

**Mayor and Council of New Castle  
City Council Meeting**

**New Castle Town Hall - Delaware Street - New Castle**

**Tuesday, October 11, 2005 - 7:00 p.m.**

Roll Call

Present:

Council President Blest  
Councilwoman Churchill  
Councilwoman Petty  
Councilman DiMondi

Others present: Mayor Klingmeyer, Treasurer Janet Carlin, Marian C. Delaney, Finance/HR Manager, Police Chief Kevin McDerby, Herb Swanson

Council President Blest convened the meeting at 7:02 p.m. and led those assembled in the pledge of allegiance.

**Approval of Minutes to Date**

Council President Blest made a change to the September minutes clarifying outside counsel retained by Council. Councilwoman Churchill moved to accept the Minutes of the September Council meeting as submitted. It was seconded by Councilwoman Petty. Motion passed unanimously.

**Approval of Treasurer's Report**

Janet Carlin stated that the Total Petty Cash on Hand was \$290.00, Total Monthly Deposits were \$424,133.89, and Total Cash in the Wilmington Trust Accounts was \$390,264.59, Total Certificates of Deposit and De. Government Investment Pool was \$1,617,204.78 and the Total Cash on Hand was \$2,007,469.37. Councilwoman Churchill moved to accept the Treasurer's Report as submitted. It was seconded by Councilwoman Petty. Motion passed unanimously.

**Approval by Date of Director's Report**

Marian C. Delaney stated that the City's Safety Committee met with the insurance underwriters to discuss facility inspections, emergency response and evacuation and the installation of monitored security alarms in the Administration building. Also, Patrolman 1<sup>st</sup> Class Paul Allston and Patrolman 1<sup>st</sup> Class William Texter were promoted to the rank of Corporal. Marian also stated that revenue collected for FY Year 2006 was \$2,858,629.00 (62.6%) and Expenditures for FY Year 2006 were \$1,233,901.00 (27.0%). Marian also stated

Debby Pullan coordinated the City Surplus Sale that generated \$662.00. in revenue.

### **Grant Review**

Councilman DiMondi spoke of the following grants that have been applied for:

1. Delaware Emergency Management Agency–The Public Safety Department has filed an application for a \$23,750.00 grant for the purchase of laptops.
2. Fiscal Year 2006 Law Enforcement Technology & Education Fund–The Public Safety Department has requested a \$4,800.00 reimbursement for line costs for the mobile data terminals.

Councilman DiMondi spoke on the following grants that Mayor & Council has received:

1. Delaware Emergency Management Agency–The application of the New Castle Citizen Corps Council, sponsored by the Public Safety Department, has been reviewed and approved for State Homeland Security Grant Program in the amount of \$15,000.00.
2. State of Delaware Department of Justice–The application of the Special Law Enforcement Assistance Funds to purchase 8 digital cameras and related equipment has been approved. The City is awaiting the check in the amount of \$9,439.20.
3. State of Delaware Department of Transportation–The City has received \$79,688.47 (reimbursement for expended funds) from the Department of Transportation as reimbursement for money expended for the paving of 9<sup>th</sup> St. from Gray St. to Washington St.
4. Tree Survey–The City was approved for \$20,000.00 from DNREC to conduct GPS of street and City park trees. The GPS and software cost is approximately \$6,323.87 and the funds are being administered by URS, the City's engineering firm.
5. 2004 Homeland Security Grant–The City has received two 5,500-watt generators for emergency use that are being stored at the Trolley Barn.
6. State of Delaware Department of Transportation–DE. Department of Transportation has agreed to transfer \$28,000.00 to the City for the Buttonwood Drainage Project. The City will reimburse the New Castle County Conservation District up to \$28,000.00 for work performed on this project. The New Castle County Conservation District has also obtained \$11,000.00 from New Castle County Special Services to help with the project. Once the drawing and plans are completed, the Conservation District will advertise for bids and the project should begin in late 2005 or early 2006.

7. Western Gateway Landscape Enhancements—This project is on hold until the City gets notice from the Department of Transportation that the funding is available.
8. State of Delaware Community Redevelopment Fund—The City has expended \$15,374.16 on the Western Gateway Landscape Enhancement Project and has received \$6,149.66 (40%) in reimbursement from the Community Redevelopment Fund.

### **Chief of Police Report**

Chief McDerby stated that a seminar was to be held on 10/12/05 regarding Identity Theft. There was also a meeting to be held on 10/17/05 regarding the problems on 4<sup>th</sup> Street.

### **Communications**

Councilman DiMondi stated that 98.8% of the taxes have been collected and there is approximately \$75,000.00 in outstanding taxes, \$45,000.00 which is over 2 years past due. Those taxes over 2 years past due will be vigorously pursued. Other revenues are on target at 24% and expenses are basically as projected. The October 31, 2005 audit should go forward as planned.

