

**City Council of the Mayor and Council of New Castle  
Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle  
Tuesday – December 14, 2010 – 7 p.m.\_**

**Present:**

Council President William Barthel  
Councilperson John Cochran  
Councilperson John Gaworski

Councilperson Ted Megginson  
Councilperson Teel Petty

Also present: Mayor Jack Klingmeyer, Treasurer Janet Carlin, City Administrator Cathryn Thomas, Police Chief Kevin McDerby, Solicitor Roger Akin, City Planner Marian Hull

**Approval of Minutes by Date**

A motion was made by Councilperson Gaworski to approve the minutes of November 9 and November 16, 2010, as presented. The motion was seconded by Councilperson Megginson. It was approved unanimously.

**Approval of Treasurer's Report**

Treasurer Carlin reported that, as of November 30, 2010, total petty cash on hand was \$400; total monthly deposit, \$413,814.66; total cash for accounts, \$597,039.35; total certificates of deposit and Delaware Government Investment Pool, \$2,930,905.90; and total cash on hand, \$3,527,945.25.

Councilperson Megginson made a motion to accept the report. Councilperson Cochran seconded the motion. The motion passed unanimously.

**Report from the City Administrator**

Administrator Thomas said in addition to her written report the final draft of the City calendar is out to people to proof. She also reminded about the changes to City office and collection schedules for the holidays. Council President Barthel said the report was accepted as presented.

**Approval of Staff Reports**

Chief McDerby said they are partnering with the community to have a Christmas function at the Dobbinsville station on December 18, 2010.

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

**Grant Review**

Councilperson Cochran said under grant income: Edward Byrne Grant, \$13,112.04; State of Delaware/DNREC, \$308,615.55. Grant expense: Cirillo Brothers, \$78,534; Cirillo Brothers, \$78,534; Basement T-Shirts, \$637.50; Chief Kevin McDerby, \$364.92; Diamond State Ambulance, \$150.33; Diamond State Ambulance, \$150.33.

**Communications**

Councilperson Megginson read a communication from the Good Will Fire Company requesting approval to house the Fire Company's backup ambulance in extra space at the Municipal Garage. The ambulance will remain fully insured and will not create any exposure for the City.

Councilperson Megginson recommended approving the request. The consensus of Council was it was appropriate to authorize that use.

Resolution honoring State Representative Hazel D. Plant

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

WILMAPCO Presentation by Heather Dunigan, Principal Planner:  
A Summary of the 2040 Regional Transportation Plan

Heather Dunigan provided an overview of the long-range plan for the region's transportation. She gave an overview of the projects planned that have an impact on New Castle.

The City will receive a letter from WILMAPCO in January asking if the City has any projects it would like planning assistance on. Any federally funded project has to be part of the transportation plan.

Current projects include the intersections of Route 9 and Harmony Street, Delaware Street, Third Street and Sixth Street, which are all part of the New Castle Transportation Plan. There is money for preliminary engineering in the current fiscal year and fiscal year 2012, and construction money in 2016. Washington Street will be going to construction in fiscal 2012 and fiscal 2013.

Ms. Dunigan said WILMAPCO has some challenges. It is guided by federal legislation that expired in 2009 so it is lacking direction. One big challenge is lack of funding.

The goals and objectives remain the same as the previous plan. One of the key trends is that the 55 and older population will increase by 65 percent.

One project added was on Route 9 south of Dobbinsville, adding a viaduct to alleviate some of the flooding. It is scheduled for 2020.

One new thing being added to the plan is livability. Other areas are safe routes to schools and climate change and its impact, which affects New Castle. It will look at areas where sea level change will affect communities.

President Barthel asked how set in stone the projects and dates are. Ms. Dunigan explained the nearer term the project dates the more in stone versus those farther out in the future.

## **Unfinished Business**

1. Third Reading and Adoption of Ordinance No. 473, amending the City of New Castle Zoning Code Article VI - § 230-22.1, General Commercial District regulations.

President Barthel read the ordinance.

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

2. Third Reading and Adoption of Ordinance No. 474, amending the City of New Castle Schedule of District Regulations (a chart: Zoning 230 Attachment 1), where six stories is currently allowed in some cases in some residential districts, where that maximum building height shall be amended to three stories.

President Barthel read the ordinance. The ordinance was adopted unanimously.

3. Third Reading and Adoption of Ordinance No. 475, amending the City of New Castle Zoning Map to Include a Newly Annexed Parcel at 828 Frenchtown Road with the Zoning Designation of GC General Commercial.

President Barthel read the ordinance.

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

4. First and Second Reading of Ordinance No. 476, amending the City of New Castle Zoning Map to Conform with the City of New Castle Comprehensive Plan.

President Barthel said a Public Hearing was held prior to the meeting on this proposed ordinance.

President Barthel read the ordinance.

