

CITY COUNCIL OF THE MAYOR AND COUNCIL OF NEW CASTLE

DECEMBER 12, 2006

7:00 P.M.

Present:

Council President William Blest

Councilperson Donald Reese

Councilperson Churchill

Councilperson Teel Petty

Councilperson John DiMondi

Also present:

Mayor John Klingmeyer, City Treasurer Janet Carlin, City Solicitor James Harker, City Administrator Cathryn Thomas, Police Chief Kevin McDerby, Interim Director of Public Services Frank DiSabatino, Building Official Jeff Bergstrom

Approval of Minutes

The Minutes for Council's Executive Session for October 11, 2006, Special Meetings for October 23, 2006 and November 30, 2006, were voted on and accepted as presented.

Approval of Treasurer's Report

City Treasurer Janet Carlin stated that there was a total of \$400.00 in the Petty Cash on Hand, \$16,577.27 in Transfers Between Accounts, a total of \$415,517.50 in the Wilmington Trust Accounts. \$1,487,554.40 in the Certificates of Deposit and De. Government Investment Pool and \$2,182,525.80 Total Cash on Hand. A Motion to accept the Treasurer's Report as presented was brought by Councilperson Reese. The Motion was seconded by Councilperson Churchill. Treasurer's Report was accepted as presented.

Report from City Administrator

City Administrator Thomas reported that the new recording system was received but that the Trustees did not want holes being put in the walls/floors upon installation of the new system. Therefore, the City will amend its order with Collins to have a wireless system purchased and installed.

Approval of Staff Reports

Chief McDerby stated that the monthly report of the Police Department was in the packets of the Council members and that he did not have anything to add to his report. Council President Blest noted that all the staff reports are available for any interested person to review at the City Administration offices.

Councilperson DiMondi stated that the City's audit is almost complete and upon completion, Mrs. Thomas should schedule a workshop meeting of the City Council to review the audit and perform a mid-year budget review.

Grant Review

A-2 The Friends of New Castle City Parks and Beautification Donor Program--The City received \$5,000.00 from Valero Delaware City Refinery to sponsor Bull Hill Park under the City's Beautification Donor Program. This is the third year Valero has been a park sponsor.

C-10 State of Delaware - Office of Highway Safety--The Public Safety Department received reimbursement in the amount of \$1,797.28 to cover the hours worked in October under the Checkpoint Strikeforce Task Force Impaired Driving Program. They also received \$732.95 to cover additional hours worked under this program.

C-12 State of Delaware - Department of Transportation--The Public Safety Department has been approved for funding under the Dep't. Of Transportation's Annual Capital Improvement Program in the amount of \$4,375.00 for signage. The City signed a contract with Phillips Signs to install freestanding cedar signs.

Bellanca Air Service Hanger--The City will act as the fiscal agent in administrating grants from the State level through a \$300,000.00 grant from the Department of Transportation and from the Federal level through a \$295,832.00 grant from Save America's Treasures.

Communications

Council received a letter from Rep. Mike Mulrooney regarding the road closure in Buttonwood/Collins Park. Rep. Mulrooney was not happy with the road being closed and asked the Council re-open the road.

Business from the Floor

Genevieve Miller spoke on Ordinance 445. Dr. Miller thought that the City should have a right to know who owns the properties in the City, but did not think it was necessary to know who was renting the properties.

Mr. Sean Tucker, an attorney representing the developers of Twin Spans Business Park, spoke about Ordinance 446 on behalf of his clients. In addition, Mark Ziegler, owner of the engineering firm of McBride and Ziegler, and Dave Sills, owner of Daystar Sills, also spoke regarding ordinance 446. Both Mr. Ziegler and Mr. Sills also work for the developers of Twin Spans Business Park. They are against Ordinance 446 and felt that it give the Municipal Services Commission too much power and that various building projects around the City will be held up indefinitely if the ordinance is passed.

Mr. Dick Evans spoke about Mayor Klingmeyer's veto concerning the Ordinance that reduced the annual salary for the Mayor's Court. Mr. Evans questioned what overriding the Mayor's veto would do.

Mr. Harker explained that Council's wish was to lower the Mayor's salary for the Mayor's Court since the Court is no longer in use. Should the Mayor's Court be resurrected, the City Council could approve an increase in the salary for the Mayor's Court, however it could not take effect until after a new Mayor is elected in a City Election in an odd-numbered calendar year.

Mr. Harker said he believed it would be inappropriate for the City to allow the Mayor to personally retain court costs as compensation for the Mayor's Court, and as well as it would be ill-advised to pay the Mayor on a case-by-case basis. Rather, the most appropriate method of compensation is setting an annual salary for the Mayor to be paid for Mayor's Court.

Mr. Fitzgerald spoke on the landlord issue (Ordinance 445). He felt that the tenants should have to be registered with the City.

Mr. Joseph DiAngelo asked that since there were many family members in the audience regarding the Resolutions of deceased residents, that perhaps Council could present the Resolutions to the families.

Resolution No. 2006-55–Honoring Cpl. Paul D. Allston–The Resolution honoring Cpl. Allston for his dedicated service and selfless acts of bravery was read and presented to Cpl. Allston. Also present for the reading was Cpl. Allston's daughter and Chief Kevin McDerby. The Resolution was passed unanimously.

Unfinished Business

Discussion, Motion and Vote to override the Mayor's veto of Ordinance No. 438 to set the salary for the Mayor's Court for the new term of the Mayor beginning in the spring, 2007. Council President Blest read the Mayor's letter to Council. The majority of Council felt that the Mayor's salary should be lowered since the Mayor's Court is not in use anymore. In addition to the salary for Mayor's Court, the Mayor receives a salary of \$3,500.00 for being the Mayor, separate from the Mayor's Court salary. Councilperson DiMondi agreed but stated that he would like to see the Mayor's Court re-activated to hear Code violations, etc. A Motion was made by Councilperson Reese and seconded by Councilperson Churchill. A vote was taken (Churchill-yes, Petty-yes, Reese-yes, DiMondi-no, Blest-yes) and the Resolution was passed.

New Business

1. Resolutions Nos. 2006-50 through 2006-54 in Memoriam of Charles Burris, Joseph Octavio, John Ryan, Amadeo "Tiger" DeAscanis and Charles Moorehead were read by Council President Blest and presented to the families. Votes for taken on each Resolution and all were passed unanimously.

Due to the number of audience members present wishing to speak on the road closure in Buttonwood/Collins Park, Council President Blest made an exception and allowed audience members to speak. Mrs. Thomas reported that the barriers currently blocking and closing the road are temporary and can be removed for emergency vehicles until a locking gate can be installed that emergency personnel will have a key to.

Generally, the Buttonwood residents want the street to remain closed and the Collins Park residents want the street re-opened. Most Collins Park residents were upset because the road was closed with no advance warning to the residents. Councilperson Petty stated that she spoke with a representative of the school bus drivers and Mrs. Thomas notified Representatives Bell and Johnson. Mrs. Thomas also notified Good-Will Fire Company ahead of time.

2. Discussion to consider Ordinance No. 445, Amending Ordinance No. 441. New Castle City Code Chapter 140-Housing and Property Maintenance Code, to eliminate the requirement for landlords to provide the names of tenants when registering rental properties. After a heated discussion, no action was taken to set a public hearing on the proposed ordinance.

3. Referral to the Planning Commission of Ordinance No. 446, Amending the Zoning Code to require that MSC provide a sign-off on plans prior to the City issuing Building Permits. After a discussion and hearing from audience members, this matter was tabled until Mr. Harker could research the issues and a workshop could be scheduled.

4. Discussion of the fees charged for Parade and Assembly Permits. A discussion was held regarding whether the fees should be consistent across the board or if non-profit, religious groups and residents of the City should be charged a nominal fee or no fee at all. It was decided that the current application fee of \$50 should be lowered to \$5, and that all individuals and groups would be obligated to pay the \$5 fee. A public hearing was set to consider the proposal, to be held on January 9, 2007, at 6:45 p.m., on the second floor of the Town Hall building at 201 Delaware Street.

5. Discussion on the reason for overtime being worked by the Public Works section of the Public Services Department. Since this issue involved individual employees, it was decided that this item should be discussed in Executive Session.

Comments from the Floor

Earl Carpenter asked why the road closure was not on the agenda but Council President Blest allowed the audience members to speak about it anyway, however Mr. Carpenter was not allowed to address agenda items during the meeting. Mr. Carpenter also stated that he felt the landlord issue should be left alone and asked if the tenants' names are available to any City resident, i.e., can you find out who is renting the property next to yours by contacting the City?

A Motion was made to go to Executive Session concerning a personnel matter and collective bargaining issues. After the Executive Session, the meeting was adjourned.

Respectfully submitted,
Jill DiAngelo, City Clerk

**CITY COUNCIL OF THE MAYOR AND COUNCIL OF NEW CASTLE
COUNCIL MEETING
NOVEMBER 14, 2006
7:00 P.M.**

Present:

Council President William Blest
Councilman Donald Reese
Councilwoman Churchill
Councilwoman Teel Petty
Council John DiMondi

Also present:

City Administrator Cathryn Thomas, Mayor John Klingmeyer, City Treasurer Janet Carlin, Interim Director of Public Services Frank DiSabatino, Police Chief Kevin McDerby,
Building Official Jeff Bergstrom and City Engineer David Athey

Approval of Minutes

The Minutes for Council's October, 2006 meeting were voted on and accepted as presented.

Approval of Treasurer's Report

City Treasurer Janet Carlin stated that there was a total of \$300.00 in the Petty Cash on Hand, \$276,749.73 in total monthly deposits, a total of \$387,989.88 in the Wilmington Trust Accounts. \$1,805,284.65 in the Certificates of Deposit and DE Government Investment Pool and \$2,193,274.53 Total Cash on Hand. A Motion to accept the Treasurer's Report as presented was brought by Councilman Reese. The Motion was seconded by Councilwoman Churchill. Treasurer's Report was accepted as presented.

Report from City Administrator

City Administrator Thomas reported that the 9th St. paving project was completed and that the work meets with DeIDOT specifications. Mrs. Thomas also stated that she attended the Community Development Block Grants workshop and found it very informative. Mrs. Thomas will be working with Mr. DiSabatino to see what projects the City may want to request funding for.

Approval of Staff Reports

Chief McDerby stated that a conditional offer had been made to a Capital Police Officer but that the Officer was called up for active military duty and would not be able to accept the position. Chief McDerby stated that an offer will be made to another applicant shortly.

Council President Blest took a moment to introduce Mr. DiSabatino to the audience. Although Mr. DiSabatino was a City employee, he has been appointed the Interim Director of Public Works.

Grant Review

A-2 The Friends of New Castle City Parks and Beautification Donor Program--The City received a check in the amount of \$5,000.00 from Daystar Silks as a sponsor of Susi Park.

A-3 State of Delaware Grant In Aid--The City has requested \$35,000.00 in funds from the State of Delaware for the 2008 Separation Day Event.

B-1 State of Delaware Department of Transportation--An Agreement to transfer \$28,000.00 from DeIDOT to the City is on file for the Buttonwood drainage project. Construction is anticipated to begin in 2006-2007.

B-2 DeIDOT Agreement #06-P-PROG-70--The City has been approved to receive \$54,148.00 from DeIDOT's Annual Capital Improvement Program. The City has already received checks in the amount of \$15,295.60 and \$5,414.80 for the street paving projects.

B-6 Delaware Emergency Management Agency--The City has been approved to receive \$32,000.00 in funds from the Homeland Security Grant Program to purchase an emergency generator for 900 Wilmington Rd. Bids for the generator have been received and opened and are under review.

B-10 Delaware Emergency Management Agency--The City has requested \$28,000.00 in funds from the Homeland Security Grant Program to fund the security enhancements to the Public Services and Administrations buildings.

B-11 Delaware Emergency Management Agency—The City has requested \$32,000.00 in funds from the Homeland Security Grant Program to fund the security enhancements to the MSC's electrical substation located on Wilmington Rd.

C-5 State Aid to Local Law Enforcement (SALLE)—The Public Safety Department has requested \$11,182.16 in grants for the purchase of equipment including taser guns units and related items, two shotguns and related items and a motorcycle box with LED lights.

C-6 State of Delaware Department of Public Safety—The Public Safety Department has requested \$7,113.85 from the Emergency Illegal Drug Enforcement Program for 168.75 overtime hours for drug enforcement.

C-11 State of Delaware Office of Highway Safety—The Public Safety Department has been awarded \$5,500.00 under the Stop Aggressive Driving Campaign.

Western Gateway Landscape Enhancements—The City has an agreement with DelDOT to fund up to \$140,000.00 for this project. DelDOT recently informed the City that the project may now go forward.

Tree Survey Grant—The City received the remaining funds of \$5,000.00 from the Delaware Coastal programs Grant. These funds are reimbursement for the purchase of required software.

Communications

City Administrator Thomas received a communication from the Planning Commission and asked City Planner Doug Lloyd to put the comments of the Planning Commission in letter form regarding the Public Notice Ordinance. This matter will be handled at the next Council meeting if appropriate at that time.

Councilwoman Petty stated that she received communication that the well in Buttonwood has been filled. It was noted that DelDOT filled in the well.

Business From the Floor

Bill Emory commented on New Business Item #4, Waiver of Board of Adjustment Fees for 117 Stuyvesant Ave. Mr. Emory asked if all the applicants requesting waiver of the fees have been granted the waiver to date. Councilman DiMondi stated that since the Ordinance has been passed, this is the first request.

Kirsten Almquist spoke about Unfinished Business Item #1, The Gateway project. Ms. Almquist stated that an acquaintance gave her a letter that Councilman DiMondi circulated to the residents whom this project would effect. The letter that he had composed was regarding the residents signing easements for this project. Ms. Almquist felt that this was a type of blackmail. Council President Blest stated that he, and to his knowledge, the rest of Council, was unaware that a letter had been circulated and did not know the content of the letter and, therefore, could not comment on it. Councilman DiMondi read his letter to the residents aloud. Dorsey Fiske asked why the residents were not given the plans ahead of time to review before being asked to sign the easements. Councilman DiMondi stated that that was his point, the residents should be able to see how the project will effect their properties before they are asked to sign the easements.

Robert Appleby spoke regarding New Business Item #2, Feeding the Squirrels. Mr. Appleby stated, on behalf of MSC, that he was in favor of some type of act as the squirrels cause damage to properties as well as eating through phone and electrical wires. Quite a few residents of the City signed a petition regarding some type of act to stop the feeding of squirrels. There was a lengthy discussion and generally, most of the residents were in favor of not being allowed to feed the squirrels.

Mr. Fitzgerald spoke regarding Unfinished Business Item #4, ordinance 441 amending the City Code §140—Housing and Property Maintenance Code. Mr. Fitzgerald felt that the Ordinance should pass. Bill Barthel disagreed and felt that there were already laws on the books to handle this problem.

Dick Evans spoke regarding Unfinished Business Item #3, Mayor's Veto of Resolution No. 2006-45. Mr. Evans felt that the veto should be overridden. Council President Blest stated, for clarity, that Council was not intending to eliminate the Mayor's Court but that since the Court does not hear any cases anymore, the salary should be reduced. If passed, this would not go into effect until the new term of the Mayor begins in the Spring, 2007.

Business From the Mayor

Resolution 2006-45 to override the Mayor's veto of ordinance 438. Mayor Klingmeyer stated that he met with Mr. Harker and asked Council to defer voting on this matter until all legal issues had been resolved.

Unfinished Business

1. Discussion, Motion and Vote on Resolution No. 2006-42, approving an amendment to the contract the City has with Landscape Architectural Services for services related to the Western Gateway project. Council President Blest read the Resolution and after a short discussion, a vote as taken and passed 4 to 1. (Councilwoman Petty-yes, Councilwoman Churchill-yes, Councilman Reese-yes, Councilman DiMondi-no, Council President Blest-yes)
2. Discussion, Motion and Vote on Resolution No. 2006-43, to approve Stop Signs at 9th & Gray Sts. and 2nd & Chestnut Sts. Councilman Reese read the Resolution and it was approved unanimously.
3. Discussion, Motion and Vote on Resolution No. 2006-45, to override the Mayor's Veto of Ordinance No. 438. After a reading of the Resolution the Mayor again asked Council to defer voting until all legal issues could be resolved. A lengthy discussion pursued between Council members and it was suggested that the matter be tabled. Councilwoman Churchill made a Motion to table the matter and it was seconded by Councilwoman Petty. A vote was taken on whether to table the matter. (Councilwoman Churchill-yes, Councilwoman Petty-yes, Councilman DiMondi-yes, Councilman Reese-no, Council President Blest-no). The matter was tabled.
4. Discussion, Third Reading, Motion and Vote to Consider Ordinance No. 441. Amending the New Castle City Code §140. Council President Blest read the Ordinance for the third and final time. Attorney Harker spoke regarding a few minor changes to the ordinance as in it should read "dwelling unit" not "rental unit" throughout the ordinance and that the wording for the inspection fees should be more clear. The Ordinance would require landlords to list the names of occupants as well as the number of occupants in any dwelling and that Council can set the fees for inspections of the rental units. A vote was taken and it was unanimous.
5. Discussion, Third Reading, Motion and Vote to Consider Ordinance No. 442, Amending the New Castle City Code §102. Councilman DiMondi read the Ordinance for the third and final time. Councilman Reese made a Motion that the ordinance be passed and it was seconded by Councilwoman Churchill. A vote was taken and the Ordinance passed unanimously.

