

City Council of the Mayor and Council of New Castle
Regular Meeting at Town Hall
201 Delaware Street – New Castle
Tuesday – March 13, 2012 – 7 p.m.

Present:

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

Absent: Councilperson John Cochran

Also present: Mayor Donald Reese, Treasurer Janet Carlin, Administrator Cathryn Thomas, Police Chief Kevin McDerby, Solicitor Daniel Losco

President Barthel said Councilperson Cochran is ill this evening.

Approval of Minutes by Date

A motion was made by Councilperson Petty to approve the minutes of the Public Hearing of February 14, 2012 and the Regular Council Meeting of February 14, 2012. Councilperson Gaworski seconded the motion. The minutes were approved unanimously.

Approval of Treasurer's Report

Treasurer Carlin reported that, as of February 29, 2012: petty cash on hand was \$1,100; total cash in checking and savings accounts at M&T Bank, \$972,593.88; total certificates of deposit, money market and Delaware Government Investment Pool, \$1,871,095.83; and total cash on hand, \$2,843,689.71.

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

Report from the City Administrator

Administrator Thomas said the City has received FEMA reimbursements for Hurricane Irene. It received the maximum amount it was entitled to, \$12,035.81. She recognized Kathy Walls in the Finance Department for her work on this effort. Mrs. Thomas gave an update on the National Endowment for the Arts funding request. She thanked New Castle County for all of its work, and also the support of the Congressional delegation, State officials, and the New Castle Historical Society and the Historic New Castle Alliance. In other news, the City will receive a return premium for the City's workers' compensation for the 2010 coverage year. This is a result of favorable contract terms of the City having its workers' compensation coverage through the DeLea Founders Insurance Trust (DFIT). President Barthel said the report was accepted as presented.

Staff reports

President Barthel said the reports were accepted as presented.

Grant Review

Administrator Thomas provided the review on behalf of Councilperson Cochran. Grant income: ARRA Green Project-storm & water pond, \$465,673.07; Delaware Emergency Management Program, \$12,035.82. Grant expenses: ARRA Stormwater Project to New Castle Conservation District, \$539,924.07; Delaware Audio Visual, \$1,500; Delmarva Communications, \$6,314.08; Colonial School District, \$35.

Communications

Councilperson Petty said she went to a parks and recreation workshop. She brought back some new mulch that uses recycled rubber. There is a new invasive animal called a nutria. Officials are asking people to watch for them. Also they are requesting making playgrounds more handicapped accessible.

Business from the Floor

Janet Koczak, of Washington Square, said they are concerned about skunks. She saw a program on skunks and how they live. Skunks hang out with feral cats and her neighborhood has a growing population of feral cats as well. She said the situation has to be looked at.

David Bird, chairman of the Planning Commission, said there are four items on the agenda he has information for Council if they wish it, including his support for Vera Worthy for the Planning Commission.

Business from the Mayor

Mayor Reese passed along to all elected officials an invitation to Little League opening on April 14. The baskets are ready to go out to welcome newcomers to the community.

President Barthel said City Council next wanted to recognize the members of the Charter Committee who spent nine months working on that Charter review. He read the Certificates of Appreciation given to Dr. Genevieve Miller, John Houben, Josephine Moore, James Vincent and City Solicitor Dan Losco.

Unfinished Business

1. Discussion of a new public hearing to be held concerning creation of the new Downtown Gateway (DG) zoning district, which includes proposed changes to the original proposal.

Solicitor Losco said there have been concerns voiced by some members of the public, chiefly people who own property in the areas affected by the new district. There was concern the DG might impede their ability to use their properties. He met President Barthel, Administrator Thomas and City Planner Marian Hull and went over the matter. What seemed most appropriate was a 10-year phase-out, where existing buildings could still be used for existing purposes for a 10-year period after the DG zoning district was adopted. They could develop it for any of the DG uses, retail, residential, or mixed-use. They would not be able to expand the buildings being used for non-DG zoning uses. The goal was to have a mixture to address the concerns, giving owners a 10-year transition period and also have some flexibility. After the 10-year period, any industrial/SC uses remaining would become non-conforming uses. They could continue but could not implement any new industrial/SC uses for those same properties. That proposal will be presented to the Planning Commission.