## **New Business**

1. Motion, Discussion and Vote on Resolution No. 2010-34, for a Charter Change to Eliminate Four Individual Election Districts within the City.

President Barthel said this matter was discussed last month and the request came from the City Board of Elections.

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

2. Motion, Discussion and Vote on a Bank Resolution to pay \$50,000.00 to the New Castle Library Board, as one-half of the final \$100,000 pledge, which the full pledge had been \$300,000, for the capital renovation and expansion project of the New Castle Library.

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

3. Motion, Discussion and Vote on a Bank Resolution to pay \$61,402.00 to Cirillo Brothers, Inc., for work completed under the 2008 Paving Contract.

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

4. Motion, Discussion and Vote on a Bank Resolution to pay \$308,615.55 to the New Castle Conservation District, for work completed under a contract to manage stormwater projects, and which is being funded through the American Recovery and Reinvestment Act of 2009 (ARRA or stimulus package).

President Barthel said this is money already deposited into City accounts related to the AARP project.

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

5. Motion, Discussion and Vote on Resolution No. 2010-35, to apply for a grant on behalf of the Trustees of the New Castle Common relative to the Penn Farm property.

Mark Chura, executive director of Delaware Greenways, gave a brief presentation on the plan to put a perimeter trail around the property. They have identified two different funding sources. It already has secured money for the design, so no money from the City or the Trustees will be needed for that.

A companion grant is for \$175,000. The match is 50 percent. The Stadt organization has contributed \$25,000 and there is in-kind work contributed by Trustees. The Trustees are not an eligible agency for the grant, which is why it is going through the City.

Administrator Thomas said no money is coming out of pocket for the City. She also pointed out the project could aid in making it safer for Amazon workers walking along the roadway.

Trustee Chris Castagno said the City and the Trustees will need to jointly develop a memorandum of understanding and that the lawyer for the Trustees, Andy Taylor, was already working on that.

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

6. Discussion of a temporary vacancy in Police Department.

Chief McDerby said Officer John Donmoyer will be serving for a year with the Air National Guard in Afghanistan. The City must under Federal law maintain his position for an entire year while he is deployed. He has expressed a desire to return after his deployment. In the past, the department has filled vacancies with other officers working overtime, but given the length of time for the vacancy this might not be doable.

Chief McDerby said the proposal includes allowing the Department to hire a part-time officer at a basic patrol officer grade while continuing to supplement with overtime for existing officers. Officer Donmoyer's total compensation, including benefits would be \$83,412. Chief McDerby asked Council to allow the Department to use the amount of a basic entry level patrol officer's salary, which is \$46,013, which in the long run would be a \$37,399 savings to the City. He doubts the Department would use the entire amount.

The consensus of the Council was to approve that proposal.

7. Motion, Discussion and Vote on Resolution No. 2010-36, to amend the City Employee Handbook to add a segment, as follows:

Insert Section 2. Disciplinary Guidelines and Work Rules in the Employee Handbook Appendix E Disciplinary Action; Drug Testing, with the existing Sections 3. and 4. to Be renumbered 4. and 5.

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

8. Motion, Discussion and Vote on Resolution No. 2010-37, providing a lump-sum pension benefit to three retirees of the City of New Castle.

Councilperson Megginson made a motion to approve the resolution. Councilperson Cochran seconded the motion. The motion passed unanimously, with Councilperson Petty abstaining.

9. Comments from the floor.

Earl Carpenter of Sixth Street asked whether the Mayor was going to support the charter change for the election districts.

President Barthel said the minutes from last month show the Mayor agreed to do it and he has talked with the Mayor since that meeting and the Mayor said he was going to do it.

Mr. Carpenter asked about some of the uses outlined in the amendments read during the meeting.

Administrator Thomas explained the amendments are not for any new district but for the General Commercial District.

President Barthel said there was thought put into it and the intent was to make it more streamlined and succinct.

10. Dr. Somasunder Padmalingam asked that since the uncut areas of grass in the City still have not been cut whether the new walkways being planned will be maintained. He said the areas should be cut and it is unhealthy leaving them uncut.

Councilperson Megginson said it is still planned to cut the areas of high grass. They have not been cut yet because they are very wet and the heavy equipment could get stuck.

President Barthel explained those areas belong to the Trustees of the New Castle Common. The setbacks meet City Code.

President Barthel thanked City Solicitor Roger Akin for his service and support to the City. Mr. Akin is leaving to take a position with the State.

Mr. Akin thanked the Council for the honor of representing them, the City and the staff. He said he enjoyed working as City Solicitor. He explained it is a small state and he will still be around.

President Barthel closed the meeting by wishing everyone a Merry Christmas and Happy Holidays.

Councilperson Megginson made a motion to adjourn the meeting. Councilperson Cochran seconded the motion. The motion passed unanimously.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Michael Dickinson, New Castle City Clerk