New Business

1. Resolution No. 2006-46 in Memoriam of Trustee M. Anita Banks. After the Resolution was read Councilman Reese made a Motion that the Resolution be passed. It was seconded by Councilwoman Churchill and passed unanimously.
2. Discussion of a petition from residents concerning the feeding of squirrels. After another lengthy discussion, it was decided by Council that an Ordinance would be written and brought up at a future meeting to be discussed and voted on by Council.
3. Discussion and Motion to send to the Planning Commission Ordinance No. 444, amending the Zoning Code to grandfather front year setbacks in the R-1 classification legislated non-conforming by the amended Zoning Act of 1968. After a discussion a Motion was made by Councilwoman Churchill, and seconded by Councilman Reese, that the Ordinance would be sent to the Planning Commission and then the matter would be set for a Public Hearing and proceed from there as deemed appropriate.
4. Discussion, Motion and Vote on Resolution No. 2006-47, to waive the Board of Adjustment Fee for 117 Stuyvesant Ave. After a brief discussion, a Motion was made by Councilwoman Churchill, and seconded by Councilwoman Petty to adopt the Resolution. A vote was taken and the Resolution was passed. (Councilman Reese-no, Councilwoman Churchill-yes, Councilwoman Petty-yes, Councilman DiMondi-yes, Council President Blest-yes).
5. Discussion on Hiring Practices of the Public Works Department. Attorney Harker stated that since this matter involved a specific personnel question, this matter should be handled in Executive Session. The matter was tabled until Executive Session.
6. Discussion, Motion and Vote on Resolution No. 2006-48, providing a one-time lump sum pension benefit to four retirees of the City of New Castle. After the Resolution was read Councilwoman Churchill made a Motion that the Resolution be adopted. It was seconded by Councilman Reese. A vote was taken and it passed unanimously with Councilwoman Petty recusing herself from voting as this Resolution involves a family member.

A Motion was made to go to Executive Session and the meeting was adjourned.

Respectfully submitted,

Jill DiAngelo,
City Clerk

**MAYOR AND COUNCIL OF NEW CASTLE
CITY COUNCIL MEETING
NEW CASTLE TOWN HALL - DELAWARE STREET - NEW CASTLE
TUESDAY, OCTOBER 10, 2006 – 7 P.M.**

Present:

Council President William Blest
Councilman Donald Reese
Councilwoman Teel Petty
Councilwoman Janet Churchill
Councilman John DiMondi

Also Present:

City Administrator Cathryn Thomas
Mayor John F. Klingmeyer
City Solicitor James Harker
City Code Enforcement Officer John Lloyd
City Police Chief Kevin McDerby
City Inspector Jeff Bergstrom

Mr. Blest called the meeting to order at 7 p.m. Roll call was taken.

Approval of Minutes – One minor change was noted; the spelling of the person being appointed to the Elections Committee. Change from 'Kazan' to 'Caven'. The minutes were approved as amended.

Treasurer's Report – Mr. DiMondi presented the Treasurer's Report for month ending September 30, 2006. Mr. Reese made a motion to approve the Treasurer's Report; Mrs. Churchill seconded the motion which passed by unanimous vote.

Report from City Administrator – Mrs. Thomas has submitted a two-page report to Council. There were no questions concerning the report.

Approval of Staff Reports – Chief McDerby has nothing to add to his written report. Mr. DiMondi asked for an explanation as to why the number of traffic arrests has decreased so substantially (September 2005-457 vs. September 2006-113). The Chief responded that he is short-staffed, has an officer in training, and last year we had grants (Click It & Ticket, aggressive driving and DUI enforcement) available that were not available this year.

Mr. Bergstrom has no report.

Mr. Blest announced to the audience that other reports are available to the public at the Administration Building and the library.

Grant Review – Mr. DiMondi read the report to the group.

Mayor and Council of New Castle City Council Meeting
October 10, 2006
Page 2

Communications – Mr. Reese briefly addressed Council and the audience about decorum during meetings. Mr. Blest concurred. He continued by reading aloud the Planning Commission Report of September 25, 2006. Mr. Reese questioned the number of members currently serving on the Planning Commission. There should be nine members; there is one vacancy. The Mayor will accept nominations.

Business from the Floor – Mr. Earl Carpenter asked if it is possible to give more information on subdivisions in the Planning Commission Report. While these issues were discussed in detail at the Planning Commission Meeting, his concern was that they are being presented for vote this evening and many residents are unclear on what is being proposed. Mr. Blest informed all projects will be discussed with appropriate parties prior to further action. Mr. Gene Dempsey (Delaware Street) concurred with the issue of decorum. He is concerned with Council conducting a first and second reading this evening on Ordinance No. 441 rather than having one reading per month. Mr. Blest informed that Council historically has had first and second readings at one meeting and that it is legal. Eugene Petty (Buttonwood) agreed with Mr. Dempsey and questioned the intent of Ordinance No. 441. Mr. Lloyd voiced support for Ordinance No. 441 and gave his reasons.

Business from the Mayor – The Mayor had no report.

Business from the Council President – Nothing to report.

UNFINISHED BUSINESS

1. Resolution No. 2006-24 – Closing of Howell Drive Into Buttonwood

This was tabled several months ago. Ms. Petty read the resolution aloud. She clarified that Buttonwood Avenue is completely owned by New Castle City. Mr. Reese made a motion to approve the resolution; Mrs. Petty seconded the motion. Mr. DiMondi expressed concern with city liability and does not support the closing. Discussion followed on the pros and cons of the proposal. Mr. Harker commented that Mr. Hearn's conclusion that Delaware law is undecided on this issue, there are other states that allow for the closure of a dangerous street. He is aware that DelDOT considers the curb line within the city's boundaries, but he has no written verification of this. There is always the possibility of a lawsuit. His concern is with emergency vehicle access. He is also concerned with setting a precedent. Mrs. Petty informed that at a recent meeting a representative from New Castle County advised that they would have no objection to the closing; the fire chief was also present and he had no concerns with getting access to the neighborhood. Mr. Reese asked if we are obligated to notify residents in that development. Mr. Harker advised that he is not aware of any notification being required, but an explanation could be given at the time of closing. The type of barricade and traffic flow was then discussed. There are no reports of vandalism on the existing gate in the neighborhood. Resolution No. 2006-24 passed by a vote of 3-2 with Messrs. DiMondi and Blest casting dissenting votes. Mr. Reese added for the record that Penn Acres South closed a road for similar reasons.

Mayor and Council of New Castle City Council Meeting

October 10, 2006

Page 3

2. Ordinance No. 438 –Set the Salary for Mayor's Court for the New Term of Mayor Beginning Spring 2007

The first and second readings took place on 9/12/06. Mr. Blest presented Ordinance No. 438 for a third reading. Mr. Reese made a motion to adopt Ordinance No. 438; Mrs. Churchill seconded the motion. Mayor Klingmeyer does not feel the sum (\$1,000) is a burden and that the court could be an active and useful part of the city as in the past. The motion to adopt Ordinance No. 438 was passed with Mrs. Petty abstaining from the vote.

3. Ordinance No. 439 – Amend the City Code Section 230-45: Historic Review Certificate Required in Historic Districts

The first and second readings took place on 9/12/06. Mr. Blest presented Ordinance No. 439 for a third reading. Mr. Reese made a motion to adopt Ordinance No. 439; Mrs. Churchill seconded the motion. Mr. Bergstrom feels this is a good addition to our ordinances; that it makes the HAC demands clear to property owners to inspect to ensure demands stated are factual with what HAC had in mind. Mr. DiMondi added that these are major additions/new construction and they need to take the time to ensure they adhere to the original conditions. The motion to adopt Ordinance No. 439 was passed unanimously.

4. Ordinance No. 440 – Amend City Code Ordinance No. 128: The Sanitary Code of the City of New Castle

The first and second readings took place on 9/12/06. Mr. DiMondi read the ordinance aloud. The purpose of raising the fine to \$100 is to help ensure people correct their violation. Mrs. Churchill made a motion to accept Ordinance No. 440; Mr. Reese seconded the motion. The motion carried by unanimous vote.

5. Ordinance No. 441 – Proposal to Amend New Castle City Code Chapter 140 Housing and Property Maintenance Code

Mr. DiMondi read Ordinance No. 441 twice constituting the first and second reading. Mr. DiMondi said that in 2004 Council passed the 140 Housing Code and the rental inspection portion was deleted. He feels it was deleted because regulations in the historic district would be very expensive because of building codes and also was going to change the character of their homes. When he drew up this ordinance he made an exception for those homes. Mr. Reese suggested looking more closely at Mr. DiMondi's suggestions in 140. Mr. Harker will compare the two ordinances and the State Landlord/Tenant Code and have a report at the next meeting. A third reading will be required at the next meeting or a subsequent meeting. Mrs. Churchill feels that Council needs to have legal input. Mrs. Petty cited her concerns about this ordinance. Mr. Harker will present his comments and Mr. DiMondi's resolution at a later meeting.

Mayor and Council of New Castle City Council Meeting

October 10, 2006

Page 4

6. Ordinance No. 442 – Amend City Code Chapter 102: Require Payment by Applicants of Fees and Reimbursements Prior to Issuance of Certificate of Occupancy

Mr. DiMondi read Ordinance No. 442 twice constituting the first and second reading. The purpose of this ordinance is to address follow through of the fees associated with certificates of occupancy.

7. Ordinance No. 443 – Add Chapter to City Code Concerning Public Notice for Certain Applications Before the City

Mr. Blest presented a first and second reading. A public hearing was held last month concerning this ordinance. Mr. DiMondi feels

that once the property is in compliance with the zoning code and the building code it would be difficult not issuing a building permit. Council further discussed the language of the ordinance. It was decided to return the entire ordinance to the Planning Commission to make the ordinance more user-friendly. Mrs. Churchill made a motion to return the ordinance to the Planning Commission for review; the motion was seconded and approved by unanimous vote.

8. Discussion of Vendors Performing Work Within City Limits

Mrs. Thomas reported the idea of this discussion is to have some kind of notification to the City when vendors are doing work within the city. Mrs. Petty supports this notification. Mr. Harker said that anyone doing work should have a permit and work being done on a public street should probably require notice to the city. Discussion followed. Mrs. Thomas reported she recently met with Municipal Services and

Mr. Bergstrom about communication within city entities in the event anything is occurring that is questionable or things are being done in the proper way. Chief McDerby reported that typically the police do not get involved, rather Mr. Bergstrom has the authority to stop a project.

NEW BUSINESS

1. Resolution No. 2006-36 – To Consider Approval of Minor Subdivision for the Riverbend Residential Development

Mr. Don Isken (Morris, Nichol, Arshat and Tunnel) informed they would like a new property line created to conform with the zoning line that would divide the parcel into two pieces. The open space/recreational would be a single parcel and the residential would be a separate parcel. They want to sub-divide the residential property into two pieces to provide for a phased development of the residential property. The first phase will consist of about 30 lots and once they have been developed additional phases will be developed. Discussion followed about deed restrictions in place affecting what will be constructed on the property. (No plot plans were available;

Mr. DiAngelo provided a personal copy.) Mr. Reese moved that Resolution 2006-36 be adopted and that the map that Mr. DiAngelo provided be added as part of the record; Mrs. Churchill seconded the motion. Approved unanimously.

Mayor and Council of New Castle City Council Meeting

October 10, 2006

Page 5

2. Resolution No. 2006-37 – To Consider Approval of Minor Subdivision for Riveredge Park, Lot 71, with Proposed Addition to Pencader Charter School

Mr. Blest read the resolution aloud. Mr. Reese made a motion to adopt the resolution; Mrs. Churchill seconded the motion. Mr. DiMondi questioned the legality; does the new property by being attached to the original property automatically get granted the special exception or do they have to go to the Board of Adjustment?

Mr. Isken (representing property owner) informed that special exception is not attached to the property but rather the use. They are not requesting a change in the use so he feels by reconfiguring boundaries it will not diminish the validity of the special exception. Mr. Harker feels that the use of the premises has very little to do with the addition into the original lot. When the time comes to develop on the addition his opinion is that they will need approval of the Board of Adjustment for special exception. He will address a letter to Council confirming or altering his opinion. The motion was passed by unanimous vote.

3. Resolution No. 2006-38 – To Consider Development Plan for 400,000+/- Sq. Ft. Warehouse to be Developed on Lot 7D in Twin Spans Industrial Park

Mr. Blest read the resolution to the group. Mr. Reese moved to adopt the resolution. The motion died for lack of a second. Mrs. Churchill read a letter from URS (City Planner) to Mrs. Thomas detailing their concerns to include traffic study and entrance design, wetlands buffer, flood plain disturbance, utility information, proposed topography information, and administrative issues. Mr. DiMondi expressed numerous concerns about this plan including the Buttonwood Ditch Project and sluice gates at dike that must be repaired and truck traffic flow. Mrs. Petty is also concerned with drainage issues. Mr. Ziegler said they have received approval from state representatives at the PLUS process and the Planning Commission and he questioned whether, by statute, they are supposed to be before Council with this plan. He has contacted Messrs. Bergstrom and Harker about this matter. Mr. Harker asked for the opportunity to look into the issue and suggested tabling until next month. Lengthy discussion followed about traffic flow. Mr. Reese made a motion to table this issue until the next Council meeting; Mrs. Churchill seconded the motion which passed unanimously.

4. Resolution No. 2006-40 – To Approve Contract with URS Corp. for Engineering and Planning Consultant Services

Mr. Blest read the resolution to the group. Mr. Reese made a motion to adopt Resolution No. 2006-40; Mrs. Churchill seconded the motion. Mr. Harker informed that this is not a long-term contract; 5-day cancelable, 20 days for cause. He suggested that a developer should have a set fee entering a deal knowing there would be a limit of who may authorize requests for services by the planner and engineers to avoid duplication of services. If you want a set fee it needs to be set forth in a letter to URS. He made several suggestions/recommendations to the language of the contract. He will work with Mrs. Thomas to make changes to the contract and return it to URS for their approval. Mrs. Churchill made a motion to

approve the contract which shall incorporate the changes suggested by the City Solicitor, who will work in conjunction with the City Administrator to amend the contract proposal and present it to URS for approval; Mr. Reese seconded the motion. The motion was unanimously approved.

5. Motion to Appoint a Member to the Historic Area Commission

Mr. Blest reported that a member of the Historic Area Commission has resigned his position and Council selects a replacement. Several qualified candidates submitted their names. Mr. DiMondi nominated Mr. John Cochran who works in the industry daily, has renovated homes in the historic area, lives on The Strand and would be a good addition to the committee. Mrs. Churchill suggested

Ms. Robin Hegvik who resides on Harmony Street and has experience in a number of areas. Mrs. Petty, Mr. Reese and Mr. Blest supported Ms. Hegvik's nomination also. Mrs. Churchill made a motion to appoint Ms. Robin Hegvik to the Historic Area Commission; Mr. Reese seconded the motion. Ms. Hegvik's appointment was approved by favorable vote; Mr. DiMondi did not cast a vote. She will replace Mr. Cobb through 2008.

6. Resolution to Petition the Trustees of New Castle Common to allow All Citizens of the City of New Castle the Right to Vote in Their Elections to Appoint New Members

Mr. DiMondi read the resolution aloud. Mrs. Petty asked for the reason why the resolution is being presented. Mr. DiMondi made a motion to accept the resolution. The motion died for lack of a second.

7. Resolution No. 2006-39 – Concerning Encroachment of Dwelling Located at 168 East Third Street, An Existing Wood Deck/Stair Structure Approx. 3.5 Feet Over the Line

Mr. Blest read the resolution. A motion to accept the resolution was cast by

Mr. Reese; Mr. DiMondi seconded the motion. Mr. Bergstrom described the situation. Discussion followed. The motion passed unanimously.

