

**City Council of the Mayor and Council of New Castle**  
**Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle**  
**Tuesday – August 11, 2009 – 7 p.m.**

**Present:**

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

**Also Present:** City Treasurer Janet Carlin, City Administrator Cathryn Thomas, Finance Director Marian Delaney, Police Chief Kevin McDerby, City Solicitor Roger Akin

**Approval of Minutes by Date**

A motion was made by Councilperson Megginson to accept the minutes of July 14 as written. The motion was seconded by Councilperson Gaworski. The motion was approved unanimously.

**Approval of Treasurer's Report**

City Treasurer Carlin reported that, as of July 31, 2009, total petty cash on hand was \$400; total monthly deposits were \$286,008.47; total cash in the Wilmington Trust accounts, \$476,746.74; total certificates of deposit and Delaware Government Investment Pool, \$574,203.24; and total cash on hand, \$1,050,949.98.

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 stated her full report was in City Council packets. She highlighted a couple of items. A new company (Clearwire) is interested in a new tower in the City. There have been preliminary discussions. They may put it on the existing tower near the police department, MSC plant and the Trolley Barn. The City is working on a temporary hire for the Public Services Department for an employee who is out temporarily. Administrator Thomas will attend the annual conference of the International City Managers' Association (ICMA) in September. Work on the repair to the top front of the City Administration Building was completed.

In addition, a company, CGI Communications, was in town on Aug. 11 and Aug. 12 to shoot video of the community for the City Web site. The community promotion program is supported by video advertisements. There is no cost to the City.

Councilperson Petty expressed concern it will only show the historic area.

Administrator Thomas explained video was shot of much more than the historic area of the City. The company will edit two days of shooting down to six one-minute videos.

Council President Barthel said the report was accepted as presented.

## **Approval of Staff Reports**

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

## **Grant Review**

Councilperson Cochran said the Separation Day Grant came in for \$30,200. Drug grant expenditures were for \$225.84 and \$521.76. A portion of the Western Gateway landscape grant was expended for \$404.74.

## **Communications**

Council President Barthel read a letter from Gene Dempsey, chairperson of the annual Antique Show sponsored by the Historic New Castle Visitors Bureau, asking for City Council permission to continue the event, with support of the City.

## **Business from the Floor** (concerning agenda items only)

Mr. Ennio DiAlessandro said he believes the City could use money, rather than hiring a replacement police officer, to make up for the street aid the City has lost from the state. He suggested using the money to repair some streets, noting his street, Tremont Street, probably has not been done in 50 years.

Mr. Donald Reese, West Seventh Street, thanked who ever convinced the State of Delaware and DelDOT to put the traffic camera up at the Getty Station. It has made a real difference at the intersection.

## **Unfinished Business**

1. Third Reading and Adoption of Ordinance No. 465, amending the New Castle City Code, in all sections which provide for fees to be paid for various items associated with the City (i.e., licenses, permits, etc.), and stipulating that such fees shall be set from time to time by resolution of the City Council.

Council President Barthel explained the change allows City Council to periodically look at fees and adjust them by resolution rather than by ordinance.

Councilperson Cochran made a motion to approve the resolution. The motion was seconded by Councilperson Megginson. The motion was approved unanimously.

## **New Business**

1. Motion, Discuss and Vote on Resolution No. 2009-17, concerning a proposal from the Delaware Department of Transportation for engineering work to be done to address traffic issues within the City of New Castle.

Council President Barthel read a letter from Planning Commission Chairman David Bird indicating the Planning Commission on July 27 unanimously voted in favor of having Delaware Department of Transportation proceed with engineering work on proposed short- and long-term traffic solutions for the City of New Castle. The proposed work was in conformance with the City's recently adopted Comprehensive Plan Update.

Council President Barthel said this is to let them go ahead and make some suggestions to the City.

Councilperson Petty said it is worthwhile because the City Council has been after DelDOT for some time to address the issues.

A motion was made by Councilperson Megginson to approve the resolution; Councilperson Petty seconded the motion. The resolution was approved unanimously.

2. Motion, Discuss and Vote on Resolution No. 2009-18, to approve filling a vacancy which has occurred within the Police Department as a result of a resignation.

Councilperson Gaworski said he had talked with Chief McDerby about concerns regarding coverage after an officer has resigned. It affects shift coverage, vacation coverage and response time. He doesn't think it is a good idea to leave the position unfilled. He thinks it should be filled. He foresees more problems down the road with the way the economy is—crime will rise and it will affect the City of New Castle.

Chief McDerby said the officer who resigned was under investigation. It took another officer to identify the wrongdoing. He foresees in some departments where it comes to doing the right thing or being guaranteed your time off. He does not think it would be an issue in the City. Going back to the beginning of the year, Mr. Cochran came to him and said the City is facing financial problems and wanted to reduce the budget by 5 percent.

Chief McDerby said he reduced the area he has control over by 15 percent. He has researched the traffic enforcement and to date this is the second most productive year. The problem is the State is holding onto the money.

The Chief said that unlike other City departments, the Police Department works 24 hours a day. Several years ago, when the City moved to annex adjacent lands, it was estimated it would take four additional officers to handle the added caseload. The City Council police liaison said if the Chief asked for four officers, the City was not going to be able to annex the Farmer's Market. The City could afford to add two officers. Chief McDerby said he was the good soldier and accepted two officers.