Council President Blest read a letter from Barbara Lewis regarding the problems on 4<sup>th</sup> Street.

Council President Blest received an invitation from the CEDS Project for Council members to attend a workshop at the University of Delaware regarding, among other topics, economic development. Council President Blest felt that it would be in the City's best interest for some of the Council members to attend.

Council President Blest read a letter from Ray Jeffrey regarding a fence on a neighbor's property on School Street that he would like removed as it denies access to Mr. Jeffrey's property. Council President Blest spoke with Mr. Kavanaugh, the City's solicitor, and Jeff Bergstrom regarding this matter and Mr. Bergstrom will follow up.

Council President Blest received a letter from the New Castle Historical Society reappointing Sally Monigle to the Historical Area Committee.

Council President Blest read Kerstin Almquist's report regarding the Flower Beautification Committee's last meeting.

Councilwoman Churchill read a letter from Donna Knudson of Discover Card enclosing a \$4,000.00 check from Discover Card to be used towards to the 2005 Penn Valley Park Project.

Councilwoman Churchill read a letter she had written to Valero thanking them for their contribution to the Bull Hill Park.

Council President Blest read a letter addressed to him from Councilman DiMondi regarding an article that appeared in the New Castle Weekly regarding land swap between the City, the Trustees and B&E, seeking verification of the article. Council President Blest stated that the article was inaccurate in that there has been no finalized agreement regarding this issued.

Councilwoman Petty received a telephone call and met with a resident regarding the flags that the City has put up that some of the flags were upside down. Councilwoman Petty stated that after an inspection of the flags, she found 6 flags that were installed improperly and that the situation has been corrected.

Councilwoman Petty also stated that she has been receiving complaints from residents of Boothhurst regarding noise. The residents would like to have a curfew put in place. Council President Blest suggested that the police's citizens watch group could help with this problem. Chief McDerby agreed and stated that the police will keep monitoring the situation.

Councilman DiMondi received a letter from Walter Janocha, a resident of 10<sup>th</sup> Street, regarding the lack of paving in front of his house, which was removed during the construction of the Heritage Trail. This problem has been ongoing and Mr. Janocha would like it corrected. Mr. DiMondi stated that he withheld \$4,000.00 of payments for this project for situations like this. He requested that Council use the \$4,000.00 in escrow to resolve these problems.

Councilman DiMondi received a letter from Tony and Cheryl Sill requesting that the road/paving problems on 9<sup>th</sup> St. and Larkin St. be corrected. The Sills also requested that the City owned alley behind their house be cleaned up.

Councilman DiMondi received a letter from a resident regarding the alley between Clark Street and Center Street in Dobbinsville. Councilman DiMondi inspected the alley and stated that some type of clean up/paving is needed.

Councilman DiMondi received a letter from Sue Siva regarding the Heritage Trail. Some residents are using the trail by Ms. Siva's home as a bathroom for their dogs.

### **Business from the Floor**

Councilwoman Petty requested that residents with complaints regarding the streets be directed to her, as she is the liaison for the Streets Department. If she is unaware of the complaints, she cannot resolve the problems. In response to this request, Charlotte Houben requested that her backyard be fixed. She has spoken with George O'Neal numerous times and the problem remains. Councilwoman Petty re-emphasized her point that if she is not informed of the problem, she cannot correct it.

Nancy Coning stated that she was co-chair of the Library Kitchen Tour and was very disappointed to see that the continuing problems on 4<sup>th</sup> Street were going on as the participants of the Kitchen Tour were touring the houses on 4<sup>th</sup> Street.

Walter Janocha requested that the paving problems in front of his house be corrected. Mr. Janocha was informed that Council had reviewed this problem prior to him arriving and Councilman DiMondi explained to Mr. Janocha what was to be done.

Mike Heyman thanked Council, in particular Council President Blest, for forming the City Land Use Committee and requested that Melissa Pavone be appointed to the Committee.

Ed Hitchens spoke about the continuing problems on 4<sup>th</sup> Street.

Dr. Padmalingam stated that he thinks the City should do everything possible to keep the City drug free and also that with the case of one of the flock of chickens over by the Trolley Barn contracting West Nile Virus, residents should take extra precautions and that the City should clean up the Battery so that the beach front does not breed the virus. Councilwoman Churchill stated that November 10, 2005 was designated as a clean up day for the Battery. Herb Swanson stated that he has been in touch with the proper agencies since learning of the virus case and that pamphlets are available to the residents upon request.

### **Unfinished Business**

Councilwoman Petty chose Melissa Pavone as her appointee for the City's Land Use Committee. Mayor Klingmeyer chose not to appoint anyone at this time.

### **New Business**

8. Resolution 2005-27 acknowledging 25 years of service to Marian C. Delaney. Council President Blest read the Resolution and it was approved unanimously by Council for Marian's 25 years of dedication, hard work and service to the City.

