

City Council of the Mayor and Council of New Castle
Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle
Tuesday – January 18, 2011 – 7 p.m.

Present:

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

Also present: Mayor Jack Klingmeyer, City Administrator Cathryn Thomas, Finance/HR Director Marian Delaney, Police Chief Kevin McDerby, Building Official Jeff Bergstrom

Approval of Minutes by Date

A motion was made by Councilperson Petty to approve the minutes of December 8 and December 14, 2010, and January 4, 2011, as presented. The motion was seconded by Councilperson Gaworski. It was approved unanimously.

Approval of Treasurer's Report

Administrator Thomas, on behalf of Treasurer Carlin, reported that, as of December 31, 2010, total petty cash on hand was \$400; total monthly deposit, \$413,814.66; monthly payables, \$352,707.19; purchase/redeem-DELGIP 1, \$152,000; transfer between accounts of \$85,890.90; total cash for accounts, \$447,896.73; total certificates of deposit and Delaware Government Investment Pool, \$2,426,489.00; and total cash on hand, \$2,874,385.73.

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

Report from the City Administrator

Administrator Thomas highlighted some items from her written report, including the wellness initiative and an upcoming meeting on dikes. The City is moving on several grants and recently was successful in obtaining an \$800,000 grant from the Delaware Division of Wildlife to help acquire a 60-acre parcel owned by the Immanuel Episcopal Church. The ARRA projects are moving along and the City just made its first payment of roughly \$700 in interest.

Council President Barthel said the report was accepted as presented.

Approval of Staff Reports

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

Grant Review

Councilperson Cochran said Grant expense: MSAF, Cirillo Brothers, \$61,402; C.T.F, Cirillo Brothers, \$61,402; MSAF, Cirillo Brothers, \$61,402; MSAF, Cirillo Brothers, \$61,402; ARRA Green Project, New Castle Conservation District, \$308,615.55.

Communications

Councilperson Gaworski recognized the Police Department for its quick work in the investigation of the bank robbery last week.

Councilperson Megginson read a communication from Administrator Thomas regarding the purchase of radio equipment.

New Business

1. Motion, Discussion and Vote on Resolution No. 2011-1, appointing an interim City Solicitor.

President Barthel said the matter was on the agenda for appointment of a new City Solicitor but at 4:30 p.m. he received a letter from Mayor Klingmeyer voicing some concerns about the process. President Barthel said unfortunately he did not receive the letter until 4:30 p.m. and the rest of Council did not receive it until just prior to the meeting. There is no way to succinctly address those issues. Council will look at the issues and do what is necessary. The City does need a City Solicitor and he suggested changing the matter to appointing the City Solicitor as an interim position.

President Barthel provided a detailed background on Mr. Daniel Losco. That background includes having worked with former City Solicitor Roger Akin and currently serving as the City Solicitor in Delaware City.

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

Presentations

Cheryl Heiks and Deborah Hamilton, representing the American Lung Association in Delaware, gave a presentation on a grant program for anti-smoking initiatives. It is for up to \$10,000 for programs such as smoke-free playgrounds, smoke-free beaches and boardwalks, and no-smoking near public buildings and ball fields. It involves federal money. They are hoping to get the applications in by the end of February 2011.

Administrator Thomas clarified the grant money is only for public outdoor places. She asked how communities enforce the anti-smoking.

Ms. Heiks said Lewes has fines in the ordinances but so far they have not had to fine anyone. They have used reminders in rare instances where it happened. Most of the areas are around small children.

Jeff Lank, the 2010 National President and current Chairman of the United States Junior Chamber, gave a presentation on the Jaycees. He said the Jaycees have been around the community for more than 50 years but have of late realized its presence is not as well-known as it should be. He wants to rectify that. The Jaycees had been a tenant in the Banks Building in a non-official capacity for many years—that recently changed with current condition of the building. There is no official agreement for use of the building.

He provided an information packet on the New Castle Jaycees, including the efforts it has done. He said back in the early 1990s the Jaycees helped with an extensive renovation on the Banks Building. He said everyone can agree the building is not now in a safe condition. The chapter has provided donations to the City in the past. They are at the meeting to restore the relationship with the City. The chapter has 54 members.

He would like to maintain a relationship and have members come to City Council meetings. They had not been aware of some of the needs in the City and the chapter is looking to bring some festivals and other activities back.

