Mayor and City Council of New Castle
Public Hearing and Regular Council Meeting
New Castle Town Hall–Delaware Street–New Castle
Tuesday, September 9, 2003–6:45 PM/7:00PM

Roll Call
Present:

President Castagno
Councilwoman Miller
Councilman Reese
Councilman DiAngelo
Councilman Padmalingam

Others present: Treasurer Janet Carlin, Finance/HR Manager Marian Delaney, City Administrator Bob Martin, Police Chief McDerby

Public Hearing

President Castagno called a public hearing to order to consider the rezoning of **Parcel #21-11-87** located at Fourth and Chestnut Streets from SC (service commercial) to OS&R (open space and recreational). The purpose of the rezoning is to establish an additional parking area there, as recommended by the firm of Kise, Straw, and Koldner, in keeping with the City's comprehensive plan. The hearing was in response to a recommendation by the City Planning Commission, which voted unanimously at their August 25, 2003, meeting to recommend the change to the City Council.

Earl Carpenter suggested that the parking area at Battery Park is adequate. Councilwoman Miller thinks that the zoning change makes good sense. Council DiAngelo reported that he attended the meeting when the change was discussed and that the Trustees suggested that the area be left in grass rather than blacktopping. Councilman Padmalingam agreed with the recommendation because the area will be used as a parking lot only on special occasions. Councilman Reese agreed. Councilman Padmalingam asked for clarification about the $50,000 the City owes to the Trustees in relation to the area. President Castagno explained that the details have not yet been worked out, but that the Trustees forgave the unpaid balance years ago.

President Castagno called for additional comments. When none were forthcoming, he closed the hearing at 6:53 PM.

Regular Council Meeting

President Castagno called the regular council meeting to order at 7:00 PM. He requested that people in attendance sign in and take copies of the agenda.

Approval of Committee Reports

President Castagno called for approval of the committee reports and advised that copies of the reports are available in the City Office. Councilman Reese moved to accept the reports as written; Councilman Padmalingam seconded the motion. Councilman DiAngleo, Councilwoman Miller, Councilman Padmalingam, and Councilman Reese all voted to accept the reports. The motion passed unanimously.

Approval of Treasurer's Report

Treasurer Carlin reported that as of August 31, 2003, petty cash totaled $270.00. Cash in Wilmington Trust accounts totaled $569,996.16. CDs totaled $278,444.49. Total cash on hand equaled $848,440.65. Councilman Reese moved to accept the treasurer's report as presented. Councilwoman 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 by Date

President Castagno called for a vote to accept the minutes for August 12, 2003. The following changes were noted: Jo Warren was changed to Jo Moore; Hirshfeld was changed to Hertzfeld. Councilwoman Miller moved to accept the minutes as amended. Councilman Reese seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to approve the minutes as amended. The motion carried unanimously.

Communications

Councilman Reese suggested making Second and Chestnut Streets a three-way stop. Currently a stop sign exists at only one corner of Second and Chestnut Streets.

Councilman Padmalingam reported that he had called about cleaning up the Deemer property and learned that debris within the fenced area has been cleared, but weeds along the fence were not cleared because they help to hide the disarray within. Mr. Martin disclosed that the fence is not on the owner's property. President Castagno said that Mr. Martin is currently involved in arranging for further cleanup of the property.

In response to a request from Councilman Padmalingam, the Battery Park beach has been cleared of wood and debris. Inmates from the Webb Correctional facility and City workers worked for five days to do so. Susi Park is scheduled to be improved next.

Business from the Floor

President Castagno called for comments specifically related to agenda items. There were no comments from the floor.

Business from the Mayor

There was no business from the Mayor.

Business from the Council President

President Castagno noted that work on the median strip on New Castle Avenue is to begin soon. Through Mr. Martin's efforts, brick will be used rather than cement. Attractive landscaping on Route 9 will be considered next.

Business from the City Administrator

Mr. Martin disclosed the following .

Work on the new Police Station had been proceeding vigorously until a ground water problem emerged. Another unstable area involves trapped water near the old City garage. Even so, the dry wall is up, and the water, sewer, and electric facilities are in place, as are communications lines. Delivery of a fence like the one at the Trolley Barn is expected in a few weeks. Dedication of the Municipal Services Building is tentatively planned for October 15, 2003. Mr. Martin predicted that everyone will be proud of the finished building. President Castagno noted that the Building Committee meets weekly with the construction company to ensure that everything is on schedule and up to specifications. Paving is still to be done, with the end of November as the expected completion date. Municipal Boulevard is on the paving schedule.

The City has received numerous complaints about rats, snakes, and mice on the Deemer property. The area inside the fence has been cleared, and the developer has removed some of the debris on Ninth Street and will remove more next month. Councilwoman Miller asked what could be done to rid the property of rats and snakes, noting that their presence makes many uncomfortable. Mr. Martin noted that the owner is cooperative and that the matter would be addressed as soon as possible.

Nathan Hayward, Delaware's Secretary of Transportation, notified Mr. Martin that the City has been allotted $$382,000.00 for the design and construction of the Heritage Trail project, but that the City must provide $30,560.00 (8% of the total allotment)of that amount in matching funds. The City will hold a public hearing at 4:00 PM on or about October 7 or 8, 2003, to permit residents to comment on the proposed design. Precise information will be posted before the event.

Jim Weldin has developed a precise worksheet to better document the date, time, and kind of work that City workers perform. The detailed records are necessary for insurance purposes and for answering other requests for information.

