Gambacorta Marsh. It would consist of a number of stabilization items. It would use a "living shoreline" that includes a rock structure and some vegetation on the Delaware River side.

Mr. Carter said he had planned to start with a master plan but realized there were issues when he determined the dikes had not been inspected. They are still trying to get the dikes in good condition. There is some serious erosion.

Typically in-kind services can cover matching funds.

He said he has a specific interest that the shoreline is protected. New Castle is attractive for the project. Recently dikes at Port Penn and at Red Lion Creek have been lost.

Councilperson Cochran asked whether grant money might be coming down because the City can financially only absorb so much of the costs.

Mr. Carter said once they have all the numbers DNREC will have to go to the General Assembly and look at funding. If the Army Creek Dike is lost, for example, Route 9 is lost for a period of time.

3. Motion, discussion and vote on a Resolution appointing the City Engineer.

President Barthel said that City Council heard presentations at a previous meeting from two candidates for City Engineer. He said he recommends David Athey continuing in the post given all the things going on in the City, and for the continuity he would provide. He pointed out the City is not, however, changing planning firms.

Councilperson Megginson made a motion to approve David Athey as City Engineer. Councilperson Cochran seconded the motion. The motion passed unanimously.

New Business

1. Discussion of a proposed ordinance where contractors would be required to provide lien releases from subcontractors prior to being issued Certificates of Occupancy, and when a public hearing may be scheduled to consider that proposal.

Councilperson Cochran proposed the ordinance. He said the ordinance would protect sub-contractors who come to work in the City. He said the City of Newark has this ordinance.

President Barthel asked whether this ordinance is the same as the one in Newark.

Administrator Thomas said the proposed ordinance is as Councilperson Cochran described: it protects the subcontractors, ensuring they are satisfied. The City of Newark ordinance only requires lien releases when a final approval is required when the City of Newark is going to take dedication of something and be perpetually responsible. It is a much narrower ordinance.

President Barthel said the ordinance the City of Newark has might be worth considering, but his concern with the ordinance proposed by Councilperson Cochran is that it starts to inject the City into private matters. It potentially could put the City at risk. He added that there is a way to address this issue and it is through the courts with liens.

The consensus of Council was it needed more time to look at the proposal.

2. Motion, Discussion and Vote on a Bank Resolution to pay \$34,602.28 to AmeriHealth Casualty Services, for the first installment of the workers' compensation premium, 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.

3. Comments from the floor

Mr. Rick Schiller of the Colonial School Board said the district is trying to becoming more involved in the City and have the City more involved with the District. There is a new administration team now and they need to operate differently. It needs all the help it can get. This year the School Board changed its meetings to Wednesday so they do not conflict with the City Council meeting so Councilpersons can attend if they would like. He said the district faces some hurdles, including the William Penn High School scheduled next school year to be taken over by the state. The District has applied for a grant to try to stop that. He added the District was going to be more public friendly in terms of public use of facilities.

Mr. Ennio DiAlessandro asked what happened to the annexation item that was on the published agenda.

Administrator Thomas said the item was withdrawn at the request of the applicant.

Mr. Earl Carpenter asked about the temporary test of the closing of West 7th Street. He said there are still cars turning in and the street has been blocked by cars, making it impossible to make a right turn.

Administrator Thomas said the test should be close to concluding.

Councilperson Megginson made a motion to adjourn the meeting. Councilperson Cochran seconded the motion. It was passed unanimously.

The meeting adjourned at 8:21 p.m.

Respectfully submitted,

Michael Dickinson
New Castle City Clerk