Comments from the Floor

Mr. Carpenter referred to Item G of the Rental Ordinance that states the inspection form will be kept until replaced by a new inspection. He recommended keeping all forms on record because of the changeover of personnel. Mr. DiMondi agreed as long as the inspection does not pass; however, if it passes the old report should be removed.

Mr. Gene Dempsey referred to the number of ordinances in the city. He feels the city needs to stop making ordinances until they can be adequately addressed.

Mr. DiAngelo raised the issue of the 400,000 square foot warehouse, Lot 7D Twin Spans (New Business #3). He doesn't feel there was any reason why it should have come before the Planning Commission or Council. Mr. Blest feels the city should have input into a project of this size. Discussion followed about the PLUS process, land use law and code requirements.

Mr. D'Alessandro asked if first and second readings can be done in separate monthly meetings as opposed to two readings in one month. Mr. Blest indicated that can be done. Mr. Harker informed the code does not address how this is to be done. The title alone can be read that would represent the second reading. Reading in full for the first reading is advised.

The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Debbie Turner
Stenographer

**CITY COUNCIL OF THE
MAYOR AND COUNCIL OF NEW CASTLE
PUBLIC HEARING AND SPECIAL MEETING
TOWN HALL, 201 DELAWARE STREET, NEW CASTLE
TUESDAY, SEPTEMBER 26, 2006 AT 6:30 P.M.**

AGENDA

Recognition of Paula M. DiEmidio for 25 Years of Service to the City of New Castle

Public Hearings:

6:30 Consideration of Ordinance No. 443: An Ordinance for Public Notice

7:30 Consideration of Ordinance No. 441: An Ordinance to Adopt a
Rental Inspection Schedule and Permit and related Violation Fees

8:30 Consideration of Ordinance No. 442: An Ordinance to Amend the City Code,
Chapter 102, to require payment by applicants of fees and reimbursements prior to
issuance of a Certificate of Occupancy.

Special Meeting:

Correspondence: Resignation from the Historic Area Commission.
Approval of Appointment to the Elections Committee.

Note: This agenda as listed may not be considered in sequence and is subject to addition and deletion of items, including executive sessions.

CITY COUNCIL OF THE MAYOR AND COUNCIL OF NEW CASTLE
SPECIAL COUNCIL MEETING
SEPTEMBER 5, 2006
6:00 P.M.

Present:

Council President William Blest
Councilman Donald Reese
Councilwoman Churchill
Councilwoman Teel Petty
Council John DiMondi

Also present:

City Administrator Cathryn Thomas

A Special meeting was held for various items.

1. Discussion of selection of Planning Consultant

Mrs. Thomas passed out a summary of the qualifications of the Planning Consultant firms that bid. Vollmer Associates, Kise Straw & Kolodner, McCormick & Taylor and URS. It was noted that KCI declined to be interviewed.

After a discussion of the pros and cons of the firms it was the general consensus of the Council that URS would be offered the Planning Consultant contract and a vote was taken. (DiMondi-yes, Petty-yes, Churchill-yes, Reese-yes, Blest-yes.) Councilman DiMondi also stated that the City should adopt a policy that no Certificates of Occupancy will be issued unless applicants have paid all of the required fees.

2. Bank Resolution No. 2006-31

Resolution to pay Greggo & Ferrera the sum of \$190,691.17 for paving completed under City Contract #2006-01 "Y2006 Paving Project". Councilman DiMondi read the Resolution aloud and Councilman Reese made a motion that the Resolution be passed. It was seconded by Councilwoman Churchill and passed unanimously.

3. Discussion of Garbage Truck Bid.

The garbage truck that was ordered was not up to the specifications of the City upon inspection and after a discussion it was decided that the City should award the bid to GranTurk at a base price of \$133,096.00. An official vote will be taken at the Regular council Meeting scheduled for September 12, 2006.

4. Discussion on Ordinance No. 439 to Amend the City Code §234-45: Historic Review Certificate required in historic districts.

Councilman DiMondi led the discussion stating that on major additions or new construction H.A.C. member(s) should inspect the property to ensure that all conditions of the Historic Review Certificate are met and that the project is true to the specifications submitted to the City and if so, to issue a Historic Certificate of Compliance before a Certificate of Occupancy can be issued.

It was the general consensus of Council that some form of this suggestion needs to be implemented. It was decided that this item needs to made an agenda item to be referred to the Planning Commission before any action can be taken.

5. Discussion on Ordinance No. 128 to Amend the City Code: The Sanitary Code of the City of New Castle.

Councilman DiMondi read the proposed Ordinance aloud. After a short discussion it was decided that this item will be discussed at a Public Hearing scheduled for September 12, 2006 at 6:45 p.m.

6. Discussion on hiring an engineering firm to advise the City concerning the HVAC System at the City Administration Offices.

A bid from Furlow Associates was received in the amount of \$1,500.00 to perform a survey and recommend updates for the HVAC System at the City Administration Offices. It was decided that this item will be put on the agenda for the September 12, 2006 Regular Council Meeting.

7. Council adjourned to Executive Session to discuss the status of a member of the Historic Area Commission.

8. Council resumed regular session and a discussion was held concerning the bids received for the amplification and recording system for Town Hall.

Council accepted a bid of \$7,590.00 from Sound and Security Engineering but then it was discovered that the bid was for a 2 channel system, not a 4 channel system. After a heated discussion it was decided that since some Council members and staff has been present for a presentation from Lanier regarding a new system, Council should have a demonstration from Sound & Security Engineering to see if their system would be acceptable. Sound & Security Engineering was to schedule this with City Administrator Thomas.

The meeting was adjourned at 8:30 p.m. The next scheduled meeting is September 12, 2006.

Respectfully submitted,
Jill DiAngelo,
City Clerk

**MAYOR AND CITY COUNCIL OF NEW CASTLE
CITY COUNCIL MEETING
NEW CASTLE TOWN HALL - DELAWARE STREET - NEW CASTLE
TUESDAY, AUGUST 8, 2006 - 7:00 P.M.**

Roll Call

Present:

Council President Blest
Councilperson Churchill
Councilperson Petty
Councilperson DiMondi

Absent: Councilperson Reese

Others present: Mayor Klingmeyer (arrived at 7:15 p.m.), Treasurer Janet Carlin, City Administrator Cathryn Thomas, City Solicitor James Harker, Esq., Police Chief Kevin McDerby

Council President Blest convened the meeting at 7:01 p.m. and led those assembled in the pledge of allegiance.

Minutes

Councilperson DiMondi referred to page 4 of the June 13, 2006 minutes, noting that when a roll call vote is taken, the names of the individual Council members should be listed along with their votes.

Councilperson Churchill made a motion to accept the minutes, as corrected in accordance with the comment of Councilperson DiMondi, and Councilperson Petty seconded the motion, for minutes for the following dates:

June 13, 2006 (regular meeting)
June 13, 2006 (executive session)
June 15, 2006 (special meeting)
June 20, 2006 (special meeting)
June 20, 2006 (executive session)
June 27, 2006 (special meeting)
July 7, 2006 (executive session)
July 11, 2006 (executive session)
July 21, 2006 (special meeting)
August 1, 2006 (special meeting)
August 1, 2006 (executive session)

Motion passed unanimously.

Approval of Treasurer's Report

Treasurer Janet Carlin stated that the total petty cash on hand was \$290.00, Total Monthly Deposits were \$371,040.49, Total Cash in the Wilmington Trust Accounts was \$465,152.43, Total Certificates of Deposit and De. Government Investment Pool was \$437,844.39 and the Total Cash on Hand was \$902,996.82. Councilperson Churchill moved to accept the Treasurer's Report as submitted. It was seconded by Councilperson Petty. Motion passed unanimously.

Grant Review

Councilperson DiMondi spoke of the following grants and their current status:

B-6 Delaware Emergency Management Agency

The City is requesting funding under the Homeland Security Grant Program Funds in the amount of \$32,000 towards the purchase of an emergency generator for 900 Wilmington Road. The City will present a proposal to DEMA for review for the purchase of a 60hZ power 40kW portable diesel generator with a trailer in the amount of \$30,950. Additional funds will also be requested to run a line from the Municipal Services Commission's emergency generator to power the Public Services building in case of emergency.

B-7 Delaware Emergency Management Agency

The City is requesting funding under the Homeland Security Grant Program Funds in the amount of \$11,300 towards the funding for security enhancements to the Public Works building to include three cameras, digital recorder, card access, and related enhancements. The City has presented a proposal to DEMA for consideration and will be conducting a vulnerability assessment in August before finalizing the purchase of the security enhancements.

B-10 Delaware Emergency Management Agency

The City of New Castle has requested funding under the Homeland Security Grant Program Funds in the amount of \$28,000 towards the funding of security enhancements to the Public Services and Administration buildings. The City is gathering information and will present a proposal to DEMA for the use of these funds. The funds would be limited to enhancements at the Public Services and Administration buildings. A vulnerability assessment could also be performed and included in the grant.

B-11 Delaware Emergency Management Agency

The City of New Castle has requested funding under the Homeland Security Grant Program Funds in the amount of \$28,000 towards the funding of security enhancements to the Municipal Service Commission's electrical substation located on Wilmington Road. The City is gathering information and working with the Municipal Services Commission to present a proposal to DEMA for the use of these funds. The funds would be limited to enhancements at the electrical substation. A vulnerability assessment could also be performed and included in the grant.

C-8 State of Delaware – Law Enforcement Technology Fund:

An application in the amount \$1,138.56 has been submitted requesting reimbursement for mobile data terminal costs for the quarter ending June 30, 2006.

C-10 State of Delaware – Office of Highway Safety

The Public Safety Department has received reimbursement in the amount of \$351.30 to cover hours worked during late May under the Checkpoint Strikeforce Task Force impaired driving campaign.

C-11 Law Enforcement Homeland Security

The Public Safety Department has requested consideration of funding for a motorcycle mobile radio in the amount of \$4,251.78.

Tree Survey Grant (Costal Programs Grant):

The City has been approved for \$20,000 from DNREC to conduct GPS of street and City park trees. A request to purchase GPS software has been made by Jeff Bergstrom and the City has received a quote in the amount of \$6,323.87. The funds awarded from this grant are being administered by URS through a contract with DNREC. To date, the survey work has been completed and there is approximately \$5,000 of the grant funding remaining. DNREC and URS have approved the City's request to use the remaining grant funds to purchase the required software. The City has reviewed software options and is awaiting a final answer as to other entities that may participate in the purchase of the software.

Communications

Councilperson Churchill reported on a one-day conference held by the State concerning hurricane preparedness. Governor Minner spoke at the conference, followed by a variety of presentations, including how government agencies handled the aftermath of Hurricane Katrina. Police Chief McDerby and Code Enforcement Officer Lloyd also attended.

Business from the Floor

Dr. Padmalingham, 222 Chestnut Street, submitted a letter detailing his concerns about the condition of the beach along the Delaware River. Dr. Padmalingham is a proponent of the City expending whatever funds are necessary to clean up the beach. Dr. Padmalingham also expressed concerns about the City enforcing the Code for his property concerning the length of his grass. Dr. Padmalingham said he was trying to grow new grass, and that he is aware of many other properties with much longer grass that do not appear to have been cited by the City.

Mr. David Bird spoke concerning item No. 2 on the agenda under Unfinished Business, concerning dogs, saying he hoped Councilperson Churchill's proposal would achieve what the City wants. Mr. Bird also spoke concerning item No. 9 under New Business, reporting there are problems with rental and vacant properties.

Mr. Bill Simpson, Chief of the Goodwill Fire Company, spoke concerning item No. 1 on the agenda under Unfinished Business, reporting that a recent study by the County Council found that \$510 per household was an appropriate fee to be collected and paid to volunteer fire companies who provide services to new households.

Mr. Davis of 4th Street spoke concerning item No. 9 under New Business, agreeing that there are problems with rental and vacant properties. Specifically, some people are landlords are running businesses and therefore it would be appropriate for the Council to implement a system of fee-based inspections. Mr. Davis also addressed item No. 13 under New Business, concerning charging the Trustees taxes for a property they own where a Charter School is located. Mr. Davis said he thought the City Council should not bother the Trustees with this.

Mr. Foster of 7th Street said he supported Councilperson Churchill's proposal that is item No. 2 on the agenda under Unfinished Business concerning regulation of dogs. Mr. Foster noted the Police need to be trained to handle dog problems.

Ms. Darcy Fisk, 26 E. 3rd Street, spoke concerning item No. 13 under New Business, concerning charging the Trustees taxes for a property they own where a Charter School is located. Ms. Fisk said that the Trustees property belongs to all the New Castle residents, so to tax them is taxing all the residents.

Mr. Gene Petty, 44 Buttonwood Avenue, expressed concerns that the Code Enforcement Officer does not patrol enough in the City neighborhoods to address obvious issues. One example is 200 palettes piled up on a property. Councilperson DiMondi suggested Mr. Petty call Mr. Lloyd, Code Enforcement Officer, and complete a complaint form so that the City would have a paper record of the details of the problem.

Mr. Ponzo of Lincoln in Buttonwood reported dissatisfaction with City code enforcement. Problems are repeatedly reported, yet remain unresolved. Also, some City properties are not well maintained, including a City property on Lincoln and the part of A Street that is a paper street.

Mr. Tommy Wilson, 230 2nd Street, spoke concerning item No. 1 on the agenda under New Business, as the City and the Boat Club have enjoyed a mutually beneficial relationship and the members of the Boat Club would like that to continue.

Unfinished Business

Resolution No. 2006-22, concerning the fees generated by the Riverbend Development that will be paid to the City, and the portion of those fees that will be shared with the Good-Will Fire Company. Motion by Council President Blest, seconded by Councilperson Churchill. City Solicitor Harker pointed out that the correct terminology regarding the fee should not refer to any kind of an impact fee, but rather it should be called a voluntary contribution. Councilperson DiMondi read a letter that he had sent previously to the Fire Company, detailing the reasons why he believed it was previously agreed that the portion of the voluntary contribution forwarded from the City to the Fire Company would be \$250, and stated other reasons why he was opposed to now increasing the Fire Company's portion to \$500.

Vote on Resolution: Council President Blest: Aye

Councilperson Churchill: Aye

Councilperson Petty: Aye

Councilperson DiMondi: Nay

Passed: 3-1

Councilperson Churchill added that her vote was influenced by the dedication of the Fire Company.

Resolution No. 2006-23, authorizing the Kent County SPCA to act as the enforcement agency within the City of New Castle for issues relating to complaints concerning dogs, including dangerous dogs, dogs running loose, etc. Motion by Council President Blest, seconded by Councilperson Petty. Councilperson Churchill said she had spent several hours researching, discussing and in meetings, and the result is the proposal for the City to work with the Kent County SPCA concerning all dog issues. Councilperson DiMondi pointed out that the proposal does not constitute a dangerous dog ordinance, and that it would not address issues such as muzzling pit bulls in Battery Park. Council President Blest said that in several meetings concerning the issue, he noted that Delaware laws cover dangerous dogs and that it is not breed-specific. Vote on Resolution: Passed Unanimously.

Resolution No. 2006-24, to close off access from Howell Drive going into Buttonwood Avenue. Motion by Councilperson Churchill, seconded by Councilperson Petty. Councilperson DiMondi read a letter with comments from DelDOT, opposing the City's proposal to close off the street. Councilperson DiMondi noted that the City receives money from the State to maintain public roads, and therefore roads should remain open for public use. Further, evidence collected concerning the street does not show that it is dangerous. Councilperson Petty said that accidents are not detailed as they should be and speed bumps would not help the situation. It was noted there is the issue of where the boundary of the City is located. One County tax map shows the boundary down the middle of Buttonwood Avenue. If this is the true boundary, then the City could not place barriers to block the street, as where the barriers would need to be placed would be outside the City limits. In light of the uncertainty of the location of the City boundary, it was discussed to table the matter until the next meeting when it is hoped the issue may be clarified. Motion by Councilperson Churchill, seconded by Council President Blest, to table the matter of closing off access from Howell Drive going into Buttonwood Avenue.

Vote on Resolution: Council President Blest: Aye

Councilperson Churchill: Aye

Councilperson Petty: Nay

Councilperson DiMondi: Aye

Passed: 3-1

New Business:

Resolution No. 2006-25, extending the lease between the Mayor and Council of New Castle and the Bull Hill Boat Yard, Inc., for use of property in the Bull Hill area of the City (east end of Second Street) for operation of a boat club. Motion by Councilperson DiMondi, seconded by Council President Blest. Councilperson Churchill recused herself from the discussion as she is a member and officer of the Boat Club. Councilperson DiMondi suggested the lease be changed so that in the event the boat club wished to erect any buildings on the City property, that would require approval of the City Council, in addition to normal approvals required for a new structure.

