

**Mayor and City Council of New Castle
Council Meeting
New Castle Town Hall–Delaware Street–New Castle
Tuesday, October 14, 2003–7:00PM**

Roll Call

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

Others present: Treasurer Janet Carlin, City Administrator Bob Martin, Police Chief McDerby, Finance/Human Resources Manager Marian Delaney, Public Service Manager Jim Weldin

Councilwoman Miller called the council meeting to order at 7:00 PM. President Castagno arrived later, having been delayed at the airport.

Approval of Committee Reports

Councilwoman Miller 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 DiAngelo seconded the motion. Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the reports. The motion carried.

Approval of Treasurer's Report

Treasurer Carlin reported that as of September 30, 2003, petty cash totaled \$270.00. Cash in Wilmington Trust accounts totaled \$222,080.22. CDs totaled \$384,110.34. Total cash on hand equaled \$1,274,629.68. Councilman Reese moved to accept the treasurer's report as presented. Council Padmalingam seconded the motion. Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the Treasurer's report. The motion carried.

Approval of Minutes by Date

Councilwoman Miller called for a vote to accept the minutes of September 9, 2003. Councilman Reese moved to accept the minutes as presented. Councilman Padmalingam seconded the motion. Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the minutes. The motion carried.

Communications

There were no communications.

Business from the Floor

Councilwoman Miller 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, ProTem

Councilwoman Miller reported that the Planning Commission asked the Council to introduce a resolution for the creation of a minor subdivision at 234 East Second Street, tax parcel 21-015.00-114 within the City limits. The proposed subdivision conforms to regulations. The plan will be recorded in the New Castle Office of Deeds. The Commission decided on the subdivision at their September meeting.

The Commission also recommended hiring a full time planner who would be responsible for land use in the City. The town planner would work closely with the Planning Commission and the City Council. Mayor Klingmeyer nominated Tom Wilson to fill the vacancy left by Clay Bridgewater's death. Mr. Wilson, who is currently a Trustee, has been active in City affairs. If elected, he would complete the remainder of Mr. Bridgewater's term on the Planning Commission in April 2004.

Business from the City Administrator

City Administrator reported the following.

The New Castle Flower Beautification Project (NCFBP) is concerned about the City's neglect of the hanging plants and the plants in the City's public gardens. He called on Kerstin Almquist, Chair of NCFBP, who revealed that although the City agreed to water the hanging plants and some of the gardens, it has not done so. The lack has been especially detrimental to the hanging baskets and the new plantings in the railroad park. She pointed out that the members of NCFBP are all talented volunteers who work hard to beautify the City, but that a horticulturalist or someone knowledgeable about plants is needed to do the watering. She emphasized that this summer's dead flowers made a bad impression on visitors and residents alike. When the flowers in the baskets died, she asked to have them taken down, but this has not been done. A DeIDot expert she consulted also emphasized the importance of timely watering and care. She revealed that the Visitors' Bureau donated \$1,500 and the Arasapha Garden Club also donated \$1,500 to improve the area from Carey Downey School to the Middle School, and that they expect their donations to have a beneficial effect on the City's appearance. We will soon have a new park and a greenway, which will intensify the City's need to assist in the gardens' upkeep.

Ms. Almquist reminded the Council that four years ago the City had asked her to begin a flower beautification program. She has assembled a dedicated group who help her to do this, but the City has to do its part.

Councilwoman Miller asked if the person to be hired would work with NCFBP or replace it. Ms. Almquist assured her that the person would work with NCFBP to do watering, weeding, and pruning. Councilwoman Miller also asked if the position to be created would be seasonal. Ms. Almquist replied that the position would cover the spring, summer, and fall months. Councilwoman Miller expressed appreciation for the excellent work of NCFBP and suggested that the City hire a full time assistant. Ms. Almquist noted that Dover has 63 gardens and approximately 100 hanging baskets.

FEMA's disaster and recovery plan will reimburse the City for 75% of expenses incurred as a result of hurricane Isabel.

At this point President Castagno arrived to chair the committee.

Mr. Martin reported that in September he successfully completed an ICMA University workshop in Successful Project Management for Small Communities.

DelDot provided information on a Voluntary Service Station Assistance Program, geared to help gas stations to meet the needs of the handicapped.

DNREC has solicited proposals that focus on habitat and natural resource planning management. Because the City is so involved with other projects, he doubts that the City can respond.