Administrator Thomas said Council already held a hearing on the existing proposal which does not include what Solicitor Losco just described. There was a first and second reading, but it was never adopted. Since the changes are substantive, the City will have to go back to the Planning Commission. It would then need to come back to Council for another Public Hearing and first and second readings again.

Solicitor Losco said it is a substantive enough change that would require going back to the start.

New Business

1. First and Second Reading of Ordinance No. 486 concerning proposed changes to the New Castle City Code covering the issuance of building permits and certificates of occupancy.

President Barthel read the ordinance.

2. Motion, Discussion and Vote on Resolution No. 2012-5, approving the placement of STOP Signs at the intersection of Baldt Avenue and 11th Street, creating a three-way STOP.

Councilperson Petty made a motion to approve the resolution. Councilperson Gaworski seconded the motion.

Councilperson Megginson said he was approach by residents the Baldt Avenue area and Van Dyke regarding unsafe situation with speeding drivers on 11th Street and would help people in Van Dyke get across the intersection.

The motion passed unanimously.

3. Discussion of Board of Health meeting held concerning skunks.

Councilperson Megginson said on February 22, 2012, the Board of Health held a meeting. Fifteen to 18 people citywide attended and approached the Board of Health about skunks. There is a problem and it is a health problem. The Board of Health asks that Council proceed to have either the University of Delaware or a pest control outfit come in and give an overlook of what the City can do. The City cannot afford to put traps throughout the City.

Councilperson Petty asked if there is any way to add raccoons to the list.

Administrator Thomas discussed some options for getting assistance, including University of Delaware and DNREC. There is habitat on both private and public properties that is ideal for skunks.

4. Discussion of a request from Toby Hagerott of Bayberry Farms to perform vending of fresh produce, from a truck on Market Street. Mr. Hagerott did not appear, and therefore this application was not considered
5. Discussion of a request from Mr. and Mrs. Gambacorta for widening Williams Street

Councilperson Megginson said the Gambacortas built two houses on Williams Street, which is one of the narrowest streets in New Castle. Neither the garbage trucks nor the snowplows have ever been able to go down the street. The Gambacortas approached the Trustees and the City to widen it. It would cost close to \$20,000 to move one telephone/utility pole, plus other money to widen the street. The City currently is not financially able to do that. Councilperson Petty agreed. Mrs. Gambacorta disagreed with the cost estimate.

Administrator Thomas said she had spoken with Mrs. Gambacorta and understands the reasons for the request. The City can put it on its list but the priority now is to address many streets that need repairs. The City has a lot more work that needs to be done than the amount of money the City has to do needed work on streets.

6. Motion, Discussion and Vote on Resolution 2012-6, consenting that the City shall apply for funding under the Delaware Economic Development Office (DEDO) Infrastructure Fund Grant for design, permitting and construction of a pier to be located at the end of Delaware

Administrator Thomas said the City is not going to do this at this time at the request of DEDO. There was meeting with DEDO and they are interested in it. There is a question in terms of who is eligible to apply. If the City is eligible, it could be funding for everything related to the proposed project. But the City's approval process still would occur in stages. It is not a matching grant, it is an outright grant.

President Barthel said he wants to make sure that the City would not have to pay back if it ultimately does not approve the project.

7. Motion, Discussion and Vote on Resolution No. 2012-7, consenting that the City shall apply for funding in the Bond Bill for the Delaware State Budget Fiscal Year 2012-13 for engineering design and permitting of a pier to be located at the end of Delaware Street.

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

President Barthel said this is a resolution approving the City requesting \$120,000 in funds in funds in the Delaware State Budget Bond Bill for detailed engineering plans and engaging in the permitting process relative to the Waterfront Concept Plan.

Planning Commission Chair David Bird said this is part of the follow up on City Council's approval of the Waterfront Concept Plan where it was indicated funds would be sought to proceed without it costing the City any out of pocket costs.

There were meetings held with State Sen. Dori Connor regarding what other funds might be available. The item discussed was the Bond Bill. She recommended speaking with Rep. Mike Mulrooney in the State Assembly who is on the Bond Bill committee. A meeting was held with Rep. Mulrooney, and he encouraged the application for this. The project meets this year's budgetary goals outlined by Governor Markel.

President Barthel asked whether this \$120,000 would be available for use toward engineering on the dikes.