Vote on Resolution: Council President Blest: Aye

Councilperson Petty: Aye

Councilperson DiMondi: Aye

Councilperson Churchill: Abstain

Passed: 3-0 with one abstention

Resolution No. 2006-26, updating fees for the following:

Trash Collection – Special Items for 2006-07;

Filming Guidelines.

Vote on Resolution: Passed Unanimously.

Resolution No. 2006-27, to install a handicapped parking space on Delaware Street in front of the Wilmington Trust Co. building. After some discussion it was decided to table the matter for further investigation. Motion by Councilperson Churchill, seconded by Council President Blest, to table the matter. Vote on Motion to Table: Passed Unanimously.

Discussion concerning setting a public hearing to consider an Ordinance that would set the salary for the Mayor's Court for the new term of the Mayor beginning in the Spring of 2007. Council President Blest gave a brief history, noting that when the Mayor's Court had been active a higher salary was appropriate, however a previous City Council lowered the salary to \$1,000, and this Council is considering lowering the salary to \$12 for the Mayor's Court, due to the complete lack of activity. City Solicitor Harker noted that this Ordinance change does not require a public hearing. Motion by Councilperson Churchill, seconded by Councilperson Petty, to place the matter on the agenda for the next meeting. Vote on Motion to place the matter on the agenda for the next meeting: Passed Unanimously.

Discussion to hold a hearing to remove a member of the Historic Area Commission (HAC) for cause, in accordance with the City Code. Council President Blest gave some background, noting extended absence for this HAC member, and that the City Solicitor had been unable to contact the attorney representing the HAC member. The City Solicitor was directed to send a letter to the individual, advising him of his right to a hearing concerning the City Council's proposed action to remove him as a member of HAC.

Resolution No. 2006-28, to apply for \$10,000 in matching grant monies from Livable Delaware Funding. Motion by Councilperson Churchill, seconded by Councilperson Petty. Vote on Resolution: Passed Unanimously.

Discussion of the Elections Committee and persons to work for the next election. The City Council will consider for a future meeting members to appoint to the Elections Committee.

Discussion of the appointment of a new Public Works Director at a cost to the City of \$86,000 per year. Councilperson DiMondi made a statement detailing reasons why he did not believe the City should hire a Director of Public Services. He said he believes that this job should be handled by the City Administrator, and that this was part of the contract and compensation for that position. Councilperson DiMondi proposed to add a title to the current Building Official position, that would also be classified as the "Public Works Secretary", with additional compensation of \$10,000 per year. With the \$76,000 savings, Councilperson DiMondi proposed hiring two additional full-time public works employees, with one dedicated as a full-time park custodian. Councilperson DiMondi made a Motion to enact his proposal. The motion died for lack of a second.

Discussion of rental and vacant properties. Councilperson Churchill read a letter from residents on 4th Street, detailing concerns about rental and vacant properties. Councilperson Churchill noted many of the points of the residents seemed valid and were worth investigation and study. Specifically, it could be looked at what ordinances the City currently has to address the issues, and what ordinances could be changed and/or added to help the situation. City Solicitor Harker said that he believed some of the issues raised by the residents could be dealt with under the current code, concentrating on enforcement. Some of the issues raised, however, he said he did not believe could be legislated by the City. Councilperson DiMondi said he had sent a relevant code section from the City of Elsmere to Mr. Harker for his review. Council President Blest said that these type of code changes have been considered by the City in the past. Councilperson Petty noted that there are notice requirements for landlords prior to entering apartments of tenants to check on problems.

Discussion of recommendations from the Planning Commission concerning a report from the Land Use Subcommittee. The City Council had not yet received official communication from the Planning Commission concerning this issue, therefore it could not receive a final determination by the City Council.

Resolution No. 2006-29, to allow an encroachment in the Right-Of-Way on Second Street so that a porch may be constructed at 222 Second Street (McAdams property owner) to construct a porch, that has already been approved by the Historic Area Commission. Motion by Council President Blest, seconded by Councilperson Churchill.

Vote on Resolution: Council President Blest: Aye
Councilperson DiMondi: Aye
Councilperson Churchill: Aye
Councilperson Petty: Nay
Passed: 3-1

Resolution No. 2006-30, to award the bid for a new amplification and recording system for the Town Hall building, City Council meeting room. Motion by Councilperson DiMondi, seconded by Councilperson Churchill. Vote on Resolution: Passed Unanimously.

Discussion on charging City Real Estate Taxes to the Trustees of New Castle Common for the property where the Family Foundation Charter School is developed. Councilperson DiMondi said that by bringing this matter to the attention of the Council he was not going after the Trustees. Rather, he said, it is a matter of equity, since there is another charter school in the City that is paying taxes. Also, the Trustees are collecting rent from the operators of the charter school on their property. Councilperson DiMondi said he would like to see the County set a third quarter assessment, so that at the beginning of the fourth quarter (October 1), the City could issue a bill. City Solicitor Harker said the Trustees and/or the school could apply for an exemption and may receive it from the County. Councilperson DiMondi said that even if that occurred, the City would not have to go along with that and grant the exemption for City taxes. It was the consensus that the City should get an assessment for the property in question from the County and generate a tax bill based on the assessment and send it to the Trustees.

Comments from the floor.

A resident from the Buttonwood subdivision expressed concerns over a vacant property where it is believed many violations of the City code exist. Also, tractor trailers often come into the subdivision because the drivers are unaware they cannot access the industrial park from the subdivision. There are also problems with speeding vehicles. It was suggested that where there are Code violations that a complaint form be completed so that they may be investigated by the Code Enforcement Officer, and for the matters with vehicles, that these be reported to the police.

Mr. Evans expressed concerns about the Planning Commission receiving plans 15 days in advance of when an application is going to be heard at a meeting, and requested a system be established for public access to proposed plans.

Mr. Tommy Wilson (Planning Commission Chair) said he spoke for most members of the Planning Commission who object to the City Council's plan to replace the KCI firm as the current Planning Consultant for the City. Mr. Wilson said there are concerns that the City Council is not following the City Code to chargeback developers for planning review, that would have helped the budget of the Planning Commission and not had the City expend the level of funds on the Planning Consultant that occurred. Mr. Wilson also objected to the method of the City Council, saying that previously KCI was selected by an ad-hoc committee, with a recommendation to the Council, and that procedure is now being circumvented. Councilperson DiMondi responded concerning the chargebacks, saying that the Code is vague and developers need to know up-front what fees they may be subject to from the City.

Councilperson Churchill made a Motion that Council adjourn to an Executive Session and Councilperson Petty seconded the Motion.

The meeting was adjourned at 10:37 p.m.

Respectfully Submitted,

Cathryn C. Thomas, City Administrator

**Mayor and City Council of New Castle
City Council Workshop Meeting
Draft
New Castle Town Hall - Delaware Street - New Castle
Tuesday, August 1, 2006 - 6:00 p.m.**

Roll Call

Present:

Council President Blest
Councilman Reese
Councilwoman Churchill
Councilwoman Petty
Councilman DiMondi

Others present: Mayor Klingmeyer (for a portion), Cathryn C. Thomas

Council President Blest convened the meeting at 6:05 p.m.

Planning Commission Chair Thomas Wilson asked to address the City Council. Mr. Wilson stated concerns, shared by other Planning Commission members, about the City Council conducting planning consultant interviews. Upon conclusion of Mr. Wilson's comments, Council President Blest said they would be taken under advisement.

The City Council heard two presentations by firms that are prospective candidates to become a planning consultant for the City. The firms were Vollmer Associates and Kise Straw & Kolodner.

There are two other firms who wish to be considered, and the City Council agreed they could meet at 6 p.m. on Tuesday, August 15 in order to hear those presentations.

The Council then adjourned to an Executive Session.

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Cathryn C. Thomas

**CITY COUNCIL OF THE MAYOR AND COUNCIL OF NEW CASTLE
SPECIAL COUNCIL MEETING
TUESDAY, JUNE 20, 2006
6:00 P.M.**

Present:

Council President William Blest
Councilman Donald Reese
Councilwoman Churchill
Councilwoman Teel Petty
Council John DiMondi

Others Present:

Mayor Klingmeyer, Janet Carlin, City Treasurer, Marian Delaney, Cathryn Thomas, Greg Sarnecki, Chip Patterson, George Freebery and Bob Appleby

The purpose of this meeting was a Joint Workshop with Municipal Services Commissioners to discuss the notice from MSC that Council would be receiving only \$400,000.00 for FY 2006/2007 instead of \$500,000.00.

Mr. Appleby stated that MSC and Council used to meet approximately every 3 months and asked why that procedure was stopped. It was stated that with the high cost of electricity, MSC would only break even if they gave Council \$400,000.00. MSC requested that council scale back on their requests to that eventually, MSC would not be giving the City any money and, by doing so, would enable MSC to lower residents' electric bills. Mr. Patterson stated that when MSC agreed to give the City \$500,000.00 a year, electric was only costing MSC 5.5¢ per kilowatt. MSC is currently paying 11.5¢ per kilowatt. If MSC did not contribute to the City at all they could reduce electric bills approximately 8% to 10%. It was questioned why the commercial rate and residential rate charged by MSC was approximately 60/40 respectively.

Councilman DiMondi stated that he would like to do away with MSC and asked that a valuation of the company be performed. Councilman Reese stated that while he understood MSC's position, he was disappointed that they were reducing their contribution to the City.

Mr. Appleby stated that MSC is looking into building a substation on the south side of town and upgrading the water system at a cost of approximately \$6,000,000.00. A substation is needed because Delmarva Power cannot back up the City anymore if the existing substation goes down and that MSC needs a properly working and upgraded back up system.

Council President Blest thank the Commissioner for meeting with Council and the meeting was adjourned at approximately 6:35 p.m.

Budget Meeting

Marian Delaney presented the changes to the Budget from the last budget meeting. Specifically, \$30,000.00 was removed from the budget for the Archives, the impact fees for the Riverbend project was taken out (\$250,000.00) and a revision was made to the salary of the Director of Public Services since the position would not be filled until sometime in 2007 and would not require a full year salary. A new line item was created in the budget for unreserved fund balance in order to apply the surplus funds to the budget. Marian also touched on other line items in the budget that she felt Council should take note of including an update on the City's computer software.

Cathryn Thomas stated that she has researched the cost, etc. for a City newsletter. The cost would be approximately \$5,000.00 per year.

The position of Code Enforcement Officer was discussed and it was suggested that Ms. Thomas meet with John Lloyd and possibly the Mayor to discuss the job duties.

Councilman DiMondi spoke of the City's need to have a payroll company process the City's payroll. After a brief discussion, Council President Blest suggested that this item be made an agenda item for a future Council meeting.

A discussion was held regarding the payment of \$5,000.00 from Daystar Sills for fees. Councilman DiMondi felt that Daystar Sills should pay a fine since they proceeded to work without a permit. After a discussion regarding this matter, Councilman DiMondi left the meeting and the remainder of Council adjourned to Executive Session.

The meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Jill F. DiAngelo,
City Clerk

**CITY COUNCIL OF THE MAYOR AND COUNCIL OF NEW CASTLE
SPECIAL COUNCIL MEETING
THURSDAY, JUNE 15, 2006
6:30 P.M.**

Present:

Council President William Blest
Councilman Donald Reese
Councilwoman Churchill
Councilwoman Teel Petty
Council John DiMondi

Others Present:

Mayor Klingmeyer, Janet Carlin, City Treasurer, Marian Delaney, Cathryn Thomas, Greg Sarnecki and David Athey

Marian Delaney presented the changes made to the Budget as of the last budget meeting to Council. Specifically discussed was that the projected annual property taxes were increased by \$15,000.00, the property tax transfers were increased by \$50,000.00 due to the Riverbend project, the Building/HVAC applications were increased to \$190,000.00, and City Council's departmental contingency was projected at \$75,000.00.

Councilman DiMondi stated that he felt that the impact fees should be placed in a Capital Fund as opposed to the General Fund.

A discussion was held by Council regarding the hiring of a Public Works Director. After each of Council voiced their opinions, an informal vote was taken. Basically, all of Council, with the exception of Councilman DiMondi, felt that a Director should be hired. Councilman DiMondi stated that he was under the impression that one of the City Administrator's duties was to be the Director of Public Services and that the City Administrator's contract stated as such. A vote was taken for the concept of hiring a Director of Public Service and to have a vehicle provided with a salary, including benefits of approximately \$86,144.00. (DiMondi-no, Petty-yes, Churchill-yes, Reese-yes, Blest-yes)

Councilman DiMondi also stated that he felt Council should raise taxes approximately 3.5% so as not to have a deficit as in previous years. Councilman Reese stated that he was uncomfortable raising taxes when the City has a projected surplus for FY 2006/2007 and that he thought the reason for raising taxes so much last year was to accommodate for FY 2005/2006 as well as FY 2006/2007.

Respectfully submitted,
Jill F. DiAngelo, City Clerk

**MAYOR AND CITY COUNCIL OF NEW CASTLE
CITY COUNCIL MEETING
NEW CASTLE TOWN HALL - DELAWARE STREET - NEW CASTLE
TUESDAY, JUNE 13, 2006 - 7:00 P.M.**

Roll Call

Present:

Council President Blest
Councilman Reese
Councilwoman Churchill
Councilwoman Petty
Councilman DiMondi

Others present: Mayor Klingmeyer, Treasurer Janet Carlin, Cathryn Thomas, James Harker, Esquire, Chief Kevin McDerby

Council President Blest convened the meeting at 7:01 p.m. and led those assembled in the pledge of allegiance.

Minutes to Date

Councilman Reese made a motion to accept the minutes to date as presented and Councilwoman Churchill seconded the motion. 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 \$182,372.19, Total Cash in the Wilmington Trust Accounts was \$326,035.06, Total Certificates of Deposit and De. Government Investment Pool was \$531,987.98 and the Total Cash on Hand was \$858,023.04. Councilman Reese moved to accept the Treasurer's Report as submitted. It was seconded by Councilwoman Churchill. Motion passed unanimously.

Report from City Administrator

Mrs. Thomas spoke on the following items:

1. Introduced Council and audience to Kim Burgmuller, the new secretary for the City due to Jean Williamson's retirement.
2. Council's schedule for the remaining budget meetings.

3. Court TV will be filming in the City.
4. Twin Spans warehouse would be up for a PLUS review meeting on 6/28/06.
5. Follow up work regarding the drainage ditch problem in Buttonwood.

Council President Blest suggested that Mrs. Thomas put her updates on the City's website.
Approval by Date of Director's Report

Councilman DiMondi stated that the City has collected 100% of its revenues for the YTD and the expenditures for YTD were at 89.8%

Chief McDerby spoke on the police volunteers and their progress and that the kids who burglarized Blanca had made \$600.00 restitution.

Councilwoman Churchill read a statement regarding the Summer Recreation Program.

Grant Review

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

1. B6-Delaware Emergency Management Agency--The City is requesting funds under the Homeland Security Grant Program Funds in the amount of \$32,000.00 towards the purchase of an emergency generator for 900 Wilmington Road . The City is gathering information and will present a proposal to DEMA for review of the generator in the amount of \$30,950.00
2. B7-Delaware Emergency Management Agency--The City is requesting funds under the Homeland Security Grant Program Funds in the amount of \$11,300.00 towards the funding for security enhancements to the Public Works building to include 3 cameras, digital recorder, card access and related enhancements. The City is gathering information and will present a proposal to DEMA for consideration.
3. B8-State of Delaware Department of Transportation-The City has incurred \$24,335.45 in additional construction and related costs under the Heritage Trail Project and will be applying to DelDot for reimbursement by mid-May for these costs. Additional reimbursement will also be requested in the amount of \$9,990.00 for pending landscape work to include mulch. These charges totaling \$34,325.45 represents all outstanding reimbursable amounts and the Heritage Trail project is now complete.
4. C1 Delaware Emergency Management--No update.
5. C2 Delaware Emergency Management Agency--The approved grant from the New Castle Citizen Corps Council, sponsored by the Public Safety Department, has spent \$14,069.67 of the \$15,000.00 grant. All VIP volunteers have been trained and will be receiving their uniforms and equipment. They have begun volunteering in May starting with the Day in Old New Castle function.
6. C5 State Aid to Local Law Enforcement (SALLE)--The City has received the requested \$11,331.13 for the purchase of equipment in the amount of \$4,445.00 to cover 180 hours of overtime for special investigations and drug enforcement.
7. C6 State of Delaware Department of Public-- The application for additional funds in the amount of \$514.95 has been approved. This is for overtime enforcement concerning drug investigations. A check in the amount of \$514.95 was received in May.
8. C9-Delaware Emergency Management Agency-The Public Safety Department has been approved for a State Homeland Security Grant Program grant in the amount of \$9,000.00 for Law Enforcement Terrorism Prevention Program for a motorized key card access gate. The removal of the current gate and the purchase of a new gate, including installation, has been ordered in the amount of \$4,900.00. Additionally, the purchase of an industrial grade Power Master has been ordered in the amount of \$3,850.00.
9. C10-State of Delaware--Office of Highway Safety--The Public Safety Department has received reimbursement in the amount of \$351.00 to cover hours worked during May under the Checkpoint Strikeforce Task Force impaired driving campaign.
10. Tree Survey Grant (Costal Programs Grant)-The City has been approved for \$20,000.00 from DNREC to conduct GPS of street and City park trees. The City received a quote for the GPS software in the amount of \$6,323.87. To date, the survey work has been completed and there is approximately \$5,000.00 of the grant remaining. DNREC and URS has approved the City's request to use the remaining funds to purchase the necessary software. The City and the Tree Commission are reviewing software options before making a purchase.

