

**Mayor and City Council of New Castle
Public Hearing and Regular Council Meeting
New Castle Town Hall—Delaware Street—New Castle
Tuesday, August 12, 2003—6:45 PM/7:00PM**

Roll Call

Present: President Castagno Councilman DiAngelo
 Councilwoman Miller Councilman Padmalingam
 Councilman Reese

Others present: Treasurer Janet Carlin, Mayor Klingmeyer, City Administrator Bob Martin, Police Chairman of the Planning Committee Jim Steele, Public Service Director Jim Weldin

Public Hearing

President Castagno called the public hearing to order at 6:45 P to discuss making Foundry Street one way between Third and Fourth Streets, with the direction of travel to be from Third to Fourth. Councilman DiAngelo provided the background for the discussion. He revealed that the proposal had been tabled for one year. Now safety has become an issue because of the new houses on the street. Councilman DiAngelo pointed out the safety issues at Foundry and Third Streets, the difficulty of turning onto Fourth Street, and the problem of students using Foundry Street as a shortcut. **Bob Sigmund** noted that traffic trying to get to the bank also creates a safety issue even though there are stop signs. Councilwoman Miller said that the new buildings and new curbing restrict visibility more than previously, thus creating traffic hazards. She further observed that making Foundry Street one way will create more traffic on Third Street. President Castagno observed that the curbs are for drainage. He also noted that traffic turning off Foundry onto the Third Street sometimes goes the wrong way to get to the parking lot. **Bob Sigmund** said that especially on Friday, people speed down Third Street and ignore stop signs.

Jo Warren of New Castle fears for the safety of children. She noted that children use Foundry Street as a cut off and that 90% of drivers don't stop at the stop sign there. She revealed that 14 cars associated with the new houses use the street. She also thanked Mr. Martin for arranging to have a Porta Potty removed.

Ned Hutchinson of New Castle agreed that the current situation is a safety issue since it is necessary to go to the middle of Foundry Street to see around the new houses. He complained that the Planning Commission has no power, that HAC has allowed the City to be overbuilt, and that the City should never have allowed the houses to be built.

Councilman Reese noted that 15-foot curbs were put in when the new houses were built, thus narrowing the gap. The David Finny Inn owns half of the street, not the City. He doesn't know the legality of the situation, but will investigate.

President Castagno asked Mr. Martin to note the issue for further study.

Ned Hutchinson complained that although the City has the right of way, it doesn't own the half of the street in front of his house, and he has to pay for curbing, paving, and walkways. He wants the City charter changed, not just for curbs, but overall because it is totally antiquated.

Regular Council Meeting

President Castagno called the regular council meeting to order at 7:00 PM. He requested that comments from the floor are to be delivered only under the agenda item Business from the Floor or in reference to business specifically related to the item under discussion. He asked that people refrain from speaking except then.

Approval of Committee Reports

President Castagno called for comments and additions to the committee reports. Jim Weldin revealed that he, Bob Martin, and Councilman DiAngelo went to Newark to look at automated trash vehicles and noted that such vehicles could save significant manpower and time for the City since fewer workers are required to operate them and trash is correctly more quickly.

Councilman DiAngelo introduced Jim Steele, the new Chair of the Planning Commission. The Planning Commission has approved the Gambacorta property subdivision with some restrictions, which must be resolved before final approval is granted. He also announced that Beth Matson was appointed co-chair.

Councilman Reese welcomed back Mike Hartzfeld, a returning member of the New Castle Police force, and praised his earlier history with the force. He was an exceptional officer from 1998 to 2001.

Councilwoman Miller announced that the City's Finance and Human Resources departments are interviewing part time stenographers. The stenographers will serve the Tree Committee, the Board of Housing Appeals, and HAC. One criterion is that minutes be ready 48 hours after a meeting. She expects someone to be hired momentarily.

Councilman Padmalingam reported on the condition of the Battery Park beach. He is concerned about the large amount of trash, dead trees, and stagnant water. He estimates that it will take just three people to clean the area. He discussed the problem with Jim Weldin and the cost for cleaning the area. Mr. Weldin advised him that the area was recently cleaned. President Castagno asked how long the beach stays clean. Mr. Martin said that constant flow of trash from upriver makes it nearly impossible to keep the beach clean. Councilman Padmalingam is also concerned about outdated playground equipment, including basketball courts, in the park. He thinks the equipment should be replaced. Jim Weldin revealed that his group is in the process of cleaning

up the beach. Councilman Padmalingam estimated that it would cost about \$10,000 to haul away the large amount of timber on the beach. Mr. Weldin is developing a comprehensive plan for all City parks, for which purpose, he has met with two manufacturers. He will develop a plan and present it to the Council. President Castagno said the Council will wait for the plan before proceeding.