A Department of Agriculture bulletin focused on what to do in the event of fire, ice storm, and hurricane emergencies.

Jim Weldin attended a Recycling Advisory Council meeting in Lewes that focused on yard-waste recycling.

The New Castle Tree Commission responded in a letter to complaints about the detrimental effect of tree roots on sidewalks and the homeowner's lack of permission to remove said trees. The Tree Commission urged the Council to retain and maintain the existing trees.

Mr. Martin congratulated Kerstin on the excellent work the NCFBP has done in the City. Kerstin revealed that the trees planted four or five years ago in front of the Carrie Downey School are doing well. She and Mr. Martin met with DelDot to discuss new plantings and a new maintenance schedule. He reported that many azaleas died from inadequate maintenance. In gearing up for spring planting. Ms. Almquist wants to be sure that City will maintain the plants. Last year \$50,000 was spent on plants. The City needs someone to ensure these plants and the ones to be purchased for the spring season will be maintained.

Councilman Reese congratulated Police Chief McDerby on his selection as Co-Chief of the Year. The award ceremony occurred two weeks ago, with many New Castle officers in atten-

dance. Police Chief McDerby said that the honor was not his alone, but that it rightly belonged to his department. He also expressed his appreciation to the City.

Mr. Martin announced the estimates for paving:

Daisy Construction	\$205,685
Guardian Construction	\$195,400
Diamond Materials	\$176,000

He and Councilman DiAngelo will review the bids as soon as possible, and with permission of the Council, award the contract so that paving can begin. President Castagno noted that lowest price shouldn't be the main criterion and asked if Mr. Martin plans to use the criteria defined earlier for choosing the contractor. Mr. Martin revealed that he plans to do so.

Unfinished Business

President Castagno introduced Gary Gredell of Gredell and Associates, the firm that is designing a fence for the wharf. He explained that current insurance regulation require that the City erect a fence around the wharf to prevent accidents.

Mr. Gredell presented his firm's **plan for the wharf fence** and distributed a copy of the concept. The City needs a fence because it is not self-insured. He explained that the definitive problem is that the fence must meet insurance regulations without violating the City's historic character. The fence must meet international building codes, the New Castle County building codes, and the OSHA code. President Castagno asked him to describe some of the requirements. Mr. Gredell revealed that the fence must be 42 inches above the wharf's concrete. His design mounts a two-foot fence atop the 1 12/ foot parapet, with a four-inch flat post every six feet. The fence must not be climbable and the openings must be too close together for a child to put his head through. The plan Mr. Gredell presented featured two-inch stainless steel mesh, with a post every six feet and a gooseneck atop the bronze railing. He explained that the mesh would be stainless steel set in a frame and that it could be painted any color. Mr. Martin displayed a sample of the mesh.

Earl Carpenter asked that since there are many attractive pseudo fences like that of Astro Zeneca, why can't the City erect a similar fence?

Mr. Gredell reiterated that the fence must be impossible for a child to climb and/or to put his/her head through.

President Castagno asked the reasons for the height requirement. Mr. Gredell replied that the height and the construction keep people from climbing the fence. Councilman Reese questioned where the fence would be positioned, whether it would go around the entire catwalk. President Castagno asked how low the mesh could be and still conform to code. Mr. Gredell responded that the code allows an 8-inch space at the top of the fence. Councilman Reese asked about the cost. The estimated cost of the fence is \$200/linear foot, with a 400-foot long fence required around the wharf.

Charlotte Houben of Washington Park asked about the cost of the fence around the Trolley Barn. Mr. Martin will investigate those costs. Councilman Reese asked if the fence is welded with stainless steel. Mr. Gredell responded that the fence is not welded, but bound together, so that it shouldn't rust. He also revealed that it is possible to get a galvanized mesh that could have a dry powdered finish, or it could be painted. Mr. Martin asked for permission to go ahead with the plan. Councilwoman Miller advised going ahead since the City needs a fence, HAC has been consulted. Councilman DiAngelo asked if the \$80,000 cost was acceptable. Councilwoman Miller suggested that the City doesn't have a choice. Councilman Padmalingam thought the cost was exorbitant. President Castagno advised waiting to learn the final cost. He would like to see a less expensive design for a fence that still meets code. Mr. Martin asked to give Mr. Gredell's firm permission to proceed, with some modifications.