Communications

Councilwoman Churchill received a request from Sally Denton to form a "Welcome Committee" for the City's new residents. Mrs. Churchill wanted to pass this information along to Council for their input.

Council President Blest had the following communications:

1. Minutes to the 5/15/06 Planning Commission meeting.
2. Letter from Richard Evans to Mayor Klingmeyer.
3. Letter regarding the Antique Show on 8/21/06.

4. Letter from Harold West a marina is proposed to be built down past Print Pak and would like the City to annex some land.

5. Letter from MSC stating they will be contributing \$400,000.00 to the City instead of \$500,000.00.

Business from the Floor

Earl Carpenter questioned why it took so much time and money to now find out that the road at 9th St. is up to par.

Ned Hutchinson brought his dog, C.J., to the meeting in anticipation of the discussion of the dangerous dog issue. Mr. Hutchinson stated that the City does not enforce the leash law or the dog waste law, who is going to enforce the dangerous dog ordinance.

Joe Foster of the Wilmington Kennel Club gave a presentation of why he is against a dangerous dog ordinance stating that it's the owners who cause problems, not the dogs and what was to stop Council from banning more types of dogs, not just pit bulls. Mr. Foster asked that he be included in any meetings, discussions, etc. on this topic.

Dee Duszak thanked Council for having the traffic signs on 9th Street put up.

Dr. Padmalingam felt that the loitering signs should be posted all over the City, not just at 2nd and Chestnut Sts.

Bill Simpson requested that Council consider giving \$500.00 out of every \$3,000.00 impact fee because of the impact the Riverbend development will have on Goodwill Fire Co. Bill also reminded everyone that smoke detectors and batteries can be obtained at Goodwill.

Richard Evans spoke about the off street parking issue and asked who was being served or protected by having to have off street parking.

Unfinished Business

Ordinance 431–Private Clubs and Lodges–The first and second reading of the Ordinance was read and Councilman Reese made a motion that the ordinance be adopted. Councilwoman Churchill seconded the motion. The third reading of the Ordinance will be at the July Council meeting.

Ordinance 433–Council President stated that a public meeting would be held on 7/6/06 to discuss this matter since the Ordinance had been changed so many times.

Resolution to award bid for paving work–The award for bids on all City's paving work to be done by the firm of Greggo and Ferrara was passed except for Municipal Blvd. A Motion was brought by Councilman Reese and seconded by Councilwoman Churchill. Motion passed.

Discussion with Dave Sills of Daystar Sills concerning building permit fees for the Family Foundation Charter School . After a lengthy debate, it was the decision of the majority of Council that as long as Mr. Sills' initial permit fee check was deposited into the City's account in late January, early February, the double fines would not be imposed.

New Business

1. Resolution 2006-12–Minor subdivision of 1002 and 1004 Washington Avenue–Passed.

2. Resolution 2006-13–Minor subdivision of 628 Delaware St. and 23 W. 7th St. –Passed.

3. Resolution 2006-14–Minor subdivision of 113 and 117 W. 9th Street -Passed.

4. Discussion concerning proposal that a portion of the impact fees from Riverbend go to Goodwill Fire Co.–After a discussion this matter was tabled so that Chief Simpson of the Fire Company could provide additional information to the Council.

5. Discussion and Resolution regarding No Loitering signs at 2nd and Chestnut Sts. and Bull Hill near the cul-de-sac.–This matter was tabled until the 7/6/06 meeting so further discussion could be had.

6. Discussion of a proposed dangerous dog ordinance.–After a discussion it was decided that a committee would be formed to look into this matter. The committee would consist of at least Councilwoman Churchill, Chief McDerby, Joe Foster, David Byrd and Councilman DiMondi. It was also suggested that the committee contact John Caldwell who is in charge of the SPCA.

7. Discussion on a proposal to change some of the street directions to improve traffic flow.–Councilman Reese presented his ideas and a map of the City and spoke on which streets he felt the traffic pattern should be altered.

8. Discussion of the declaration by MSC that they are decreasing the investment dividend by \$100,000.00.–After a discussion Council President Blest requested that a workshop be scheduled for 6/20 with MSC to discuss this matter.

9. Discussion of whether or not the City should appoint a Broker/Agent of Record for securing insurance for the City.–A heated discussion ensued on this matter between Councilman DiMondi and Bob Briggs on whether a broker should be able to reserve carriers.

10. Comments from the Floor–Sheila Seyers asked when the City or whoever is responsible was going to replace her trees and fix her concrete which was damaged when Deemer's Landing was being built. Mrs. Thomas was to look into this matter for Ms. Seyers.

Councilwoman Churchill made a Motion that Council adjourn to an Executive Session and Councilman Reese seconded the Motion.

The meeting was adjourned at 11:13 p.m.

Respectfully Submitted,

Jill DiAngelo,

City Clerk

**MAYOR AND COUNCIL OF NEW CASTLE
CITY COUNCIL MEETING
NEW CASTLE TOWN HALL - DELAWARE STREET - NEW CASTLE
TUESDAY, MAY 9, 2006 - 7:00 P.M.**

Roll Call

Present:

Council President Blest

Councilman Reese

Councilwoman Churchill

Councilwoman Petty

Councilman DiMondi

Others present: Mayor Klingmeyer, Treasurer Janet Carlin, Lt. Adam Brams, City Administrator Cathryn Thomas, City Solicitor James Harker, Esquire, City Engineer David Athey.

Council President Blest convened the meeting at 7:04 p.m. and led those assembled in the pledge of allegiance.

Report from City Administrator

Mrs. Thomas reported that a PBS documentary would be filmed in the City this weekend. The City will receive a fee from the filming company and notices will go out to all residents who live in and around the areas of filming.

Approval of Minutes to Date

Not all of Council's packages had a copy of the Minutes so this matter was tabled until the next meeting so that all of Council would have an opportunity to review the Minutes.

Approval of Treasurer's Report

Janet Carlin stated that the Total Petty Cash on Hand was \$290.00, Total Monthly Deposits were \$103,835.67, and Total Cash in the Wilmington Trust Accounts was \$257,671.27, Total Certificates of Deposit and De. Government Investment Pool was \$688,239.91 and the Total Cash on Hand was \$945,911.18. Councilman Reese moved to accept the Treasurer's Report as submitted. It was seconded by Councilwoman Churchill. Motion passed unanimously.

Approval by Date of Director's Report

Lt. Adam Brams was in attendance as Chief McDerby was in Dover and unable to attend. Lt. Brams stated that the VIPs program would begin May 20, 2006. The Police Department has already had training sessions for the volunteers and that another training session for those who missed the first one or new volunteers is scheduled for the end of June. The volunteers will also attend a training session provided by DEMA.

Councilman DiMondi stated that the City has collected 95.5% of its revenues for the YTD and the expenditures for YTD were at 83.7%.

Council President Blest moved to accept the Directors' Reports as submitted. It was seconded by Councilwoman Churchill. Motion passed unanimously.

Grant Review

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

1. B2 DelDot Agreement #-6-P-PROG-70-No update.

2. B-5 State of Delaware Community Redevelopment Fund-The City has applied for a request for reimbursement of project costs from the State in the amount of \$10,322.32. Invoices in the amount of \$25,806.58 have been submitted at 40% reimbursement for the purchase of recreational equipment for City parks. The City received a check in the amount of \$10,322.32 in April.

3. B6-Delaware Emergency Management Agency-The City is requesting funds under the Homeland Security Grant Program Funds in the amount of \$32,000.00 towards the purchase of an emergency generator for 900 Wilmington Road. The City is gathering information and will present a proposal to DEMA for review of the generator in the amount of \$30,950.00 The generator will be shared between Municipal Services and the Trolley Barn.

4. B7-Delaware Emergency Management Agency-The City is requesting funds under the Homeland Security Grant Program Funds in the amount of \$11,300.00 towards the funding for security enhancements to the Public Works building to include 3 cameras, digital recorder, card access and related enhancements. The City is gathering information and will present a proposal to DEMA for consideration.

5. B8-State of Delaware Department of Transportation-The City has incurred \$24,335.45 in additional construction and related costs under the Heritage Trail Project and will be applying to DelDot for reimbursement by mid-May for these costs. Additional reimbursement will also be requested for pending landscape work to include mulch.

6. C0- SLEAF Grant - AFIS- The City was awarded a grant in the amount of \$85,000.00. The automated fingerprint and identification system has been delivered and installed. A

7. check in the amount of \$58,465.00 has been paid to Motorola. An additional amount of \$840.00 was also expended under this grant. The City returned the unused funds (\$25,695.00) to the State Attorney General's Office and this grant has been closed.

8. C1 Delaware Emergency Management Agency--The City's application for a grant in the amount of \$23,750.00 from the 2005 Homeland Security Grant Program has been approved for the purchase of laptops. The remaining funds have been used for the installation of the laptops into police vehicles. A check in the amount of \$1,062.64 was received in March from DEMA for the installation of docking station equipment.

9. C2 Delaware Emergency Management Agency--The approved grant from the New Castle Citizen Corps Council, sponsored by the Public Safety Department, has spent \$14,069.67 of the \$15,000.00 grant. In April the City received a check from DEMA in the amount of \$1,190.75 for reimbursement towards equipment installed in the VIPS vehicle.

10. C5 State Aid to Local Law Enforcement (SALLE)--An application submitted for \$11,331.13 for the purchase of equipment in the amount of \$4,445.00 to cover 180 hours of overtime for special investigations and drug enforcement was approved in December. The City received a check in the amount of \$8,493.34 in January and received the remaining funds in April.

11. C6 State of Delaware Department of Public Safety--An application submitted by the Public Safety Department requesting funds in the amount of \$7,326.40 from the Emergency Illegal Drug Enforcement Program was approved. The City has received a check in the amount of \$5,494.80 in January and the remaining funds in April. An application for additional funds in the amount of \$514.95 was submitted in February. This is for overtime enforcement concerning drug investigations.

12. C-7 US Department of Justice--Bulletproof Vest Partnership--No update.

13. C8-State of Delaware Law Enforcement Technology Fund-The Public Safety Department received a check in the amount \$1,913.28 in March for expenses incurred for a mobile data terminal. An application in the amount of \$1,138.56 was submitted for reimbursement for the mobile data terminal. The City received the check in April.

14. C9-Delaware Emergency Management Agency-The Public Safety Department has been approved for a State Homeland Security Grant Program grant in the amount of \$9,000.00 for Law Enforcement Terrorism Prevention Program for a motorized key card access gate.

15. Tree Survey Grant (Costal Programs Grant)-The City has been approved for \$20,000.00 from DNREC to conduct GPS of street and City park trees. The City received a quote for the GPS software in the amount of \$6,323.87. To date, the survey work has been completed and there is approximately \$5,000.00 of the grant remaining. DNREC and URS have approved the City's request to use the remaining funds to purchase the necessary software. The City and the Tree Commission are reviewing software options and a purchase is expected in May.

Communications

Council President Blest received a letter from Debby Pullan requesting that Council take some type of action barring certain breeds of dogs from the park areas of the City. Councilman Reese stated that the park police will begin duty on June 3, 2006 but in the meantime if anyone feels threatened or is harmed by a dog in the park, they should not hesitate to contact the police.

Council President Blest received a letter from the owners of the Chef's Table stating that they were withdrawing their application for liquor and music on the patio.

Business from the Floor

Earl Carpenter spoke about Resolution 2006-10 wherein it states "...the exact location of which shall be determined by the City Council." Mr. Carpenter felt that DelDot would have the final say as to where the Rt. 9 bypass road would be placed and did not think that DelDot would give City Council the final authority as to the placement of the road.

Ned Hutchinson had questions concerning New Business, #2--Implementing an Inspection Schedule for Rental Units in the R-1, R-2 and R-3 Zoning Districts. Mr. Hutchinson asked if rental property owners would be notified of an inspection ahead of time and he felt that the inspections should be performed by a City code Enforcement Officer.

Presentation

City Council presented Debby Pullan and William "Erv" Thatcher with plaques commemorating 15 years of dedicated service to the City.

Unfinished Business

1. Riverbend Issues:

(a) Motion and Vote on proposed Resolution 2006-10, to amend Ordinance No. 435, with the language as follows: "Create a Route 9 bypass south of downtown New Castle, the exact location of which shall be determined by the City Council." (Third and final reading). Council President Blest read the Resolution in full. James Harker, City Solicitor stated that this matter must be done via an Ordinance.

(b) Motion and Vote on proposed Ordinance 435, to amend the 2003 Comprehensive Plan Update for the City of New Castle by removing the suggestion under the Transportation Plan (Goal No.2, Strategy No. 4) to "Create a Route 9 bypass of the downtown south of Dobbinsville and Washington Park"; and further, Regarding "Map 4: Priority Transportation Improvements", change the map by eliminating the dashed line showing the "Proposed Relocation of State Route 9". (Third and final reading). Council President Blest read Ordinance 435. Councilwoman Churchill made a Motion to accept Ordinance 435 as amended by Resolution 2006-10. Councilman DiMondi seconded the Motion and roll call was taken. (DiMondi-yes, Petty-yes, Churchill-yes, Reese-yes, Blest-yes) Motion passed unanimously.

(c) Motion and Vote on proposed Ordinance 436. to amend the 2003 Comprehensive Plan Update for the City of New Castle by changing the suggested Land Use for the Parcel where the Riverbend subdivision is proposed to be developed from IOP to R-3. Council President Blest read the Ordinance. Councilman Reese made a Motion to accept Ordinance 436 and Councilwoman Churchill seconded the Motion and roll call was taken. (Reese-yes, DiMondi-yes, Churchill-yes, Petty-yes, Blest-yes) Motion passed unanimously.

(d) Motion and vote on proposed ordinance No. 432, to amend the Zoning Code of New Castle by Rezoning a portion of land designated IOP to R-3, i.e., the proposed Riverbend subdivision. (Third and final reading). Council President Blest read the Ordinance. Council amended the Ordinance to read, "...as more fully described on "Exhibit A" attached hereto, owned by Parkway Gravel, Inc..." Also, Mr. Eskin, attorney for Parkway Gravel stated that the owner of Parkway Gravel also wanted restrictions added and City Solicitor Harker read the restrictions

Page 4
into the record. After a discussion of the restrictions, Councilman Reese made a Motion to accept Ordinance 432 as amended. Councilwoman Churchill seconded the Motion and roll call was taken. (Churchill-yes, DiMondi-yes, Reese-yes, Petty-yes, Blest-yes) Motion passed unanimously.

New Business

1. Discussion concerning 2005/06 Police Department budget to determine transfers that may be needed to balance through the end of the fiscal year. Councilman DiMondi requested authority from Council to have a plan in place in the event that the police budget cannot meet its obligations through the end of the 2005/06 fiscal year, i.e., transfer funds in order to make payroll. After a discussion, Councilwoman Churchill made a Motion that councilman DiMondi be given the authority to transfer funds from the Municipal Streets Fund (to be reimbursed by the General Fund) if necessary to balance the Police Department's budget through the end of fiscal year 2005/06. Councilman Reese seconded the Motion and it was passed unanimously.