President Castagno called for a motion to accept the committee reports. Councilman Reese made a motion to accept the committee reports. Councilwoman Miller seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the reports. The motion carried unanimously.

Approval of Treasurer's Report

Treasurer Carlin reported that as of July 31, 2003, petty cash totaled \$270.00; deposits totaled \$253,107.62. Funds in Wilmington Trust totaled \$270,650.08.10 and CDs totaled \$69,351.03, for a total cash on hand of \$340,001.11.

Mr. Martin stated that residents are not paying their taxes in a timely manner, but that the Government Investment Pool is providing help with the City's cash flow. In response to President Castagno's question, he revealed that the City is about even, but that it has about \$75,000 less in the Government Investment Pool than last year. He speculated that the City's three pay periods in July have affected the amounts. He assured the assembly that the City is making it and will economize until finances improve. In response to Councilman Reese's question, he disclosed that the 2% discount for taxpayers ends on August 31.

As of July 2003, Treasurer Carlin said that tax payments are down approximately \$14,000.

Councilman Reese made a motion to accept the reports as presented. Councilman DiAngelo seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the Treasurer's report. The motion carried unanimously.

Approval of Minutes

President Castagno called for a vote to accept the minutes for July 8, 2003. Councilwoman Miller made a motion to accept the minutes as submitted. Councilman Reese seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to approve the minutes. The motion carried unanimously.

Communications

A meeting is to be held on August 13 at the Grassdale Center to discuss a plan to designate the route from New Castle to Dover as a scenic area. The group is still deciding which points to designate.

Gene Dempsey of the New Castle Visitor's Bureau asked for park benches to be dropped off Saturday, August 23, and the area around the Progressive Club to be mowed prior to the August 24, 2003, Antiques Show. He also asked to have the trash picked up after the show.

Business from the Floor

President Castagno opened the floor for comments and reminded the assembly that business from the floor was to concern agenda items only.

Victor Kasin, Jr. noted that although the modernized trash trucks in Newark are undoubtedly efficient, their use would result in a loss of jobs. He wants to keep jobs in the community. He noted that people from the area clean the beach twice a year, and that they can do it again. His solution to the problem of stagnant water at Battery Park is to use mud from piers to deepen the water, thus increasing flow. He suggested contacting the Army Corps of Engineers to do this. His overall concern is in saving jobs and money.

Business from the Mayor

There was no business from the Mayor.

Business from the Council President

President Castagno announced that he has been appointed to the Committee for Charter Changes, which will meet within the next 30 days. He noted that repeated attempts to change the charter have failed, but that now the Committee has an action plan. He emphasized that the charter's revision is a crucial issue. His first obligation is to assemble a committee and called for nominations to the committee, to be submitted by the next Council meeting. To Councilwoman Miller's question about the number of people to be nominated, he responded that nine interested people with relevant experience are to be selected in the hope that the Committee can revise the charter quickly and efficiently.

Business from the City Administrator

Bob Martin reported the following.

City residents will receive a 10% discount in flood plain insurance. Jeff Bergstrum will consult flood plane maps to define properties that are affected. The filling of the flood plane and regulations concerning building in the flood plane have helped to reduce the premiums. Now, anyone who applies for a building permit must comply with flood insurance regulations. In Delaware, seven communities are eligible for flood premium discounts. President Castagno noted that Newark receives a 15% reduction.

Senator Connor suggested that the City request a Recycling Assistant Grant so that the City can offer curbside recycling. The date for such requests is February 2004. Councilman DiAngelo asked how the program works. Mr. Martin revealed that each occupant would put out recyclables on the curb for pickup. Mr. Martin disclosed that the City has information about curbside recycling and can provide copies. Jim Weldin said that the City has applied for a recycling grant and that he and the Mayor will attend a DNREC meeting on recycling in Lewes.