Kerstin Almquist expressed concern that the fence would clash with the City's architecture. Penny Fields noted that City residents have to abide by HAC's strict guidelines and that the fence should also be in keeping with those guidelines. Diane Heath observed that stainless steel is too contemporary. Mr. Gredell said that the bronze rail makes the fence look colonial. He also maintained that little leeway exists in the fence design. Councilwoman Miller reminded that the City is paying rent on the current fence and that money for that "monstrosity" could be used to help pay for a new fence. Susan Kaiser suggested using glass panels. Lillian Shue remarked that a powdered coating could make the fence look colonial.

President Castagno proposed that Mr. Gredell work the City Administration to arrive at a more appropriate design. Councilwoman Miller moved to implement his proposal. Councilman Reese seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the motion. The motion carried unanimously.

New Business

President Castagno read **Resolution 2003-12** for approving a minor subdivision of property on 234 East Second Street (previously read) and asked for comments. No comments were forthcoming. Councilwoman Miller moved to accept the resolution. Councilman Reese seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the motion. The motion passed unanimously.

At the request of the Planning Commission, President Castagno reported that the Council consider hiring a **City Planner**. As a result, the Council decided at an *ad hoc* meeting to issue an RFP for a City Planner. Councilwoman Miller said that the City has an estimated \$90,000 for a comprehensive plan. The State uses the City's current plan as a model. She promised that a dedicated person would be sought for the position.

Councilman Reese asked if the person hired would be full time. Councilman DiAngelo asked about the cost. Mr. Martin revealed that \$10,000 had been budgeted for the position. Councilman DiAngelo asked if the company that developed the current plan could be employed.

Councilman Reese noted that the City has a model plan and questioned whether the City should use the same company that developed the plan. President Castagno said that we would encourage

that company to reply. However, he wants to put the position out to bids as a form of checks and balances.

Councilman Padmalingam thinks that the position should be part time only. President Castagno said that the position would be on an hourly basis, with the hourly rate to be based on the fair cost of such a position. Councilman Padmalingam moved to further investigate the particulars of sending out an RFP for the position. Councilman Reese seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to accept the motion. The motion passed unanimously.

President Castagno described the advantages of a **Capital Improvement Bond Issue**. He revealed that the City is considering borrowing money to fund capital projects. The money will be used to eliminate long-term problems. He stated, "Big problems need big money" and identified problems like inadequate drainage, lack of park and recreation equipment, the need for a significant investment in trees, and other problems. The proposal is to institute a \$3,000,000 bond issue, which would require repayment of \$200,000/year over a 30-year period. The City charter mandates that the public has to approve. Janey, Montgomery, Scott, the bond underwriter, thinks that the bonds would sell within days. If the public approves, many of the City problems could be solved. Mr. Martin delineated a possible timeline: proposing the bond issue in November, having the public vote in December; funding of necessary projects by January or February; beginning construction in 2004 when the weather breaks. In keeping with the City Charter, President Castagno asked for input from the public.

Councilwoman Miller said that many municipalities are resorting to bond issues and that the City's problems are huge. Even with a three-fold increase in taxes, the City wouldn't have the money to fund necessary projects. She believes a bond issue is the solution. To implement the solution, however, requires citizen approval. We need to schedule workshops to explain the matter to City residents to demonstrate that the bond issue is necessary. Councilman Reese cited the drainage in Washington Park as a major problem. Fixing that problem would require an outlay of about \$500,000, and even doubling taxes wouldn't provide the necessary funds. Councilwoman Miller noted that the bond issue is substantially like taking out an equity loan. She cautioned that we must identify precisely how the money will be used. Councilman Padmalingam asked how the sum of \$3,000,000 was determined and how the cost for alleviating the problems in Washington Park and for replacing curbing and landscaping was calculated. He also wondered if the proposed amount could be reduced. He wants to solicit input from the community.

President Castagno revealed that he has solicited public input for the past year on projects that need to be done. He assured those present that cost estimates will be validated by professional estimates. Councilman DiAngelo disclosed that an estimated \$176,000 for repairing streets just skims the surface; enough for one repairing one street alone, and that 13 streets need paving. He agreed that no council wants to borrow money, but that credit is a fact of life in today's economy.

Earl Carpenter asked if the \$200,000/year repayment requirement could be met with existing income or will it require a tax increase.