As a sign of support to the City, the chapter provided a check for \$500 to help with budgetary needs.

President Barthel said the Council is grateful they are willing to make a donation to the City and the members are welcome to attend Council meetings, which are open to the public.

Councilperson Petty said she was aware the Jaycees were in Banks Building for a long time and also aware of the great things the Jaycees do. The building needs a lot of repair and work, which has just been neglected too long. She said the City appreciates the Jaycees removed their items from the building to allow for repairs.

Mr. Lank said the Jaycees would love the opportunity to help bring the Banks Building back. He offered resources of its network. The Jaycees chapter is looking for a new location and would appreciate any help the City could provide. The chapter has had to move out of the City limits.

Unfinished Business

1. Third Reading and Adoption of Ordinance No. Ordinance No. 476, amending the City of New Castle Zoning Map to Conform with the City of New Castle Comprehensive Plan.

President Barthel read the ordinance.

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

2. First and Second Reading of Ordinance No. 477, amending the City of New Castle Zoning Code to add a Section and Zoning Designation: Downtown Gateway (DG) District.

President Barthel and Administrator Thomas read the ordinance.

3. First and Second Reading of Ordinance No. 478, amending the City of New Castle Zoning Code to add a Section: Downtown Gateway Zoning District Signage.

President Barthel read the ordinance.

4. First and Second Reading of Ordinance No. 479, amending the City of New Castle Zoning Code to add a Section: Downtown Gateway Zoning District Parking.

Administrator Thomas read the ordinance.

New Business (continued)

2. Motion, Discussion and Vote on Resolution No. 2011-2, to Award the Bid for a Software Purchase to manage items related to Finance, Human Resources and Land Use.

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

Councilperson Cochran said the process began back in January 2010 headed by Finance Director Delaney and involved quite a few other personnel at the City. All the vendors were reviewed and it was decided Edmunds & Associates was the best for what the City is looking to do.

Finance Director Delaney explained there are no support fees for the first two years with Edmunds. In addition, onsite training of staff is included in the price. The company also provided financing with no finance charges.

Administrator Thomas said the City has very old programs running now. With the new program, the City will gain significant efficiency, especially with one vendor providing all the modules. Currently, the City handles a single transaction many times across various functions. Now each transaction will only need to be entered a single time. It was also noted that the City Auditor has mentioned the need for a new system in recent audits.

President Barthel thanked Finance Director Delaney and Councilperson Cochran for their efforts, which date back almost two years.

5. Request by Bailey's Dawgs for two locations to vend in Battery Park: at the wharf; at the tennis courts.

Administrator Thomas said this is annual item where vendors with carts request locations to operate as outlined by the peddlers' ordinance. It has always been a first-come, first-served basis. This year the applicant is requesting two locations.

Councilperson Gaworski said it is important vendors take care of the trash generated given the carry-in, carry-out rules now in effect.

A representative of Baily's Dawgs said they do provide a trash container.

A discussion was held about the locations and how many spots to assign.

President Barthel said they would approve the two spots, subject to some adjustment based on where it is located.

6. Motion, Discussion and Vote on Resolution No. 2011-3, a Resolution to Accept a Grant Award of \$60,000 under the Coastal Management Assistance Grant Program from the Delaware Department of Natural Resources and Environmental Control (DNREC) for the City of New Castle Sea Level Rise and Adaptation-Flood Control Dikes.

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

President Barthel said this is part of the whole matter of the dikes and potential flooding. It is a free grant.

Administrator Thomas said this is supposed to be a pilot and a model for the State. This is money only for the design—not to building anything. The City has been working with Bruce Jones with Green Stone Engineering on it, however, it will be a competitive process overseen by DNREC. It will be a very expensive construction project and the City would look for more grant money to pay for it.

7. Comments from the floor

John DiMondi said the City is considering zoning the recently annexed property as General Commercial, which gives the property carte blanche. That is the main gateway into the City. For his little gateway to the City, Dobbinsville, Council just read a half-hour's worth of restrictions, where it will outlaw the uses currently being used. The City is putting all the restrictions on the people already there. All the things being restricted there are being permitted on the newly annexed property. He asked how that is fair. The City is going to put them out of business. He asked the Council to take that into consideration.

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

The meeting was adjourned at 8:29 p.m.

Next Regular Meeting Date: February 8, 2011

Respectfully submitted,

Michael Dickinson
New Castle City Clerk