Mark Alexander reported that DelDot will close Eleventh Street and Moore's Lane and remove the traffic pylons. Whether the changes will involve brickwork or cement will depend on the monies available. Brickwork is significantly more expensive than cement. President Castagno asked to be kept in the loop about decisions concerning the repairs

The New Castle Flower Beautification Project is doing a great job and looks forward to working with the City to devise a plan for future beautification.

The William Penn Football Boosters want the City to once again advertise in their football program. The costs range from \$25 for an eighth of a page to \$125 for a full page. Councilwoman Miller advised that we can do so as individuals. **Charlotte Houben** of Washington Park complained that the City does not contribute to the William Penn Boosters Program even though the William Penn Band marches in the Separation Day Parade. She wants the City to contribute. Councilwoman Miller offered to contribute and said that other individuals can do so.

The City received a plaque from the Delaware City Days committee for permitting them to use the City's band shell

Washington Street plans are in place for sidewalks, lighting, and trees from the Police Station to Seventh Street to South Street to the tennis courts. The plans were available during the meeting and could be reviewed. A public hearing will be held at approximately 6:00 PM during the second week of September, the date to be announced. President Castagno noted Del Dot has developed a great plan, including pedestrian crossings, traffic management, period lighting on streets, and many aesthetics touches. He invited people to come to the meeting to give their input.

Unfinished Business

Ordinance 422, Amending Code, Chapter 209—Streets and Sidewalks: President Castagno presented the third and final reading of Ordinance 422, which allows for "the removal of basketball poles and other obstacles from the right of way." Under this ordinance, the Police Department and the Public Service authorities have the authority to remove hindrances that interfere with maintaining clear zones on City streets. Copies of the ordinance were available during the meeting.

Councilwoman Miller made a motion to accept the third reading of the ordinance; Councilman Reese seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the third reading of the ordinance. The motion carried unanimously. Councilman Reese then made a motion to pass the amended ordinance; Councilwoman Miller seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted for the amended ordinance. The motion carried unanimously.

Ned Hutchinson asked if the ordinance applies to alleys on The Strand, some of which are blocked off. President Castagno responded that it applies to all streets and alleys.

New Business

Annual Antique Show: The New Castle Visitors Bureau requested permission to hold their annual antique show on Sunday, August 24, 2003, from 10:00 AM to 4:00 PM in Battery Park. Councilman DiAngelo made a motion to approve the request. Councilman Reese seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted for the motion. The motion carried unanimously.

City Curbs and Gutters: President Castagno noted that the present regulations require homeowners to pay for replacing curbs and gutters. Under consideration is a plan to change the City charter to allow the City to assume all or part of the cost of replacements/repairs. For new construction, the property owner or builder would still pay the total cost.

He questioned what other cities do. Mr. Martin revealed that Newark pays the total cost for curb, gutter, and sidewalk replacements in most cases, but that for new constructions, the owner pays the total cost. Smyrna and Newport pay 100% of replacement and repair costs. Salisbury, MD, pays one-half the cost of gutter and curb replacements, but property owners pay all of the cost of replacing or repairing sidewalks. However, Salisbury offers the homeowner a payment schedule. He cited the criteria for replacements in New Castle involve deteriorating curbs, gutters, and sidewalks.

Councilman Reese asked about the cost for replacing curbs and gutters. Mr. Martin revealed that the cost is \$25 to \$30/linear foot, but that the replacement cost for Delaware Street could be \$60.00/linear foot because of the unknown amount of brickwork for sidewalks affected. He noted that approximately 17 miles of City streets could be involved, at an estimated total cost of \$2.4 million for repairs.

Councilman DiAngelo said that if the City assumes part or all of the cost, there must be a plan that identifies which streets need curbing, which streets have no curbing, and which will be done within the year. President Castagno disclosed that repaving plans include provisions for curbs and gutters and that a logical place to start is during street repaving. Mr. Martin cited that Salisbury had a plan 20 years ago to provide every street with curbing in five or ten years. He advised repairing the City's curbs and gutters in New Castle ASAP because of escalating costs.

Councilman Reese worried that builders might not supply curbs. President Castagno suggested tying curb and gutter repairs into street repair to reduce costs. He noted that the City's infrastructure has been neglected and that it must be addressed soon and with public funding.

Charlotte Houben of Washington Park asked if the City plans to replace and upgrade existing curbs. She complained that even though the sidewalk across the street from her is a disgrace, no one has required that it be repaired. She believes that homeowners should be responsible. For her, playgrounds are a higher priority.