Councilman Reese retorted that the City currently spends \$50,000 a year on drainage problems. If we fix the problem properly, we won't have to do it again, thus saving \$50,000 yearly. President Castagno said that the City has identified problems that require capital improvements, and that it is time to stop "band-aiding" these problems. He further maintained that now is an excellent time to borrow, with bond rates at less than 5%. Earl Carpenter observed that the bond issue could provide the necessary funds with no raise in taxes. President Castagno and Councilman DiAngelo concurred that the goal is not to raise taxes. Mr. Carpenter wants the City to be able to meet payments without raising taxes.

Charlotte Houben agrees with the necessity to resolve the drainage problem, but not with the \$3,000,000 loan. She asked when the charter was last reviewed and complained that for 50 years no one has enforced the requirement that the homeowner keep the sidewalks repaired. She thinks it is unfair for a bond issue to pay for improvements that homeowners should do. She asked when the charter was last reviewed. President Castagno assured her that it was currently being reviewed.

Penny Fields asked if drainage repair was to focus on one area or the entire city. President Castagno replied that the City will integrate street paving with replacing curbs and gutters to alleviate drainage problems in the entire City. Ms. Fields pointed out that drainage varies from street to street. President Castagno noted that the City will be building roads, not merely repairing them.

Councilman DiAngelo reported that the cost of the City's insurance has risen 25%, that other expenses have risen as well, and that if expenses rise another 15% a small tax increase may become necessary. The City budget has risen from under \$3,000,000 a few years ago to over \$4,000,000 today. Earl Carpenter pointed out the City revenues have also increased.

Kerstin Almquist advised fixing the City's problems all at once, even if it involves hiring more people. Councilwoman Miller agreed that common sense dictates fixing problems permanently.

Tina Kelly thinks a bond issue is a good idea while interest rates are low and Delaware bonds are scarce. She wants an opportunity to buy them in New Castle. President Castagno promised that bonds will be offered to City residents first.

Comments from the Floor

Mr. Martin announced that the City will hold its annual surplus sale on December 13, 2003, at the police station. Pickup trucks, police cars, computers, bicycles, and desks are among the items to be sold. The sale will be in auction format.

President Castagno proposed recommending Tom Wilson to fill Clay Bridgewater's position on the Planning Commission. Mr. Wilson is a Trustee who has been active in City activities. Councilwoman Miller moved to recommend Tom Wilson for the Planning Commission, Councilman Reese seconded the motion. Councilwoman Miller and Councilmen DiAngelo, Padmalingam, and Reese all voted to approve the motion. The motion carried unanimously.

Teel Petty of Buttonwood objected to nominating Tom Wilson for the Planning Commission because he represents a conflict of interest. The reason being that he is a Trustee and the Trustees control the land.

She also questioned the necessity of registering with the Trustees as a requirement for voting in Trustee elections. President Castagno explained that the Trustees have their own charter, which requires a separate registration. Ms. Petty believes that because the Trustees make policy for New Castle, she should be able to elect Trustees without a separate registry. Councilman Padmalingam said registering is easy, requiring only that a person show proof of residency, show his/her driver's license, and sign a paper. President Castagno explained that The Board of Trustees is a private non-profit entity that owns property, but it is not part of New Castle's government, although we are often the benefactors of the Trustees. He reminded her that the City cannot mandate policy for other organizations. Councilman Reese said that the Trustees make their own rules. Councilwoman Miller disclosed that at one time, the Board of Trustees was a quasi-charitable organization, but that it was never part of City government. Councilman DiAngelo revealed that the Mayor wants a Trustee on the Planning Commission. He thinks the Mayor's selection of Tom Wilson is a good one. Councilwoman Miller agreed. Ms Petty asked if other organizations go to City residents to elect board members. Councilwoman Miller replied that the question should be referred to the Trustees. Charlotte Houben observed that because the Trustees are landlords, it is hard to be a Trustee.

President Castagno called for a motion to enter 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 approved the motion. The motion carried unanimously. President Castagno then convened an executive session

Meeting Adjourned

The meeting adjourned after the Council entered into an executive session at 8:15 PM.

Next Meeting

The next regular meeting will be held at 7:00 PM on November 11, 2003, in the Town Hall.

Respectfully submitted,



Darcy Mozer, City Clerk