

**City Council of the Mayor and Council of New Castle**  
**Regular City Council Meeting at Town Hall**  
**201 Delaware Street – New Castle**  
**Tuesday – October 11, 2011 – 7 p.m.**

**Present:**

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

**Also present:** Mayor Donald Reese, Treasurer Janet Carlin, City Solicitor Daniel Losco, City Administrator Cathryn Thomas, Building Official Jeff Bergstrom

**Approval of Minutes by Date**

A motion was made by Councilperson Petty to approve the minutes of August 30, September 13 and September 22. Councilperson Cochran seconded the motion. The minutes were approved unanimously.

**Approval of Treasurer's Report**

Treasurer Carlin reported that, as of September 30, 2011: petty cash on hand was \$1,100; monthly deposit, \$599,079.96; total in the cash accounts, \$484,226.02; total certificates of deposit, money market and Delaware Government Investment Pool, \$2,749,182.76; and total cash on hand, \$3,233,408.78.

A motion was made by Councilperson Cochran to approve the Treasurer's Report. Councilperson Megginson seconded the motion. The report was approved unanimously.

**Report from the City Administrator**

Administrator Thomas highlighted a few items from her written report. There was a lot of activity related to the Banks Building trying to move forward in terms of rehabilitating that building. The City heard from an expert in terms of what is needed. Coming on October 17 there is a design charrette for the riverfront redevelopment proposal.

An addendum to her written report, the City closed on the acquisition of the property from the Immanuel Episcopal Church. The Church is holding a service on Sunday. The City will hold a dedication ceremony in the future.

President Barthel asked if the plan for the riverfront proposal meeting was to get a tally of the comments for the Planning Commission in time for its next meeting. Mrs. Thomas said that is the plan.

President Barthel said the report was accepted as presented.

**Staff reports**

President Barthel said the staff reports were accepted as presented.

**Grant Review**

Councilperson Cochran provided the review. Grant income: MSC, \$112,500; Highway safety, \$2,237.42.

**Business from the Floor**

No comments from the floor.

**Business from the Mayor**

Mayor Reese said residents from Washington to 4<sup>th</sup> and South Streets should be aware of notices from DelDOT. Looks like that project is going ahead next spring.

Home Depot approached the City about a community service project. He asked Council to think about possible projects. They have 120 employees.

The first group of students from William Penn High School will visit the Penn Farm.

President Barthel said one of the items the City has been looking for is people to help with cleanup of the Park.

Administrator Thomas said the City got two or three letters from DelDOT regarding easements they are seeking from the City. DelDOT is out negotiating prices. She also received a call from a West 7<sup>th</sup> Street resident regarding a representative from DelDOT indicating there would be new restrictions on on-street parking at the request of the City. Mrs. Thomas said she is unaware of any such interest from the City but is following up on it.

Mayor Reese said another suggestion for the Home Depot project is helping with planting of trees.

**Presentation of Certificates of Appreciation for Bank of America Volunteers**

President Barthel presented certificates for volunteers who, on multiple occasions, worked to cleaned up the beach near Battery Park. The certificates were for Corie Roy and Gina Gray of Bank of America. Ms. Roy accepted the certificates.

**Discussion with Buttonwood residents about the Buttonwood Nutrient Removal & Habitat Enhancement ARRA Project.**

Councilperson Petty said she had been approached by residents in the area concerned about overflow of water and water that continuously sits there when it has not before. Their yards have been turned into a marshy area. She invited the residents to come before Council.

Mr. Gene Petty said he has lived there for 60 years and never had water in his basement before now. Many residents are complaining about snakes, raccoons and groundhogs. There is too much water coming in.

Building Official Bergstrom said this is the first he is hearing of the complaints.

Mr. Petty said there also is a tree in the ditch blocking the water.

President Barthel told Mr. Bergstrom to go out there and assess the situation, and let the City Council know.

Administrator Thomas said the residents are looking to have a follow-up meeting with Mr. Bergstrom and the Conservation District officials. For any of the projects without final inspections, there is a question of whether the contractor should be doing things still rather than the City.

Councilperson Petty raised another issue with water in the area. Mr. Bergstrom said part of the problem is that property is not owned by the City.

### **Unfinished Business**

1. Third Reading and Adoption of Ordinance No. 483, to change the City Code in accordance with the Housing Plan contained in the Comprehensive Plan, which would provide specific goals and priorities to incentivize and facilitate redevelopment of small, run-down residential properties to increase aesthetics and property values throughout the City.

President Barthel read the proposed ordinance.

Solicitor Losco outlined a few minor adjustments since the first and second readings. First, Section 5A, a statement was added to make it clear that any redevelopment uses still have to be compatible with any underlying zoning district. Second, added to Section A6 is a provision that would permit Council to add conditions to any rezoning. He also changed references to terms that are defined in the Code. Another change was to the subdivision aspect of the ordinance.

Councilperson Megginson made a motion to approve the ordinance. Councilperson Gaworski seconded the motion. The motion passed unanimously.

### **New Business**

1. Motion, discussion and vote on Resolution No. 2011-34, to consider approving a minor subdivision for 350 Anchor Mill in the Twin Spans Business Park.

President Barthel read the ordinance.

Building Official Bergstrom said it is a reconfiguration. The property owner asked to reconfigure the storm water portion. They are adding a state-of-the-art storm water facility. The estimated cost is \$500,000. The efforts involve a warehouse expansion.

Councilperson Cochran asked about storm water maintenance.

Mr. Bergstrom said it does not fall back to the City.

Attorney Shawn Tucker representing Twin Spans LLC said it is an approximately 140,000-square-foot expansion to an existing building for the Five Below retail company. The existing storm water management needs to be revised. It will be a new system with better cleaning ability and that often controls volume better. They are before Council because changing the subdivision requires coming before Council.

A motion was made by Councilperson Megginson to approve the resolution. Councilperson Petty seconded the motion. It passed unanimously.

### **Comments from the Floor**

Earl Carpenter of West Sixth Street said that at last month's regular meeting he brought to Council's attention a severe pothole at Washington Street and Seventh Street. He does not see why hundreds of dollars to fill potholes can't be spent when thousands of dollars are being spent on other things.

President Barthel said DelDOT is telling the City that it has to wait until they do the rest of the project. He said the City cannot do it from a liability standpoint. He said he does not disagree with Mr. Carpenter's statement.

Councilperson Megginson made a motion to adjourn the meeting. Councilperson Cochran seconded the motion. The meeting adjourned at 7:51 p.m.

Respectfully submitted,

Michael Dickinson  
New Castle City Clerk