1. Resolution 2005-25 approving the continuance of an encroachment of a building at 529 Delaware Street. Council President Blest read the resolution. Councilwoman Churchill moved that the Resolution be approved. Councilwoman Petty seconded the motion. Resolution was approved unanimously.

2. Resolution 2005-26 concerning safety issues on Rt. 273. Councilman DiMondi read the Resolution aloud. The Resolution seeks to place a moratorium on issuing building permits on Rt. 273 from its intersection at Rt. 13 to its intersection with Chestnut St. until DelDot follows through with its corrective improvements. Mr. Kavanaugh reviewed the matter and forwarded a letter to Council stating that he felt that Council should table the matter because: (1) feels that a moratorium can only be imposed by an ordinance, not a resolution, (2) the title of the resolution is misleading, (3) the matter should be sent to the Planning Commission and then to Council with the Commission's recommendations, and (4) Mr. Kavanaugh feels that the resolution itself is unconstitutional. Councilwoman Petty made a motion that the matter be tabled. Councilwoman Churchill seconded the motion. Motion passed by a majority of the vote (Blest, Churchill, Petty - yes, DiMondi - no). Mr. DiMondi stated that he requested an opinion letter from Mr. Harker, a real estate attorney, not Mr. Kavanaugh.

3. Discussion of the priority basis for the selection of City street and ways earmarked for maintenance and improvement. Councilman DiMondi stated that the streets to be paved should have come before Council for approval before the letter to Senator Dori Connor was sent requesting money for the paving and the streets that were to be paved. He also felt that the streets that were picked last year and were not paved due to the 9<sup>th</sup> St. paving project should be the first streets to be paved this year. Council President Blest felt that since part of Margaret Rose Henry and John Johnson's districts are in the City now and since money was being received from Ms. Henry and Mr. Johnson, some of the streets to be paved should be in their district.

4. Discussion on placing to signs for City Council members only parking in front of the City Administration office. Councilwoman Petty requested that two parking spots in front of the City Administration office be reserved for Council members only and that a handicap parking spot be placed in front of Wilmington Trust. Councilwoman Churchill felt that the handicap spot was appropriate, as did Councilman DiMondi. Councilman DiMondi stated that he did not feel the need for reserved parking for Council members. Mayor Klingmeyer felt it was not appropriate for Council to have reserved spots as parking is at a premium downtown and the spots would be vacant for most of the time. Council President Blest suggested that a public hearing be held regarding the reserved parking spots as well as Councilwoman Petty's concerns regarding speed limit signs on Delaware St. and re-painting the cross walks on Delaware St. Council will hold a public hearing on these matters.

5. Discussion on the status of the ongoing Comcast Franchise negotiations. Council President Blest read a letter received from Mr. Kavanaugh regarding his review of this matter. Mr. Kavanaugh hopes to have a final proposed Franchise Agreement to Council at their next meeting or, if that is not possible, a memo to Council stating what the unresolved issues are and how to resolve them.

6. Bank Resolution in the amount of \$31,387.50 to pay Richards Paving for contract #2005-02 "Ninth Street Improvement Application #1 for the period ending September 23, 2005". Mr. DiMondi made a motion that the resolution be approved. Councilwoman Petty seconded the motion. Motion passed unanimously.

7. Discussion on Councilman DiMondi's contention that City Council went beyond its published agenda items and discussed city business as the special meeting that was called an Executive Session. Councilman DiMondi contends these unauthorized items should have been an agenda item at a public meeting. An Executive Session was called to discuss personnel matters regarding the hiring of a City Administrator. After that discussion, Councilman Reese requested that Councilman DiMondi be instructed not to send correspondence indicating that he has taken care of matters, etc. when Council voted on matters and it was Council's decisions that were being expressed. Councilman DiMondi felt this was an inappropriate discussion as the Executive Session was called to discuss hiring a City Administrator only. Councilman Reese, via an e-mail read aloud by Council President Blest, stated that he felt it was better to discuss personal matters regarding Council in private as opposed to a public meeting. Councilman DiMondi stated that he would not respond to Councilman Reese's e-mail since Councilman Reese was not present at this meeting.

9. Approval of the City Holiday Schedule for 2006. Council decided that City employees would receive *Christmas Day* and *the day after* as the Christmas holiday. Council President Blest made a motion to accept the schedule. Councilwoman Churchill seconded the motion. The motion was passed unanimously.

10. A Motion was made for Council to adjourn to Executive Session to discuss personnel matters regarding the hiring of a City Administrator. Councilman DiMondi objected stating that he felt that when Council extended an offer it should have been done in a public hearing. Council President Blest stated that Council has not extended an offer and that when Council voted to extend an offer, the vote would be held at a public hearing. Council adjourned to Executive Session.

The meeting was adjourned at 8:48 p.m.

Respectfully submitted,

Jill F. DiAngelo,  
City Clerk