Bob Sigmund asked if the gas company replaces pipes, who then is responsible for replacing curbs. President Castagno replied that the company must be bonded and is responsible. Mr. Martin cited a case in which a company replaced Delaware Street curbing it had damaged in a timely manner.

Bob Fleck of New Castle favors having the City pay for curbing because it can be relied upon to preserve the beauty of the city. To do so requires a comprehensive, unified plan, which only the City can provide.

Ned Hutchinson wanted to know why there is a sudden concern about the curbs on Delaware Street. Why do residents get notices that they have to replace curbs? He thinks the City wants granite curbs. Councilman DiAngelo said that both sides of Delaware Street will have granite curbing to make everything uniform. Mr. Hutchinson noted that there is granite curbing on Delaware Street from the wharf to Third Street.

Millie Fleck counted eight places in front of her house where cars were parked on the sidewalk. She complained that pull-in parking damages Delaware Street, and that some of the curbs can't be saved. She believes that the City should be responsible for repairing that kind of damage. President Castagno said that the City has paved over some curbs, resulting in a drainage problem. He promised that when streets are redone, curbs will be redone.

Jo Warren of New Castle thinks the City's paying for curbs is a valuable use of tax money. She wants research undertaken to determine how it can be done effectively. She doesn't want curbing left to individuals because the result will be a hodgepodge that will detract from the beauty of the City. She also wants each corner evaluated for handicapped accessibility.

Councilman Reese asked if handicapped accessibility at corners has been evaluated. Mr. Martin received a directive from Del Dot that any street paving project must accommodate handicapped accessibility. He disclosed that an inch of rise is acceptable. The City is evaluating each intersection and planning to rectify any problems.

Councilman Padmalingam asked about the City's superfund and learned that the City has \$5,000.00. He asked if this could be used to clean the beach and eliminate the stagnant water, which could be a breeding ground for the West Nile virus. President Castagno asked that the question be deferred until discussion on curbing ended.

Councilman Reese asked how much other cities spend on curbs and gutters. President Castagno noted that the City can't take on this project until we know if the City can afford it.

Councilwoman Miller wondered if the City could accomplish the project without expert knowledge. Mr. Martin revealed that not many repairs have been done. **Bob Fleck** thinks that collecting the money would be an "administrative nightmare." President Castagno said that the City sent letters to the homeowners involved, all of whom paid for the repairs. **Jim Steele** suggested installing parking meters to pay for curbing. **Richard Robinson** of Boothhurst noted that when he moved into his house, he had a dirt road, which was eventually paved. The curb and gutter in front of his house were broken, and he didn't drive the 10-wheel dump truck that broke them. He pays his taxes and doesn't feel responsible for damage that he doesn't cause. President Castagno reminded him that the City charter states that property owners are responsible for repairs. Councilman Reese asked to have the schedule for curbs and gutters put into the City's schedule for street repairs. Councilman DiAngelo believes the committee could achieve results by January 1, 2004, even though to date nothing has been accomplished. He's in favor of changing the charter to pay for curbing and gutters. President Castagno warned that if the City doesn't start the project soon, it will become a political football. Councilman DiAngelo questioned the source of the money for the project.

Councilman Reese noted that the State did the curbs, sidewalks, and aprons for Van Dyke Village.

President Castagno asked for a motion on the plan to change the charter. Councilwoman Miller made a motion to change the charter and then to find a means to fund it. Councilman Reese seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted for changing the charter. The motion carried unanimously.

Permission to Allow New Castle County to Construct a Stone Access Driveway: President Castagno asked Jim Weldin to update the Council concerning permission to allow New Castle County to construct a stone access driveway in the existing Railroad Avenue right-of-way south of Buttonwood Avenue. Pete Roles of Special Services was contacted concerning the driveway's effect on Holcumb Avenue and the road that goes over the creek. The problem is that access to the pumping station is restricted and that in the event of an emergency, it would be difficult to get heavy equipment in and materials out. A 20-foot access is necessary for safety reasons. Councilman Reese asked if the existing access is dirt. Mr. Weldin replied that the current access is grass and that he wants to build a road there. Councilman DiAngelo said that the road would not cause problems since it would be on high ground and that the County would pay all costs, even for blacktop. He suggested letting the County also construct the entrance. In response to a question by **Earl Gardiner**, Mr. Weldin responded that the road would be 150 feet long. Mr. Gardiner noted that Buttonwood residents cutting across the road have caused problems in the past and could do so in the future. Mr. Weldin said the problem could be resolved by putting a chain link fence or some other barrier across the road. Mr. Martin said that even a chain link fence would not deter people from using the access and that they would just travel up the railroad tracks.

