

City Council of the Mayor and Council of New Castle
Regular Council Meeting: Town Hall – 201 Delaware Street – New Castle
Tuesday – January 12, 2010 – 7:00 p.m.

Present:

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

Also present:

Treasurer Janet Carlin, Administrator Cathryn Thomas, City Solicitor Roger Akin, Building Official Jeff Bergstrom, Lt. Adam Brams

Approval of Minutes by Date

A motion was made by Councilperson Petty to approve the minutes of December 8, 2009, 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 December 31, 2009, total petty cash on hand was \$400; total monthly deposits were \$268,218.15; total cash in the Wilmington Trust accounts, \$407,823.74; total certificates of deposit and Delaware Government Investment Pool, \$2,279,109.63; and total cash on hand, \$2,686,933.37.

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 she spent a lot of time in Dover related to items contained in her written report, including Delaware Solid Waste Authority items. Ms. Thomas expressed thanks to the City employees who worked hard during the large December snowstorm and thanked MSC for its help. She added that anytime the City gets that much snow at one time, it is a big challenge for a City the size of New Castle. The City did hire outside contractors to assist in the cleanup.

Council President Barthel said the report was accepted as presented.

Approval of Staff Reports

Building Official Bergstrom said a lot of progress has been made on the Greenway project and the dike project is progressing as well.

Lt. Brams said the FY08 funding for the Citizens Corps, which funds the police volunteers, was approved and the department is going to get some new equipment for them. The department also made an arrest in a bank robbery at the Dover Federal Credit Union. The Police have reached out to the anti-graffiti task force for help related to the graffiti at the New Castle Sailing Club.

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

Grant Review

Councilperson Cochran said the grant expenses for December were Mayor & Council of New Castle, \$128.47; Dell Marketing L.P., \$2,528.44; Cirillo Bros. Inc., \$54,730; Mayor & Council of New Castle, \$276.03; and Mayor & Council of New Castle, \$200.75. Grant income: State Homeland Security Grant for \$846.50.

Communications

Councilperson Cochran said he had talked with firms for the contract services for the three City buildings. He expects to have a report for the meeting in February.

Business from the Floor

Mr. Eric Mayer, owner of the Abex property, spoke related to agenda item No. 5. He had a question about the process. His understanding is the City already plans to rezone the property after the Comprehensive Plan is completed. He feels there was no need for him to spend the money he has spent seeking a rezoning since the City will rezone it anyway. That is why he is asking for his money to be returned.

President Barthel said the City Council has not made a decision on it yet. The process is proceeding. City Council is expediting its process for Mr. Mayer's benefit.

Administrator Thomas said her observation is that the decision not to move on the rezoning of the property was not made until after the public hearing.

President Barthel said the City Council is trying to accommodate Mr. Mayer and move as quickly as possible.

Mr. Bill Ganc, the broker who brought the church project to Mr. Mayer's property, said there seems to be confusion about the whole process. The church was confused too. He wanted to get a clarification of the process and the January 19, 2009, workshop meeting. He also asked whether the rezoning would need to wait until the end of the comprehensive plan process.

President Barthel said he believes the property owner and the potential tenants would be interested in participating in the comprehensive plan process that affects the property.

Administrator Thomas said a decision on timing depends on City Council's decision.

Business from the Council President

President Barthel reiterated that City Council has a joint meeting January 19, 2009, with the Planning Commission and a meeting January 20, 2009, for a mid-year budget review.

Unfinished Business

1. Discussion of a proposal from Municipal Services Commission (MSC) for how the City and MSC shall partner in granting one or two lease agreements to the Clearwire company to locate antennae on the Water Tank location adjacent to Susi Park.

Jay Guyer of MSC was present to answer any questions.

President Barthel explained the monthly income will be used to offset the costs to upgrade the tower to OSHA standards. MSC expects that once the Clearwire antennae is approved, that additional requests from other companies for attachments are likely to materialize. MSC wants to use the initial income to pay off the \$86,000, income from future tenants would be paid directly to the City.

City Council indicated it is willing to go forward with the proposal, as presented by MSC.

New Business

1. Discussion of a proposed Addendum to the 2008-2009 Agreement between the City of New Castle and the Delaware Solid Waste Authority (DSWA).