Mr. Bird said it is his understanding it is a specific proposal for waterfront development. If City wanted to put in money for the dikes that would be separate type of proposal.

Administrator Thomas added that there is \$3 million in the current budget for dikes that is in Bond Bill, but it went through DNREC. Rep. Mulrooney said there is interest in getting more money for the dikes in the next budget. She said that the City cannot get money for the dikes unless it goes through DNREC.

Mr. Bird said they were encouraged to make this request because it fits in with the Governor's focus.

The City will look at sending a resolution to the State indicating what its priorities are in terms of its requests.

The resolution was approved unanimously.

8. Discussion of a request for permission for the State to conduct an archeological survey and possible dig in the area where Fort Casimir had been located (mostly on property owned by the Trustees, and some on property owned by the City)

Administrator Thomas said State archeologist Craig Lukezic has \$10,000 in funding, and has proposed to do archaeological excavations at Fort Casimir in New Castle. The vast majority of the property where they plan to do excavations is owned by the Trustees and a small amount is owned by the City. It is on the river side of the Bull Hill area behind the houses. It is a two-part process. They are looking to see what artifacts might be there and also try to get a better idea of the boundaries of the fort area. The first stage is to use equipment—ground penetrating radar—that looks beneath the surface; the second phase would be some diggings.

The consensus of Council was to give permission for the State to do the work. Administrator Thomas said she will coordinate with Mr. Losco and the Trustees to ensure the City is protected in terms of liability in case anyone is injured.

9. Motion, Discussion and Vote on a Resolution, consenting to the following persons being appointed to the Board of Health: Dr. Joanne Viola and Ms. Faythe Waterloo.

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

The resolution was approved unanimously.

10. Motion, Discussion and Vote on a Resolution confirming reappointment of Vera Worthy to the Planning Commission.

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

The resolution was approved unanimously.

Administrator Thomas said these appointments are made by Mayor Reese and confirmed by Council.

11. Motion, Discussion and Vote on a Resolution approving a new City policy for removal of dead wood from the Battery Park beach and River coastline.

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

Councilperson Petty explained that they are rules for removal of dead wood that comes onto the beach in Battery Park.

The resolution was approved unanimously.

12. Discussion to set a date for a public hearing to consider a City Code amendment relative to firearms.

Mr. Megginson said right now the fine for a first offense was \$50 and \$100 as a second offense. He would like to increase that to \$500 for the first offense and \$1,000 for subsequent offenses.

The hearing is to be held at 6:30 p.m. on April 10

13. Motion, Discussion and Vote on Resolution No. 2012-8, approving \$7,192 to be expended from the General Fund Contingency Budget Line Item as a partial payment for a new vehicle for the Police Department, which funds are needed to replace a vehicle destroyed in an accident for which the insurance claim payment of \$10,800 only partially covers the vehicle replacement costs.

A motion was made by Councilperson Petty to approve the resolution. Councilperson Gaworski seconded the motion.

Chief McDerby said the vehicle was a 2007 Charger. The two officers were stopped at Route 13 and Memorial Drive, another vehicle hit the car and the vehicle was totaled. Both officers suffered minor injuries.

The resolution was approved unanimously.

14. Comments from the Floor

Bill Boyle, of Second Street, urged Council to be cautious regarding the request for funding for the engineering study. He would not want Council to be accused of bait-and-switch, asking money for one thing and apply it to something else.

Eric Norimatsu of the New Castle Jaycees said the organization might be interested in the bench replacement efforts of the City. Administrator Thomas asked him to contact her after the meeting.

Chief McDerby said Corporal Zachary Bascelli was approved for disability pension. He would like have the matter of a replacement added to an upcoming meeting.

State Sen. Dori Connor asked why there are two resolutions on the waterfront development plan. She explained the State Budget process was accelerated this year and the Bond Bill committee meetings were moved up. Administrator Thomas explained it is two separate items and if the City gets all the money from DEDO, the City would withdraw the request for the Bond Bill.

A motion was made by Councilperson Megginson to adjourn the meeting. Councilperson Gaworski seconded the motion. The motion was passed unanimously.

The meeting adjourned at 8:27 p.m.

Respectfully submitted,

Michael Dickinson
New Castle City Clerk