Del Dot scheduled a meeting to discuss transportation issues on the same night the City Council meets. They notified the Council that another meeting for the same purpose will be held in Sussex County on a date to be announced. Councilman DiAngelo expressed appreciation for the notice.

The Washington Park drainage project is underway. Tetra Tech, Inc., the engineering firm involved, and Mr. Martin investigated problems with the current drainage system. Tetra Tech estimated the topographic study would be most cost effective in the winter when vegetation is at a

minimum. The estimated total cost of the first phase of the study is $4,850.00 to be invoiced monthly.

Senator O'Connor reported that she is working with the Department of Transportation in reference to the amount New Castle will be allotted for improvements. She will learn the amount the City is scheduled to receive when the bond issue is developed.

The City has received a request to eliminate flooding at the condominiums at 1122 Eleventh Street. The problem is that heavy rain floods the condominium's bottom floor. Mr. Martin reported that information is incomplete but that Deemer Steel is involved. The estimated cost to eliminate the problem is $250,000. President Castagno asked how the problem could be resolved. Mr. Martin responded that originally he had suggested placing an earth barrier there, but after investigating, he learned that a barrier would cause even more problems.

The City is eligible to receive a grant of $10,525.00 from Delaware's Criminal Justice Council. The grant requires a match of $1,169.00. The grant application must be received by September 17, 2003.

Police Chief McDerby reported on his department's activities. He revealed that the City is eligible to receive a grant from the Delaware Emergency Management Agency to pay for security costs associated with the protection of critical infrastructures during the Iraqi hostilities. He also reported that the manufacturer that supplied the City with guns having defective magazines has agreed to take them back. The replacement weapons will cost an additional $100.00. Police Chief McDerby also noted that video cameras are now allowed in interview rooms and that one of the City's patrol cars lacks a video camera. He asked for the City's approval of grant requests associated with his department's needs.

Councilman Reese said to pencil in $12,000 for federal grant requests. Police Chief McDerby said his department would get a block grant, although he didn't know the amount.

Mr. Martin noted that the New Castle Flower Beautification minutes expressed concern that some of the hanging plants are not doing well because they lack water. He consulted Jim Weldin, who revealed the problem lies in the City's lack of manpower to water them.

The Colonial School District requested permission to hold its annual Homecoming parade from 11:00 AM to 12:45 PM on Saturday, October 25, 2003. The parade is to begin at the New Castle Middle School on Route 9, continue to the Route 141 intersection, then continue of Route 141 to the William Penn High School. No objections were raised and the parade was approved.

Because Mr. Weldin is attending a training session on parks and playgrounds in Virginia, Councilman DiAngelo reported for him. Mr. O'Neil was promoted to supervisor; Mr. Thatcher was promoted to foreman; a laborer was promoted to operator, raising the number of operators to two in accordance with union rules. Robert Renzi is the new code enforcer.

Unfinished Business

Councilman DiAngelo advised the Council that the decision to allow New Castle County to build a stone access driveway on Railroad Avenue is still pending. Mr. Martin requested in a letter that the County replace pipes under the avenue because the existing pipes are broken. He revealed that the County is still considering whether or not to replace the pipes.

Resolution #2003: Making Foundry Street One-Way Between Third and Fourth Streets, with the Direction of Travel from Third to Fourth. President Castagno noted that a public hearing had been held at the previous Council meeting to consider the issue and called for a motion to accept the resolution. Councilwoman Miller moved to accept the resolution. Councilman Reese seconded the motion. Councilman DiAngelo, Councilwoman Miller, Councilman Padmalingam, and Councilman Reese all approved the motion. The motion carried unanimously.

New Business

A **bank resolution** was introduced to allot $25, 271.00 to pay State Personnel Office Benefits for Health Insurance Premiums due September 2003. Councilwoman Miller moved to pass the bank resolution. Councilman Reese seconded the motion. Councilman DiAngelo, Councilwoman Miller, Councilman Padmalingam, and Councilman Reese all approved the motion. The motion carried unanimously.

Mayor's Veto of Ordinance #422: President Castagno called for a decision on Mayor Klingmeyer's veto of Ordinance #422 for amending the City's code to provide for the regulation and maintenance of clear zones and right of ways within the City limits. The amendment is to ensure the unobstructed passage of the City's highways and roadways. President Castagno called for a vote to override the veto. Councilwoman Miller moved to override the veto; Councilman Reese seconded the motion. Councilman DiAngelo voted *aye* in favor of the motion; Councilwoman Miller voted *aye* in favor of the motion. Councilman Padmalingam voted *aye* in favor of the motion. Councilman Reese voted *aye* in favor of the motion. President Castagno voted *aye* in favor of the motion. The motion carried unanimously.

Comments from the Floor

Evelyn Chambers of Boothhurst complained that she received a ticket for parking against traffic although several others who routinely do the same have not received tickets. When she complained, the policeman who took her call said that the police have better things to do than give tickets for wrong-way parking. Police Chief McDerby noted that State law prohibits parking against traffic. However, he asked Ms. Chambers to get the name of the offending officer if she encounters the same kind of treatment again.

There were no other comments from the floor.

Meeting Adjourned

President Castagno called for a motion to adjourn the Council meeting and to go into an Executive Session. Councilman Reese moved to adjourn the meeting; 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 7:40 PM.

Next Meeting

The next regular meeting will be held at 7:00 PM on October 14, 2003, in the Town Hall.

Respectfully submitted,

Darcy Mozer, City Clerk