President Castagno suggested talking with the State about the planned road. Mr. Weldin said that the biggest problem lies in getting a permit from the Corps of Engineers. Councilman DiAngelo

underscored the need to fix the problem within a reasonable time and stated that waiting for the Corps of Engineers to act might take 50 years. Councilman Reese made a motion to meet with Mr. Weldin, and others to discuss the issue. Councilman Padmalingam seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted for the motion. The motion carried unanimously.

Resolution to Pay Insurance and Financial Services: Councilwoman Miller read a resolution to pay \$31,370.00 to Insurance and Financial Services for the renewal of Workers Compensation Policy #TC3-86223709 for the period July 1, 2003, to July 1, 2004. Councilwoman Miller made a motion to accept the resolution. Councilman Reese seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted for the resolution. The resolution carried unanimously. Mr. Martin warned that the yearly audit could possibly increase the premium.

Comments from the Floor

Sgt. John Prigett of Boothhurst opened the discussion of the basketball issue. President Castagno explained the amendment to Ordinance 422. Mr. Robinson noted that he has lived in many places and that 90% of them have playgrounds. He said that only a few of the children in Boothhurst are problems. When he moved there, he wasn't told it was a senior citizen community ready to complain about even small things.

He has consulted the Boothhurst Maintenance Organization about providing playgrounds for Boothhurst children without success. He complained that the Maintenance Organization says one thing and the City says something else, so nothing gets done. He worries that children in Boothhurst have nothing to do. There have been two shootings there, with one fatality and one paralyzed child. He went fishing with his four- and seven-year-old children, and someone called the police. He pointed out that basketball and fishing don't injure anyone. His question was, "Are we or are not in the City?"

Charlotte Houben agreed with Mr. Robinson about the City's unwillingness to provide playgrounds for certain areas. She complained that after 41 years, nothing has been done to provide the children in Washington Park with play equipment.

Hiltrud Prigett of Boothhurst asked the City to do something for Boothhurst's children, such as permit street basketball or built a park there. She also complained that Boothhurst residents not only get no information or help, but that rules for Boothhurst and the City differ. For example, the speed limit in the City is 15 mph; whereas, in Boothhurst it's 25 mph. The difference is critical since "some drivers seem to deliberately try to hit kids."

Sgt. Prigett complained that when he bought his house in Boothhurst, he was told that a playground would be built. He thinks that the City should make the Maintenance Organization build one. President Castagno pointed out that space exists for a park in Boothhurst, but it's up to the Maintenance Organization to build one.

Jo Warren suggested making the builders honor their commitment and provide a playground for Boothhurst. She noted that houses are being built all along Route 9 and that the residents of these houses will also need playgrounds.

Victor Kasin Jr. protested that the Maintenance Organization takes the residents' money but does nothing, and that residents have no power to change things. President Castagno said that the Maintenance Organization was created partly to hold community grounds in trust. He will meet with Mr. Weldin, Councilmen Reese and Padmalingam, and others to discuss the issues.

Councilwoman Miller disclosed that the Maintenance Organization, not the City, is responsible for providing playgrounds in Boothhurst. Mayor Klingmeyer emphasized that the City provides playgrounds for other areas in New Castle, but not in Boothhurst by agreement with its developers.

Teel Petty suggested voting in the next election to express disapproval with the City Council.

Evelyn Chambers wants the City "to come down hard on bikes" coming from Collins Park and using the back road. President Castagno agreed that something must be done about the problem.

Meeting Adjourned

President Castagno called for a motion to adjourn the Council meeting and to go into an Executive Session. Councilman Reese presented the motion; Councilwoman Miller seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted for the motion. The motion carried unanimously. The meeting was adjourned at 9:01 PM.

Next Meeting

The next regular meeting will be held at 7:00 PM on September 9, 2003, in the Town Hall.

Respectfully submitted,

Darcy Mozer, City Clerk