2. Discussion on implementation of an inspection schedule for rental units in the R-1, R-2 and R-3 zoning districts as a supplement to Chapter 140 of the City Housing Code. After a discussion on the pros and cons of this issue Councilman DiMondi requested that Council hire a part time Code Officer and authorize him to make the inspections. Council requested that City Solicitor Harker draft an Ordinance for Council's review regarding this matter.

3. Discussion concerning process for street bids, where costs will be covered by various state grant programs. Councilwoman Petty gave an overview of how much state grant money is available to the City and the proposed streets to be paved.

4. Discussion and Motion to authorize the erection of an iron fence similar to Deemer's Landing at the corner of 9th & Washington Sts. After a discussion, Council felt that a wooden stockade fence would be a safety issue and that once Mrs. Arms signed the easement, Council would erect the iron fence on her property. Councilman Reese made a Motion to erect the iron fence at 819 Washington St. once the easement is signed. Councilwoman Churchill seconded the Motion and it was passed unanimously.

Comments from the Floor

John Houben spoke about the rental inspection issue and requested that the Code Officer not be a resident of the City of New Castle.

Eugene Petty inquired about the sluice gate at Tjaden Farm asking when the sluice gate would be fixed. City Administrator Thomas will look into the matter.

William Robinett was a city employee and left his position for new employment. Mr. Robinett left his new employment and requested to be hired back by the City. Mr. Robinett was not rehired and asked Council why he was not notified that he did not get the job. Mrs. Petty stated that when the applications were being reviewed, she was informed that Mr. Robinett had obtained other employment so he was not considered for the position.

Councilwoman Churchill made a Motion that Council adjourn to an Executive Session and Councilman Reese seconded the Motion.

The meeting was adjourned at 9:08 p.m.

Respectfully Submitted,

Jill DiAngelo,
City Clerk

**CITY COUNCIL
OF THE
MAYOR AND COUNCIL OF NEW CASTLE
SPECIAL MEETING
TOWN HALL - 201 DELAWARE STREET
WEDNESDAY - APRIL 26, 2006 - 5:00 PM**

AGENDA

1. Short and long range planning for a variety of City projects.
2. Resolution to appoint a new City Solicitor.
3. Motion for executive session regarding a personnel matters and collective bargaining.

**MAYOR AND COUNCIL OF NEW CASTLE
CITY COUNCIL REGULAR MEETING
NEW CASTLE TOWN HALL - DELAWARE STREET - NEW CASTLE
TUESDAY, APRIL 11, 2006 - 7:00 P.M.**

Roll Call

Present:

Council President Blest
Councilman Reese
Councilwoman Churchill
Councilwoman Petty
Councilman DiMondi

Others present: Treasurer Janet Carlin, Police Chief Kevin McDerby, Master Sgt. Barnes, City Administrator Cathryn Thomas. James Harker, Esquire, David Athey, Jeff Bergstrom

Council President Blest convened the meeting at 7:00 p.m. and led those assembled in the pledge of allegiance.

Approval of Minutes to Date

A Motion was presented by Councilman Reese to accept the Minutes to Date. The Motion was seconded by Councilwoman Churchill. Minutes to Date were accepted as presented.

Approval of Treasurer's Report

Janet Carlin stated that the Total Petty Cash on Hand was \$290.00, Total Monthly Deposits were \$229,139.05, Total Cash in the Wilmington Trust Accounts was \$310,111.68, Total Certificates of Deposit and De. Government Investment Pool was \$888,733.90 and the Total Cash on Hand was \$1,198,845.58. Councilman Reese moved to accept the Treasurer's Report as submitted. It was seconded by Councilwoman Churchill. Motion passed unanimously.

Approval by Date of Director's Report

Cathryn Thomas stated that the YTD revenues are at 92.9% and that the expenditures are at 77.0% as of March 2006. Councilwoman Churchill moved to accept the Director's Report as submitted. It was seconded by Councilman Reese. Motion passed unanimously.

Grant Review

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

1. B2 DelDot Agreement #-6-P-PROG-70-The City has been approved to receive funding from DelDot in the amount of \$54,148.00 for specified paving projects. The City has received funds in the amount of \$5,414.80, which represents 10% of the total funding. DelDot will give the balance of the project funding to the City once a contract has been awarded.
2. B3 State of Delaware Department of Transportation-An agreement (Agreement #06-P-PROGRAM -11) to transfer \$150,00.00 from DelDot to the City for the 9th St. paving project is on file. Receipt of funds in the amount of \$79,688.47 for the paving of 9th St. from Gray St. to Washington St. has been received. Invoices in the amount of \$46,596.50 and \$23,715.03 have been submitted to DelDot for reimbursement. A check in the amount of \$70,311.53 was received from DelDot in February.
3. B4 Delaware Emergency Management Agency- The City has requested reimbursement of \$5,000.00 under the Homeland Security Grant Program for the previous purchase of a Ricoh 240 wide format plotter/copier/scanner. A check in the amount of \$5,000.00 has been received by the City from DEMA and a check in the amount of \$5,000.00 has been issued to MCS for reimbursement.

4. B-5 State of Delaware Community Redevelopment Fund–The City has applied for a request for reimbursement of project costs from the State in the amount of \$10,322.32. Invoices in the amount of \$25,806.58 have been submitted at 40% reimbursement for the purchase of recreational equipment for City parks.

5. C0- SLEAF Grant - AFIS- The City was awarded a grant in the amount of \$85,000.00. The automated fingerprint and identification system has been delivered and installed. A check in the amount of \$58,465.00 has been paid to Motorola. An additional amount of \$840.00 was also expended under this grant. The Public Safety Department is receiving training from Motorola. The City will return the unused funds (\$25,695.00).

6. C1 Delaware Emergency Management Agency–The City's application for a grant in the amount of \$23,750.00 from the 2005 Homeland Security Grant Program has been approved for the purchase of laptops. The City received a check from DEMA in the amount of \$22,316.00 in February. The remaining funds have been used for the installation of the laptops into police vehicles.

7. C2 Delaware Emergency Management Agency–The approved grant from the New Castle Citizen Corps Council, sponsored by the Public Safety Department, is to include a webpage, which is currently in the design stage. The web site address is www.newcastlepd.us. \$14,069.67 of the \$15,000.00 grant has been used.

8. C-3 US Smokeless Tobacco Company–An Application has been submitted by Public Safety requesting a Polaris Ranger 6x6 Utility Vehicle. The City received a letter from the US Smokeless Tobacco Co. that our request was not selected.

9. C5 State Aid to Local Law Enforcement–An application has been submitted for \$11,331.13 for the purchase of equipment in the amount of \$4,445.00 to cover 180 hours of overtime for special investigations and drug enforcement. The City received a check in the amount of \$8,493.34 in January and is expecting receipt of the remaining funds in March.

10. C6 State of Delaware Department of Public Safety–An application has been submitted by the Public Safety Department requesting funds in the amount of \$7,326.40 from the Emergency Illegal Drug Enforcement Program. The City has received a check in the amount of \$5,494.80 and expects the remaining funds in the upcoming month. An application for additional funds in the amount of \$514.95 was submitted in February. This is for overtime enforcement concerning drug investigations.

11. C-7 Federal Government Grant-Bureau of Justice–The Public Safety Department has applied on-line for reimbursement from the Federal Government for the purchase of 3 bulletproof vests recently purchased by the Public Safety Department. An application in the amount of \$1,121.16 has been submitted for the vests, which cost \$2,242.31.

Communications

Councilman Reese received feedback from Jeff Bergstrom and Charles Cobb regarding the 25' zoning code. Jeff Bergstrom will draft a letter to the Planning Commission requesting changes to the code so that all developments within the city will be conforming.

Councilwoman Petty received a letter from Senator Henry appropriating \$25,000.00 to the City. She also received a letter from the Sailing Club thanking the Public Works Department for the beach clean up.

Councilman DiMondi forwarded a letter to Richard Keller regarding the 9th St. Paving Project stating the Mr. Keller agreed to indemnify the City with 4 equal installments of \$23,000.00 to be paid in successive months beginning March 30, 2006.

Business from the Floor

Tom Gerahty spoke of the off street parking issues and Mr. Gerahty was upset with Mayor Klingmeyer for vetoing the off street-parking ordinance. Charles Cobb voiced his opinion regarding #5, Unfinished Business, and requested that Council enter into the Agreement with the Trustees and B&E.

Tom Simperts spoke of the Riverbend project and stated that he would rather see Riverbend be a residential area as opposed to an industrial area.

Joseph DiAngelo stated that he felt the developer held up his end in the Riverbend project and is agreeable to a residential area.

Dorsey Fiske requested that council leave the bypass road on the Comprehensive Plan.

Mr. Evans spoke of his displeasure with Mayor Klingmeyer for vetoing Ordinance 430.

Dr. Padmalingam requested that Council clean up the beach at Battery Park and make this an ongoing task.

Master Sgt. Barnes was awarded a plaque from City Council commemorating his 15 years of dedicated service to the New Castle City Police Department.

Unfinished Business

1. Discussion, Motion and Vote on Ordinance 430 amending the Zoning Code of New Castle by changing the requirements of §§ 230-1, 230-28 and 230-52, concerning the Historic District Parking Regulations and whether or not to override the Mayor's veto of said proposed Ordinance. After a short discussion, a Motion was made by Councilman DiMondi to table this matter and was seconded by Councilman Reese. (Blest=yes, Reese=yes, Churchill=yes, Petty=yes, DiMondi=yes). The matter was tabled.

2. Discussion, Motion and Vote on Ordinance 431 amending the Zoning Code of New Castle by changing the requirements of §§ 230-18B to permit Private Clubs and Lodges as special exceptions in a Residential District (R-3) if approved by the Board of Adjustments. Council President Blest has the first reading of the Ordinance and Councilman DiMondi stated that he wanted a section in the Ordinance specifically dealing with parking spots not being eliminated for building expansion.

3. Riverbend Issues: (a) Motion and Vote on proposed Ordinance T.B.A., to amend the 2003 Comprehensive Plan Update for the City of New Castle by removing the suggestion under the Transportation Plan (goal No.2, Strategy No. 4) to "Create a Route 9 bypass of the downtown south of Dobbinsville and Washington Park. Council President Blest has the 1st and 2nd reading of the Ordinance. Councilman Reese made a Motion to amend the Ordinance and it was seconded by Councilwoman Churchill. Motion passed unanimously.

(b) Motion and Vote on proposed Ordinance T.B.A., to amend the 2003 Comprehensive Plan Update for the City of New Castle by removing the suggested Land Use for the Parcel where the Riverbend subdivision is proposed to be developed from IOP to R-3. Council President Blest had the 1st reading of the Ordinance. For the 2nd reading the "...NOW, THEREFORE..." clause for read aloud.

(c) Motion and Vote on proposed Ordinance No. 432 to amend the Zoning Code of New Castle by rezoning a portion of land designated IOP to R-3, i.e., the proposed Riverbend subdivision. Council President Blest held the 1st and 2nd reading of the Ordinance.

4. Resolution No. 2006-08, to consider placing traffic calming signs on 9th St., specifically a Stop Sign on 9th St. intersecting with Gray St. coming from Washington St. and a Local Truck Limit Sign on 9th St. as it intersects with Washington St. The Resolution was amended (3rd line of resolution, the date of the public hearing was changed from March 14, 2006 to April 11, 2006). Council President Blest made a Motion that the Resolution be passed, as amended, and it was seconded by Councilman Reese. The Resolution was unanimously passed, as amended.

5. Motion authorizing City to enter into an agreement with the Trustees of the New Castle Common and Brosius-Eliason Company resolving questions and issues relative to property titles on South St., Penn St. and Third St. Mr. Taylor, attorney for the Trustees, gave a speech regarding the background of this issue. A vote was taken by Council. (DiMondi-no, Petty-no, Blest-yes, Churchill-yes, Reese-yes) and passed.

New Business

3. Discussion on request to vend hot dogs, soda, water and soup in the vicinity of Battery Park for the company Almost History, Inc. Wayne Kelley of Almost History requested that Council consider his permit for vending. Councilwoman Churchill made a Motion that a \$50.00, one time fee, be imposed and that the days permitting vending be kept as they were. Motion was seconded by Councilman Reese and passed unanimously.

1. Receipt of recommendations from the Land Use Subcommittee and consideration the City Council for referral to the Planning Commission. After a discussion Council agreed that they would agree to send the recommendations to the Planning Committee although they were not necessarily endorsing the recommendation.

2. Discussion on annual request to extend outdoor service hours at the Castilian Club. After a discussion Council agreed that they would not permit the Castilian Club request unless some type of fence, barrier, etc. was put in place along Delaware Street.

4. Consideration to adopt a Policy of the City Council concerning workflow and process for City employees. Councilwoman Petty presented a Work Flow Policy and Process to Council. Councilman Reese made a Motion to adopt the policy and it was seconded by Councilwoman Churchill and passed unanimously.

5. Discussion proposed Ordinance No. 433 amending the Code of New Castle by changing the requirements of §230-28 concerning Historic District Parking Regulations. Councilwoman Churchill made a Motion to send the Ordinance to the Planning Commission and it was seconded by Councilman Reese and passed unanimously.

6. Discussion on the schedule for upcoming budget workshop sessions. Budget meetings will be held on May 2nd, 11th, 16th and 23rd.

7. Discussion and possible motion and vote to seek bids for construction of a records archive storage facility, to be constructed inside the Trolley Barn. A discussion was held regarding getting bids for a new storage facility. Councilman DiMondi stated that he felt this matter should be taken up at the budget meetings. Councilwoman Churchill made a Motion to move forward with getting bids, etc. for the archive facility and it was seconded by Council President Blest.

8. Discussion and possible motion and vote to support Delaware Police Chiefs and Officers concerning their request to the Delaware State Legislature for certain provisions to be included in any State legislation adopted that would broaden the ability of more persons to carry concealed weapons.

Councilwoman Churchill made a Motion to support the Delaware Police Chiefs and Officers concerning their request to the Delaware State Legislature for certain provisions to be included in any State legislation adopted that would broaden the ability of more persons to carry concealed weapons and it was seconded by Councilman Reese and passed unanimously.

9. Resolution to honor the memory of Joseph Toner. The Resolution was read aloud by Council President Blest and passed, as amended, by Council.

10. Motion for executive session concerning a personnel matter of a particular employee and a strategy session with the City Solicitor regarding collective bargaining matters. Councilwoman Churchill made a Motion for Executive Session and it was seconded by Councilman Reese.

The meeting was adjourned at 10:13 p.m.
Respectfully Submitted,

Jill DiAngelo,
City Clerk

**MAYOR AND CITY COUNCIL OF NEW CASTLE
PUBLIC HEARING
NEW CASTLE TOWN HALL - DELAWARE STREET - NEW CASTLE
TUESDAY, APRIL 11, 2006 - 6:45 P.M.**

A public hearing was held to discuss the need for traffic calming signs on 9th Street, particularly a stop sign at 9th & Gray Sts. coming from Washington St. and a Local Truck Limit sign at the intersection of 9th & Washington Sts.

Council discussed the need for stop signs and Councilman DiMondi stated that he felt that the City should install at least a 3-way stop sign at 9th & Gray Sts.

The meeting was recessed at 6:50 p.m.

Respectfully submitted,
Jill DiAngelo, City Clerk

NOTICE OF PUBLIC HEARING

A Public Hearing will be held before the City Council of the City of New Castle in the Town Hall, Delaware Street, Second Floor, New Castle, Delaware on:

**Thursday, March 9, 2006
At 7:00 P.M.**

To consider an Amendment to the Land Use Plan of the Comprehensive Plan for the City of New Castle, dated May 12, 2003 to permit the construction of an age-restricted residential community by adding an entry to Table 21a, Vacant Land and Suggested Land Uses" and amending the Map entitled "Map 2b. Current Zoning and Suggested Change", to indicate RESIDENTIAL for the portion of land owned by Parkway Gravel, known as Riverbend, bounded by Delaware Route 9, Army Creek and the Norfolk Southern Railroad, containing approximately 70.82 acres and known as tax parcel number 1003100003.

Notice of Public Hearing

A Public Hearing will be held before the City Council of the City of New Castle in the Town Hall, Delaware Street, Second Floor, New Castle, Delaware on:

**Thursday, March 9, 2006
At 7:00 P.M.**

To consider an Amendment to the Transportation Plan of the Comprehensive Plan for the City of New Castle, dated May 12, 2003 to remove the proposed Relocation of Delaware State Route 9 as follows:

1. To Amend Goal 2 "Clarify regional and local traffic patterns throughout the City" by deleting Strategy 4 "Create a Route 9 bypass of the downtown south of Dobbinsville and Washington Park. (See Chart 23 and Map 4)"

2. To remove item Number 10, Proposed Relocation of State Route 9 on the Map entitled "Map 4. Priority Transportation Improvements.