The City Police Department has an average response time of 10 minutes. His experience from working with the State Police is that it would require divine intervention to get that kind of response time from the State or County police departments. He acknowledged the City Police Department has made mistakes, but described them as mistakes of the mind, not mistakes of the heart. The department, as a group, is committed to doing the right thing for the community. The department dealt with a bad apple and it shouldn't be penalized. He said he could drag the hiring process out to December 1, before heading into peak time at the holiday period. The City Council could save some money on salary and benefits, but he would like to keep the department staffed as it has been.

Councilperson Cochran said that as Chairman of the Finance Committee, he would like to see the City wait until July next year to appoint this officer. City Council has cut back on the budget, holding off on hiring a Public Services Director; we are short-handed in the Administration Department and in Public Works. He added he thinks the Chief runs a great department.

Chief McDerby said he is not taking an elitist attitude regarding police service, but they are the

ones that are out there 24/7. If he says he will go a year without a police officer, City Council would be crazy to fund the position next year.

Councilperson Cochran said he would like to see the establishment of a rainy day fund.

Councilperson Gaworski said the City Council spent months creating the recently approved budget and asked where is the problem now? He can't see cutting an officer now unless the City is in total dire straits.

Council President Barthel asked how long the hiring process takes.

Chief McDerby said the Department has people interested in joining the Department. He could drag it out until December. The City does not face a big buyout payment for the officer who resigned. He does not receive a buyout and owed the City 40 hours for a previous disciplinary matter. Hiring in December would allow the new officer to have field training for a couple weeks and be ready for the holiday season.

Councilperson Petty said the City already has budgeted for an officer position and doesn't see the problem with hiring to fill the position.

Councilperson Megginson said he had talked that day for an hour with Chief McDerby and they understand where each are coming from.

Councilperson Gaworski made a motion to approve the resolution. Councilperson Megginson seconded the motion.

Council President Barthel suggested amending the motion for a December hiring, with the hiring process effective no earlier than December 1. Councilperson Gaworski seconded it. The amendment passed 3 to 1. Councilperson Gaworski, Councilperson Petty and Councilperson Megginson voting in favor. Councilperson Cochran voting nay.

The motion, as amended, passed 3 to 1. Councilperson Gaworski, Councilperson Petty and Councilperson Megginson voting in favor. Councilperson Cochran voting nay.

3. Motion, Discuss and Vote on Resolution No. 2009-19, to withdraw \$200,000 from the City's account in the DelGIP statewide investment pool and to purchase two \$100,000 certificates of deposit, for a period of six months, from a qualified banking institution.

Councilperson Cochran made a motion to approve the resolution. Councilperson Megginson seconded the motion.

Councilperson Cochran said the current interest on the money is \$500 for six months. What is being looked at now would generate \$955 for six months. It is a little more interest and is no gamble. The City won't need the money until April.

Councilperson Petty said she was concerned with investing the money in AIG or MetLife. She doesn't believe it is a good time to be investing in anything, the market is still shaky. Councilperson Petty said that on one hand the City Council is talking about a shortage of money and on the other hand talking about investing. Councilperson Petty asked how the City does not have money to hire

a police office, to hire a Public Services Director, and that the City doesn't have money and has to raise taxes. Then the City Council is talking about investing.

Councilperson Cochran said it isn't putting the money in the stock market and the accounts are FDIC insured. There is no risk.

Council discussed various options on different accounts, terms, interest rates and penalties for early withdrawals.

Treasurer Carlin said it is a case of moving money to a different place to make more interest. If City Council is more comfortable in moving it to Wilmington Trust, that would still generate more interest.

Councilperson Gaworski said he would prefer dealing with Wilmington Trust since it is a business in New Castle with two locations.

Councilperson Megginson made a motion to amend the resolution that the financial institution would be AIG. Councilperson Cochran seconded the motion. The amendment passed 4-1, with Councilperson Petty voting nay.

The amended resolution was approved 4 ayes – 0 nays – 1 abstention, with Councilperson Petty abstaining.

4. Discussion of the current maintenance contract for HVAC systems in City buildings, between the City and National HVAC.

Councilperson Petty said she feels the maintenance contracts are important for the buildings to guarantee they are well-maintained and if something goes wrong the City can get service quickly. She sees no reason to change.

Councilperson Gaworski said he agreed as previously when the City had a problem with the City Office Building, it took a day or two to get someone to come.

Councilperson Cochran said the current contracts cost \$7,000 a year and basically the contractors change filters, take a hose and squirt down the condenser coils and make sure it is running. They do it quarterly. The contract automatically renewed. The City has people on staff do the maintenance work. When we have a problem, the contractors still charge us. He is in the business and is familiar with the issue.

Administrator Thomas read from the current contract and what is covered by it.

Councilperson Petty said the City did obtain proposals before selecting the current firm. She does not think the duties of maintenance of buildings should be put on the Public Works Department, which has too much other work to do.

President Barthel said the contract goes until January so the City has time to evaluate it.

Councilperson Cochran said the City pays \$7,000 a year for things the City can do with its own staff. Repairs and other items still have to be done by an outside contractor, which the City pays for

now even with the contract.

A motion to adjourn was made by Councilperson Megginson and seconded by Councilperson Gaworski. The motion passed unanimously.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,  
Michael Dickinson  
New Castle City Clerk