Administrator Thomas said confusion over the contract is on the part of DSWA. The City thought it was set for the next three years for DSWA to handle its curbside recycling. That is not the case. Governor Markell has proposed for DSWA to get out of the business of curbside recycling collection. DSWA does not want a three-year contract with the City.

Instead, they are proposing to extend the current contract at the current price. They will do that through the end of June and then the City would have to take over responsibility for curbside recycling collection. She believes the City could have the option to contract it out.

Ms. Thomas said she believes the City could do it using existing City personnel, but it would require shifting collection to one recycling pickup and one trash collection each week, rather than picking up trash two times each week.

That would be a change for City residents. It would be transparent for the City budget. City Council still has time to decide whether it would prefer to stay with the current twice a week collection and outsource the recycling collection.

Currently, it appears the City would get to keep, at no charge, all the DSWA carts deployed in the City as of July 1. Further, DSWA committed to not charging tipping fees for recycling materials for one year.

The Governor's proposal would mandate each household receive a recycling cart, however would not necessarily require each individual household to actively participate in the recycling program.

Councilperson Megginson said that last summer he spent time going around with the trash crews. He saw several places in the City where the trash is very heavy. The day of the meeting he rode around in some areas and did an unofficial count of the number of blue recycling carts. Some areas have very few blue carts out and some with much better coverage. Some areas have three cans of trash out, it is very heavy.

Ms. Thomas said when the City bid the recycling collection recently it did have five bidders. The next lowest price was \$2 per household per pickup. The City could keep the trash twice a week and contract recycling out.

President Barthel said the City needs to do a cost analysis and determine the options.

2. Discussion of a proposal for No Parking on Third Street from South Street to the New Castle Sailing Club, and scheduling a public hearing on the proposal.

Councilperson Megginson said he wants to make it clear the proposal is to eliminate parking only on the river side of Third Street. The City now has more than 300 feet of parking lot that can handle 30 to 35 cars. The reason for No Parking to be established is to make it a better roadway for two-way traffic. The public hearing was set for 6:30 prior to the February 9, 2010.

3. Discussion of the proposals received from contractors to perform drainage work on Casmir Court.

Councilperson Megginson explained the history of the problem, which consists of holes in the area. It is in very bad condition. The County came out to scope the drain. The videos showed the concrete pipe out of alignment. He described it as pretty bad. Administrator Thomas contacted companies to see if it could be repaired. Both companies advised it would not last long if repaired and advised complete replacement.

Mr. Megginson said they have prices from three contractors. He recommended awarding the work to Cirillo Bros. because of past dealings with them. The proposal by Cirillo Bros. was \$13,975.

City Council agreed to proceed with Cirillo Bros. doing the work.

4. Discussion of a possible new ordinance requiring lien releases to be provided to the City by General Contractors prior to issuance of a Certificate of Occupancy.

Councilperson Cochran said he had talked with some citizens and some subcontractors. What happens is that some general contractors come in and get paid and move on. The subcontractors are not getting paid and end up suing the residents. This ordinance would protect residents and the subcontractors.

President Barthel said it would need a hearing since it is an ordinance. He suggested the City look at empirical evidence.

Administrator Thomas said this would be for any work requiring a certificate of occupancy.

Building Official Bergstrom said there are less than 100 certificates of occupancy a year.

The public hearing will be held in March to allow time to form a proposal and collect additional information.

5. Discussion of a request for a refund of an application fee for a rezoning request upon the application being withdrawn.

The request from the applicant is for the full fee.

City Council members discussed that the City had incurred some costs relative to consideration of the rezoning request. Should any refund be considered, the actual costs incurred so far by the City should be deducted from the refund amount.

As a result of the Council discussion on the matter, Mr. Mayer withdrew his request to withdraw the rezoning application and receive a refund of the application fee.

6. Motion, Discussion and Vote on Resolution No. 2010-1, for the City of New Castle to Adopt the New Castle County Multi-Jurisdictional All Hazard Mitigation Plan.

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

Building Official Bergstrom explained that if the City is going get money in federal disaster funds, it requires such a plan. The County plan covers all of the areas within the county. The City could still upgrade its portion of the plan.

7. Motion, Discussion and Vote on a Bank Resolution to pay \$54,730 to Cirillo Bros., for work done on Centerpoint Boulevard at its intersection with Frenchtown Road/Route 273.

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

The meeting was adjourned into an Executive Session 8:15 p.m.

Respectfully submitted,

Michael Dickinson
New Castle City Clerk