Notice of Public Hearing

A Public Hearing will be held before the City Council of the City of New Castle in the Town Hall, Delaware Street, Second Floor, New Castle, Delaware on:

**Thursday, March 9, 2006
At 7:00 P.M.**

To consider an Amendment to the Official Zoning Map for the City of New Castle, to rezone from INDUSTRIAL OFFICE PARK (IOP) to RESIDENTIAL R-3 the portion of land owned by Parkway Gravel, known as Riverbend, bounded by Delaware Route 9, Army Creek and the Norfolk Southern Railroad, containing approximately 70.82 acres and known as tax parcel number 1003100003.

Written comments in the proposed amendment are encouraged and may be submitted prior to the hearing to:

Mayor and City Council of the City of New Castle
220 Delaware Street
New Castle, DE 19720

**MAYOR AND CITY OF NEW CASTLE
PUBLIC HEARINGS
NEW CASTLE TOWN HALL - DELAWARE STREET - NEW CASTLE
TUESDAY, FEBRUARY 14, 2006 6:15PM AND 6:30P.M.**

Discussion on installing stop signs at 10th and Clayton Streets.

A Public Hearing was held to discuss the installation of stop signs at the intersection of 10th & Clayton Streets. Chief McDerby surveyed the area and suggested that at least 2 stops be installed. The meeting was opened up to the public for comments. Charles Cobb felt that it is a very bad intersection and that 4 stop signs should be installed. Joseph DiAngelo stated that the intersection is one of the few in the City that has no stop signs and they were certainly needed. Councilman DiMondi felt that 4 stop signs were needed. Earl Carpenter asked what was the reasoning for keeping the stop signs at 3rd & Foundry Sts. and asked if the City was responsible for the stop signs at Centerpoint.

To amend the Code of New Castle by changing the requirements of Section 230-18B to permit Private Clubs and Lodges as special exceptions if approved by the Board of Adjustment.

A Public Hearing was held to review an amendment to the Code of New Castle by changing the requirements of Section 230-18B to permit Private Clubs and Lodges as special exceptions if approved by the Board of Adjustment. The meeting commenced at 6:32 p.m. Councilman DiMondi asked if it was feasible to put some type of membership restriction and parking space limitations on this amendment. He felt that the clubs and lodges should not be able to take away existing parking spaces for expansion and that there should be some type of ratio between the number of members and the parking spaces available since most of the clubs and lodges are in residential areas. Jackie Seneschal, City Planner, stated that the zoning requirements restrict parking spots in ratio to the number of members for the clubs and lodges. Council President Blest stated that Council would send a letter to the Planning Commission to add a provision to the amendment regarding the non-elimination of existing parking spots when the clubs and lodges expand or build on. Council would also ask the Planning Commission to find out how many clubs/lodges there are in the City and what type of zoning areas they are located in. The meeting was adjourned at 6:48 p.m.

**MAYOR AND CITY COUNCIL OF NEW CASTLE
CITY COUNCIL MEETING
NEW CASTLE TOWN HALL - DELAWARE STREET - NEW CASTLE
TUESDAY, FEBRUARY 14, 2006 - 7:00 P.M.**

Roll Call

Present:

Council President Blest

Councilman Reese

Councilwoman Churchill

Councilwoman Petty

Councilman DiMondi

Others present: Mayor Klingmeyer, Treasurer Janet Carlin, Police Sgt. Barnes, Marian Delaney, Jackie Seneschal, David Athey and George O'Neal.

Council President Blest convened the meeting at 7:00 p.m. and led those assembled in the pledge of allegiance.

Approval of Minutes to Date

A Motion was presented by Councilman Reese to accept the January Minutes to Date. The Motion was seconded by Councilwoman Churchill. Minutes to Date were accepted as presented.

Approval of Treasurer's Report

Janet Carlin stated that the Total Petty Cash on Hand was \$290.00, Total Monthly Deposits were \$241,499.75, Total Cash in the Wilmington Trust Accounts was \$386,960.47, Total Certificates of Deposit and De. Government Investment Pool was \$1,012,014.34 and the Total Cash on Hand was \$1,398,974.81. Councilman Reese moved to accept the Treasurer's Report as submitted. It was seconded by Councilwoman Churchill. Motion passed unanimously.

Approval by Date of Director's Report

Marian Delaney stated that 83% of the revenues have been collected as opposed to 75.1% at the same time last year. The fiber optic project has been completed. The total cost of the project was \$33,000.00 and \$16,500.00 of the cost is being reimbursed by the Trustees. Marian also passed out pamphlets from Diane Clarke Street, Register of Wills, regarding a workshop on preparing wills.

Chief of Police Report

The police department received funding for the Civil Patrol Program and department was looking for volunteers. All volunteers are asked to contact the police department.

Grant Review

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

1. C6 State of Delaware Department of Public Safety--An application has been submitted by the Public Safety Department requesting funds in the amount of \$7,326.40 from the Emergency Illegal Drug Enforcement Program. The City has received a check in the amount of \$5,494.80 and expects the

remaining funds in the upcoming month.

2. B4 Delaware Emergency Management Agency– The City has requested reimbursement of \$5,000.00 under the Homeland Security Grant Program for the previous purchase of a Ricoh 240 wide format plotter/copier/scanner located at the MSC plant building. A check in the amount of \$5,000.00 has been received by the City from DEMA.

3. C5 State Aid to Local Law Enforcement–An application has been submitted for \$11,331.13 for the purchase of equipment in the amount of \$4,445.00 to cover 180 hours of overtime for special investigations and drug enforcement. The City received a check in the amount of \$8,493.34 in January and is expecting receipt of the remaining funds in the upcoming month.

4. C1 Delaware Emergency Management Agency–The City's application for a grant in the amount of \$23,750.00 from the 2005 Homeland Security Grant Program has been approved for the purchase of laptops. The remaining funds have been used for the installation of the laptops into police vehicles.

5. C2 Delaware Emergency Management Agency–The approved grant from the New Castle Citizen Corps Council, sponsored by the Public Safety Department, is to include a webpage, which is currently in the design stage. The web site address is www.newcastlepd.us. This project has been given as a senior project for a Wilmington College student, Thomas Finch.

6. C4 State of Delaware Department of Justice–The Special Law Enforcement Assistance Funds (SLEA) funds were received and 8 digital cameras and related equipment has been purchased for \$9,439.20. The grant has now been closed.

7. SLEAF Grant - AFIS The automated fingerprint and identification system has been delivered and installed. The Public Safety Department is awaiting training from Motorola.

8. B2 DelDot Agreement #-6-P-PROG-70–The City has been approved to receive funding from DelDot in the amount of \$54,148.00 for specified paving projects. The City has received funds in the amount of \$5,414.80, which represents 10% of the total funding. DelDot will give the balance of the project funding to the City once a contract has been awarded.

9. B3 State of Delaware Department of Transportation–An agreement (Agreement #06-P-PROGRAM -11) to transfer \$150,00.00 from DelDot to the City for the 9th St. paving project is on file. Receipt of funds in the amount of \$79,688.47 for the paving of 9th St. from Gray St. to Washington St. has been received. Invoices in the amount of \$46,596.50 and \$23,715.03 have been submitted to DelDot for reimbursement.

10. C-7 Federal Government Grant-Bureau of Justice–The Public Safety Department is applying on-line for reimbursement from the Federal Government for the purchase of 3 bulletproof vests recently purchased by the Public Safety Department.

Communications

Council President Blest received an email from George Fitzgerald asking if Council could pass a City Resolution in support of a bill regarding identity theft.

Council President Blest received a letter from Will Bowker of Smith & Solomon Driving Training inviting Council to the unveiling of their new school.

Council President Blest received a letter from the Historical Society of Delaware giving Council Members an update as to their first workshop for researching local history.

Council President Blest received a letter from Bob Appleby as liaison for the Municipal Services Commission stating that changes to MSC's financial status may impact their ability to continue to contribute at their present level towards the City's next fiscal year.

Councilwoman Petty received a letter from Webb Correctional Facility stating that no prisoner replacements will be forthcoming.

Councilwoman Petty received a request from Melissa Pavone requesting that she be removed from the Land Use Committee and be placed on the Planning Commission.

Business from the Floor

Fred Dressler of E. 2nd Street asked for Council's help in resolving the issue at 137 E. 2nd St. Mr. Dressler sold the property contingent upon approval of the plans by H.A.C. Mr. Dressler has previously been before H.A.C. and has been turned down 13 times. He thought the Board of Adjustment had 45 days to issue a letter and stated that it has now been over 9 weeks since the hearing. He would like some closure to the sale of this property. Mr. Harker stated that Mr. Kavanaugh was in the process of writing the letter but was sick and would have the letter finished as quickly as his health permitted.

Melvin Jenkins spoke regarding the situation at 102 and 104 Buttonwood. He felt that since he was turned down for the same proposal on his property that Council should turn down this request. Kent Green was the surveyor for the 102-104 Buttonwood properties and stated that he made a mistake on the survey but that all the guidelines and proper procedures were followed.

Business from the Mayor

The Mayor selected Melissa Pavone as his choice for the Planning Commission.

Request that Council postpone the override of the Mayor's veto until Council can discuss the situation with legal counsel. Mayor Klingmeyer stated that §15 of the Code states

...Every ordinance after it shall have passed the Council, shall be signed by the President of council and the Clerk of Council for its authentication of its passage, and on the next day thereafter presented to the mayor. If he approves it, he shall sign it; but if not, he shall return it with his objections to the Council who shall enter the objections on the minutes and proceed to reconsider it... (See copy of Mayor Klingmeyer's letter to Council attached as "Exhibit A")

Council tabled the matter until next month.

Unfinished Business

Council President Blest read Resolution No. 2006-1 A Resolution Approving a Minor Subdivision for Properties located at 102 & 104 Buttonwood Avenue. A vote was taken by roll call: DiMondi- yes, Petty-no, Churchill-yes, Reese-yes, Blest-yes). The Resolution was passed.

New Business

1. Motion to schedule a Homeland Security Workshop for City Council Members as well as the Public Works Department on March 8th and 22nd. The Motion was made by Councilwoman Churchill and seconded by Councilman Reese. Motion passed unanimously.

2. City Council's role in the approval of site plans and special exception use. This was presented in response to the building of the charter school. Councilwoman Petty felt the Council did not know any of the details of the project and Council needs to be kept informed of building projects and should have more input before the projects proceed. Councilman DiMondi questioned why the contractor was starting construction when no permit had been issued.

3. Recommendation to have letter sent to the Trustees regarding the leasing of land. A Motion was made by Councilwoman Petty that a letter should be sent to the Trustees, signed by all Council members requesting that the Trustees inform Council what they are doing with Trustee properties. It was seconded by Councilman Reese and passed unanimously.

4. Motion for Council to override Mayor Klingmeyer's veto of Ordinance No. 430 (Off Street Parking). (See business from the Mayor above)

5. Resolution No. 2006-03 authorizing the placement of stop signs at 10th & 7 Clayton Streets. A public hearing on the matter will be held on February 14, 2006 at 6:45 p.m. a Motion was presented to pass Resolution No. 2006-03. Motion passed unanimously.

6. Action on Annual State Mosquito Control and Municipal Endorsement. A Motion was presented by councilwoman Churchill and seconded by Councilman Reese. Motion passed unanimously.

7. Discussion on placement of "weight limit" sign on 9th St. between Washington St. and Gray St. Councilman DiMondi requested that this item be tabled because he felt that stop signs should also be placed along 9th St. Council agreed and the matter was tabled.

8. Discussion on the site plan for the Family Foundation. (See Item #2 of New Business above)

9. Discussion and approval of Budget Transfer increase for Planning Commission. It was stated that the Planning Commission is 7 months into their budget and they are already approximately \$3,000.00 over budget. After a discussion, Council President Blest made a Motion that the Planning Commission's budget be increased to \$25,000.00. Councilwoman Churchill seconded the Motion and it was passed unanimously.

10. Motion to upgrade current temporary Unskilled Laborer to a permanent full time Laborer 1-A-1 to fill Public Services position open due to a recent resignation. George O'Neal of the Public Services stated that an operator position had become available due to the resignation of an operator. Mr. O'Neal stated that he would like to fill that position and also hire a laborer that is currently part time temporary to a full time laborer position. There was some confusion as to whether the part time laborer would be hired as an operator or if he were to become a full time laborer and an operator would be hired to fill the resigned position. Councilwoman Churchill presented a Motion to hire the part time laborer as a full time laborer. The Motion was seconded by Councilman Reese.

11. Amendment to the 2003 comprehensive Plan to permit development of Riverbend subdivision, 210 residential units, Route 9 at Army Creek.

12. Request for rezoning from IOP to Residential R3 to permit development of Riverbend subdivision, 210 residential units, Route 9 at Army Creek.

13. Motion to set 2 Public Hearing for (1) an Amendment to the 2003 Comprehensive Plan to permit development at Riverbend subdivision, 210 residential units, Route 9 at Army Creek and (2) request for rezoning from IOP to Residential R3 to permit development of Riverbend subdivision, 210 residential units, Route 9 at Army Creek. After a discussion, Council moved that a Public Hearing on these matters would be set for March 2, 2006 at 7:00 p.m. (Public Hearings subsequently changed to March 9, 2006 at 6:30 p.m.)

14. Discussion and approval on Resolution to hire and offer a contract of employment to a City Administrator. After a discussion on the matter Councilman Reese made a Motion that Resolution 2006-05 be approved. Councilwoman Churchill seconded the Motion. Roll call was taken:

DiMondi-no, Petty-yes, Churchill-yes, Reese-yes, Blest-yes. Motion was passed by majority vote. The position would be offered to Cathryn C. Thomas and Ms. Thomas would start her employment as City Administrator on March 13, 2006.

15. Resolution No. 2006-04 authorizing the Mayor, on behalf of the City, to enter into a Storm Sewer Easement Agreement. After discussion a Motion was presented and passed by Council unanimously.

16. Motion for Executive Session to discuss personnel and legal matters. A Motion was made for Council to proceed to Executive Session and the meeting was adjourned at 9:32 p.m.

Respectfully submitted,

Jill F. DiAngelo,
City Clerk

**MAYOR AND CITY COUNCIL OF NEW CASTLE
CITY COUNCIL MEETING
TOWN HALL – 201 DELAWARE STREET - NEW CASTLE
TUESDAY, JANUARY 10, 2006 - 7:00 P.M.**

Roll Call

Present:

Council President Blest

Councilman Reese

Councilwoman Churchill

Councilwoman Petty

Councilman DiMondi

Others present: Mayor Klingmeyer, Treasurer Janet Carlin, Police Chief Kevin McDerby, Council President Blest convened the meeting at 7:00 p.m. and led those assembled in the pledge of allegiance.

Approval of Minutes to Date

Council President Blest made an amendment to the December Minutes and the Minutes were approved as amended. 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 \$201,397.83, Total Cash in the Wilmington Trust Accounts was \$305,794.09, Total Certificates of Deposit and De. Government Investment Pool was \$1,285,961.39 and the Total Cash on Hand was \$1,591,755.48. Councilman Reese moved to accept the Treasurer's Report as submitted. It was seconded by Councilwoman Churchill. Motion passed unanimously.

Approval by Date of Director's Report

Finance/HR Report

Marian C. Delaney was not available for the meeting.

Chief of Police Report

Chief McDerby stated that the new police officer, Mr. Woodson was in training until February 2006 and would then go on full time duty.

Councilman DiMondi gave a brief overview of the City's finances. Taxes collected were at 95% and that basically, all of the City's departments were on average (50%) except for the Planning Commission. Councilman DiMondi stated that the Planning Commission was extremely over budget. Councilman DiMondi also stated that the City's audit was finalized and that the City is in healthy shape.

Councilman Reese stated that the Public Works Department hauled 232.33 tons of trash for the month of December as compared to 237.12 tons of trash for December 2004. Councilman Reese felt that this was due to the recycling program.

Grant Review

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

1. C6 State of Delaware Department of Public Safety--An application has been submitted by the Public Safety Department requesting funds in the amount of \$7,326.40 from the Emergency Illegal Drug Enforcement Program.
2. B4 Delaware Emergency Management Agency-- The City has requested reimbursement of \$5,000.00 under the Homeland Security Grant Program for the previous purchase of a Ricoh 240 wide format plotter/copier/scanner. The grant has been reviewed by DEMA and is in the final stages of processing for payment.

3. C5 State Aid to Local Law Enforcement—An application has been submitted for \$11,331.13 for the purchase of equipment in the amount of \$4,445.00 to cover 180 hours of overtime for special investigations and drug enforcement.

4. C1 Delaware Emergency Management Agency—The City's application for a grant in the amount of \$23,750.00 from the 2005 Homeland Security Grant Program has been approved for the purchase of laptops. The remaining funds are being used for the installation of the laptops into police vehicles.

5. C2 Delaware Emergency Management Agency—The approved grant from the New Castle Citizen Corps Council, sponsored by the Public Safety Department, is to include a web page, which is currently in the design stage. The web site address is www.newcastlepd.us. This project has been given as a senior project for a Wilmington College student.

6. C4 State of Delaware Department of Justice—The Special Law Enforcement Assistance Funds (SLEA) funds were received and 8 digital cameras and related equipment has been purchased for \$9,439.20.

7. SLEAF Grant - AFIS The automated fingerprint and identification system has been delivered and installed. The Public Safety Department is awaiting training from Motorola.

8. B3 State of Delaware Department of Transportation—An agreement (Agreement #06-P-PROGRAM -11) to transfer \$150,00.00 from DelDot to the City for the 9th St. paving project is on file. Receipt of funds in the amount of \$79,688.47 for the paving of 9th St. from Gray St. to Washington St. has been received. Invoices in the amount of \$46,596.50 are in the process of being submitted to DelDot for reimbursement.

Councilman Reese acknowledged the work that Chief McDerby has done securing grants and stated that due to the Chief's diligence, over \$57,000.00 in grants has been secured for the Public Safety Department, which is money that the City will not need to expend.

Communications

Council President Blest received a letter from the Historical Society of Delaware inviting Council Members to their workshops for researching local history.

Council President Blest received a letter from Donna Ramsey of DelTech that the City will again be utilizing a group of first semester nursing students for the school's Community Nursing Program.

Business from the Floor

Ms. Petty Johnson spoke to Council regarding Resolution No. 2006-01 approving a minor subdivision for properties located at 102 and 104 Buttonwood Avenue. Ms. Petty Johnson asked Council to deny the Resolution as the properties have already been divided and built on and when she approached Council regarding her request to subdivide, it was denied.

Williams Robinett discussed Agenda Item #5, discussion and acceptance of the lowest bids for a new truck with plow and hydraulic lift. Mr. Robinett is a Public works employee and felt it was much more important for the City to purchase a new garbage truck before purchasing a lift.

John Houben asked councilman DiMondi to expand/explain his comments regarding the budgets of the City's various departments.

Robert Ford, a City Public Works employee, requested that Council consider a raise for him (Laborer I), as he had been an employee for 3 years and the new full time Laborer I was making the same salary as him. Mr. Ford also felt that the Public Works Department did not need a hydraulic lift. Councilwoman Petty stated that she would look into the wage issue for Mr. Ford.

Business from the Mayor

None.

Unfinished Business

Council President Blest read Ordinance No. 430, An Ordinance Amending the Code of New Castle by Changing the Requirements of Section 230-1, 230-28 and 230-52 (Historic District Parking Regulations) in its entirety for the third and final time. A vote was taken by roll call: (Blest—yes, Reese—yes, Churchill—yes, Petty—yes, DiMondi—yes) and Council signed the Ordinance. The Ordinance will go to the Mayor for his signature or, in the alternative, his veto.

New Business

1. Resolution No. 2006-01 approving a minor subdivision for properties located at 102 and 104 Buttonwood Avenue. Since there was some discussion as to why the subdivision for the properties was needed and there were no representatives from either property to explain the situation to Council, a motion was made by Councilman Reese and seconded by Councilwoman Churchill to table this matter until a representative from one of the properties was contacted. (Blest—yes, Reese—yes, Churchill—yes, Petty—yes, DiMondi—yes). Agenda item #1 was tabled.

2. Resolution No. 2006-02 approving a minor subdivision for properties located at 226 East 2nd Street. Carmen Casper spoke on behalf of the resident of 226 E. 2nd St. requesting the subdivision and a Motion was made by Councilman Reese and seconded by Councilman DiMondi that the Resolution is passed. The Resolution was passed unanimously by Council.

3. Approval of Trustees Appropriation List. Council will write a letter to Henry Gambacorta with Council's requests but a footnote will be added to the letter stating that council feels a stipend should be given to Council as opposed to Council requesting individual items. A Motion was made by Councilwoman Churchill to send the letter with the additional footnote and was seconded by Councilman Reese. Motion passed unanimously that a letter signed by all of Council would request a stipend from the Trustees as opposed to requesting financial help with individual items.

4. Discussion on installing stop signs at 10th 7 Clayton Streets. It was brought up that Resolution 85-10 gives the guidelines for installing stop signs and that a public hearing should be held to get the residents opinions on the matter. A public hearing on the matter will be held on February 14, 2006 at 6:15 p.m.

5. Discussion and acceptance of the lowest bids for the new truck with plow and hydraulic lift for the garage. Winner of New Jersey had the lowest bid and a Motion was made by Councilwoman Churchill that Council accept their bid. Motion was seconded by Councilman Reese and passed unanimously.

6. Motion to set a Public hearing to amend the Code of New Castle by changing the requirements of Section 230-18B to permit Private Clubs and Lodges as special exceptions if approved by the Board of Adjustment. A public hearing will be held on February 14, 2006 at 6:30 p.m. to get the residents opinion regarding this matter.

7. Bank Resolution in the amount of \$75,062.70 to pay Richards Paving, Inc. for contract #2005-02, "Ninth Street Improvements". A Motion was made by Councilman Reese that the Resolution be approved and seconded by Councilwoman Churchill. The Resolution passed unanimously.

8. Comments from the Floor.

Ms. Dee Duszak asked when the problems with a property on Gray St. were going to be resolved. It was stated that the house would be going up for sheriff sale.

Earl Carpenter questioned Item #6, Section 230-18B to permit Private Clubs and Lodges as special exceptions if approved by the Board of Adjustment. Mr. Carpenter felt that the public should know about this item and Council decided that a public meeting would be held.

Bill Simpson thanked Council for getting 9th St. paved at least to the point where emergency vehicles now had access.

Dr. Padmalingam requested an update on the City Administrator position.

Dr. Padmalingam felt that since the City had gone without an Administrator for this length of time perhaps the money/salary should be used on a full time City Planner instead and City Council collectively should act as the City Administrator.

Senator Dori Connor was in attendance and spoke about the new building projects along Rt. 9. She asked Council to give serious attention to negotiating with the various builders and should have in writing from the builders items such as who is responsible for maintaining the roads in front of the properties, who is responsible for installing red lights at the properties if necessary, etc. These types of items need to be addressed and put in writing when negotiating with builders in the City, as the City should not bear the monetary responsibility for these types of items.

Councilwoman Petty addressed the issue of Howell Drive and the need for the road to be closed. Councilwoman Petty was informed that DeIDot will not close the road because it would close off access to Collins Park. Councilwoman Petty felt the road causes safety hazards and should be closed.

9. Motion for Executive Session to discuss personnel and legal matters. A Motion was made for Council to proceed to Executive Session and the council meeting was adjourned at 9:25 p.m.

Respectfully submitted,
Jill F. DiAngelo,
City Clerk

**MAYOR AND CITY COUNCIL OF NEW CASTLE
CITY COUNCIL MEETING
TOWN HALL – 201 DELAWARE STREET - NEW CASTLE
TUESDAY, JANUARY 10, 2006 - 7:00 P.M.**

Roll Call

Present:

Council President Blest
Councilman Reese
Councilwoman Churchill
Councilwoman Petty
Councilman DiMondi

Others present: Mayor Klingmeyer, Treasurer Janet Carlin, Police Chief Kevin McDerby,
Council President Blest convened the meeting at 7:00 p.m. and led those assembled in the pledge of allegiance.
Approval of Minutes to Date

Council President Blest made an amendment to the December Minutes and the Minutes were approved as amended. 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 \$201,397.83, Total Cash in the Wilmington Trust Accounts was \$305,794.09, Total Certificates of Deposit and De. Government Investment Pool was \$1,285,961.39 and the Total Cash on Hand was \$1,591,755.48. Councilman Reese moved to accept the Treasurer's Report as submitted. It was seconded by Councilwoman Churchill. Motion passed unanimously.

Approval by Date of Director's Report

Finance/HR Report

Marian C. Delaney was not available for the meeting.

Chief of Police Report

Chief McDerby stated that the new police officer, Mr. Woodson was in training until February 2006 and would then go on full time duty.

Councilman DiMondi gave a brief overview of the City's finances. Taxes collected were at 95% and that basically, all of the City's departments were on average (50%) except for the Planning Commission. Councilman DiMondi stated that the Planning Commission was extremely over budget. Councilman DiMondi also stated that the City's audit was finalized and that the City is in healthy shape.

Councilman Reese stated that the Public Works Department hauled 232.33 tons of trash for the month of December as compared to 237.12 tons of trash for December 2004. Councilman Reese felt that this was due to the recycling program.

Grant Review

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

1. C6 State of Delaware Department of Public Safety--An application has been submitted by the Public Safety Department requesting funds in the amount of \$7,326.40 from the Emergency Illegal Drug Enforcement Program.
2. B4 Delaware Emergency Management Agency-- The City has requested reimbursement of \$5,000.00 under the Homeland Security Grant Program for the previous purchase of a Ricoh 240 wide format plotter/copier/scanner. The grant has been reviewed by DEMA and is in the final stages of processing for payment.
3. C5 State Aid to Local Law Enforcement--An application has been submitted for \$11,331.13 for the purchase of equipment in the amount of \$4,445.00 to cover 180 hours of overtime for special investigations and drug enforcement.
4. C1 Delaware Emergency Management Agency--The City's application for a grant in the amount of \$23,750.00 from the 2005 Homeland Security Grant Program has been approved for the purchase of laptops. The remaining funds are being used for the installation of the laptops into police vehicles.
5. C2 Delaware Emergency Management Agency--The approved grant from the New Castle Citizen Corps Council, sponsored by the Public Safety Department, is to include a web page, which is currently in the design stage. The web site address is www.newcastlepd.us. This project has been given as a senior project for a Wilmington College student.
6. C4 State of Delaware Department of Justice--The Special Law Enforcement Assistance Funds (SLEA) funds were received and 8 digital cameras and related equipment has been purchased for \$9,439.20.

7. SLEAF Grant - AFIS The automated fingerprint and identification system has been delivered and installed. The Public Safety Department is awaiting training from Motorola.

8. B3 State of Delaware Department of Transportation—An agreement (Agreement #06-P-PROGRAM -11) to transfer \$150,000.00 from DelDot to the City for the 9th St. paving project is on file. Receipt of funds in the amount of \$79,688.47 for the paving of 9th St. from Gray St. to Washington St. has been received. Invoices in the amount of \$46,596.50 are in the process of being submitted to DelDot for reimbursement.

Councilman Reese acknowledged the work that Chief McDerby has done securing grants and stated that due to the Chief's diligence, over \$57,000.00 in grants has been secured for the Public Safety Department, which is money that the City will not need to expend.

Communications

Council President Blest received a letter from the Historical Society of Delaware inviting Council Members to their workshops for researching local history.

Council President Blest received a letter from Donna Ramsey of DelTech that the City will again be utilizing a group of first semester nursing students for the school's Community Nursing Program.

Business from the Floor

Ms. Petty Johnson spoke to Council regarding Resolution No. 2006-01 approving a minor subdivision for properties located at 102 and 104 Buttonwood Avenue . Ms. Petty Johnson asked Council to deny the Resolution as the properties have already been divided and built on and when she approached Council regarding her request to subdivide, it was denied.

Williams Robinett discussed Agenda Item #5, discussion and acceptance of the lowest bids for a new truck with plow and hydraulic lift. Mr. Robinett is a Public works employee and felt it was much more important for the City to purchase a new garbage truck before purchasing a lift.

John Houben asked councilman DiMondi to expand/explain his comments regarding the budgets of the City's various departments.

Robert Ford, a City Public Works employee, requested that Council consider a raise for him (Laborer I), as he had been an employee for 3 years and the new full time Laborer I was making the same salary as him. Mr. Ford also felt that the Public Works Department did not need a hydraulic lift. Councilwoman Petty stated that she would look into the wage issue for Mr. Ford.

Business from the Mayor

None.

Unfinished Business

Council President Blest read Ordinance No. 430, An Ordinance Amending the Code of New Castle by Changing the Requirements of Section 230-1, 230-28 and 230-52 (Historic District Parking Regulations) in its entirety for the third and final time. A vote was taken by roll call: (Blest—yes, Reese—yes, Churchill—yes, Petty—yes, DiMondi—yes) and Council signed the Ordinance. The Ordinance will go to the Mayor for his signature or, in the alternative, his veto.

New Business

1. Resolution No. 2006-01 approving a minor subdivision for properties located at 102 and 104 Buttonwood Avenue . Since there was some discussion as to why the subdivision for the properties was needed and there were no representatives from either property to explain the situation to Council, a motion was made by Councilman Reese and seconded by Councilwoman Churchill to table this matter until a representative from one of the properties was contacted. (Blest—yes, Reese—yes, Churchill—yes, Petty—yes, DiMondi—yes). Agenda item #1 was tabled.

2. Resolution No. 2006-02 approving a minor subdivision for properties located at

226 East 2nd Street . Carmen Casper spoke on behalf of the resident of 226 E. 2nd St. requesting the subdivision and a Motion was made by Councilman Reese and seconded by Councilman DiMondi that the Resolution is passed. The Resolution was passed unanimously by Council.

3. Approval of Trustees Appropriation List. Council will write a letter to Henry Gambacorta with Council's requests but a footnote will be added to the letter stating that council feels a stipend should be given to Council as opposed to Council requesting individual items. A Motion was made by Councilwoman Churchill to send the letter with the additional footnote and was seconded by Councilman Reese. Motion passed unanimously that a letter signed by all of Council would request a stipend from the Trustees as opposed to requesting financial help with individual items.

4. Discussion on installing stop signs at 10th 7 Clayton Streets. It was brought up that Resolution 85-10 gives the guidelines for installing stop signs and that a public hearing should be held to get the residents opinions on the matter. A public hearing on the matter will be held on February 14, 2006 at 6:15 p.m.

5. Discussion and acceptance of the lowest bids for the new truck with plow and hydraulic lift for the garage. Winner of New Jersey had the lowest bid and a Motion was made by Councilwoman Churchill that Council accept their bid. Motion was seconded by Councilman Reese and passed unanimously.

6. Motion to set a Public hearing to amend the Code of New Castle by changing the requirements of Section 230-18B to permit Private Clubs and Lodges as special exceptions if approved by the Board of Adjustment. A public hearing will be held on February 14, 2006 at 6:30 p.m. to get the residents opinion regarding this matter.

7. Bank Resolution in the amount of \$75,062.70 to pay Richards Paving, Inc. for contract #2005-02, "Ninth Street Improvements". A Motion was made by Councilman Reese that the Resolution be approved and seconded by Councilwoman Churchill. The Resolution passed unanimously.

8. Comments from the Floor.

Ms. Dee Duszak asked when the problems with a property on Gray St. were going to be resolved. It was stated that the house would be going up for sheriff sale.

Earl Carpenter questioned Item #6, Section 230-18B to permit Private Clubs and Lodges as special exceptions if approved by the Board of Adjustment. Mr. Carpenter felt that the public should know about this item and Council decided that a public meeting would be held.

Bill Simpson thanked Council for getting 9th St. paved at least to the point where emergency vehicles now had access.

Dr. Padmalingam requested an update on the City Administrator position.

Dr. Padmalingam felt that since the City had gone without an Administrator for this length of time perhaps the money/salary should be used on a full time City Planner instead and City Council collectively should act as the City Administrator.

Senator Dori Connor was in attendance and spoke about the new building projects along Rt. 9. She asked Council to give serious attention to negotiating with the various builders and should have in writing from the builders items such as who is responsible for maintaining the roads in front of the properties, who is responsible for installing red lights at the properties if necessary, etc. These types of items need to be addressed and put in writing when negotiating with builders in the City, as the City should not bear the monetary responsibility for these types of items.

Councilwoman Petty addressed the issue of Howell Drive and the need for the road to be closed. Councilwoman Petty was informed that DelDot will not close the road because it would close off access to Collins Park. Councilwoman Petty felt the road causes safety hazards and should be closed.

9. Motion for Executive Session to discuss personnel and legal matters. A Motion was made for Council to proceed to Executive Session and the council meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Jill F. DiAngelo,
City Clerk