

**City Council of the Mayor and Council of New Castle**  
**Regular City Council Meeting at Town Hall**  
**201 Delaware Street – New Castle**  
**Tuesday – September 13, 2011 – 7 p.m.**

**Present:**

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

**Absent:** Councilperson Ted Megginson

**Also present:** Mayor Donald Reese, City Treasurer Janet Carlin, City Administrator Cathryn Thomas, City Solicitor Daniel Losco, Police Chief Kevin McDerby, Building Official Jeff Bergstrom, Tree Commission Chair/Code Enforcement Officer John Lloyd

**Approval of Minutes by Date**

A motion was made by Councilperson Petty to approve the minutes of August 2 and August 9. Councilperson Gaworski seconded the motion. The minutes were approved unanimously.

**Approval of Treasurer's Report**

Treasurer Carlin reported that, as of August 31, 2011: petty cash on hand was \$1,100; monthly deposit, \$1,436,661.81; total in the cash accounts, \$2,348,237.23; total certificates of deposit, money market and Delaware Government Investment Pool, \$1,173,987.42; and total cash on hand, \$3,522,224.65.

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

**Report from the City Administrator**

Administrator Thomas provided a couple of additions to her written report. The City is close to closing on the acquisition of property from the Immanuel Episcopal Church. The closing is set for Sept. 19.

President Barthel said the report was accepted as presented.

**Staff reports**

President Barthel said the staff reports were accepted as presented.

**Grant Review**

Councilperson Cochran provided the review. Grant income: Green project, \$400,000 from the State of Delaware towards the purchase of the church property. Grant expenses: Delaware Greenways, \$574; and Lynn Peavey Co., \$500.

**Business from the Floor**

No comments from the floor.

**Business from the Mayor**

Mayor Reese thanked everyone participating for the ceremony commemorating Sept. 11<sup>th</sup>.

President Barthel also thanked everyone for their efforts. Chief McDerby thanked Council for its support.

### **Tree Commission Budget Discussion**

John Lloyd addressed the Council. The Tree Commission has spent the majority of its fiscal year budget. The Commission owns the trees, is responsible for the trees and needs to maintain the trees. Going forward, it plans to prioritize, delay and take care of emergencies. The Commission will get bids for work it anticipates doing and submit the information through the City Administration. He hopes they can reach some common ground with Council and City Administration to do the work that is necessary.

President Barthel asked how much money is left in the budget.

Mr. Lloyd said roughly \$3,100. Council will have a priority list soon. Other items are property owner requests and emergencies which cannot be planned out.

Susan Keyser presented a proposal from the Delaware Center for Horticulture. It does planting in municipalities each year. The Tree Commission determined it could use 25 to 35 trees. They center comes in and plants, stakes and mulches them. The homeowner, or if on City land, the City, would have to commit to watering them for the first year. The center would like a list by mid-September.

### **Unfinished Business**

1. Third Reading and Adoption of Ordinance No. 485, to amend the New Castle City Code, § 230-11. Gradual elimination of certain uses.

President Barthel read the ordinance.

Councilperson Cochran made a motion to approve the ordinance. Councilperson Gaworski seconded the motion. It was passed unanimously.

2. Discussion with representatives of the Cornell Homes company concerning the Riverbend Subdivision and the Age Limitation specified in the Declaration of Restrictions.

Greg Lingo is owner of Cornell Homes, based in Delaware County, PA. For the last three years it has been the largest builder in New Castle County. The company had meetings last summer with the Planning Commission, which identified particular concerns with this project and a discussion about removing the age restriction on the project. It is making another attempt to see if the City would be willing to do that.

President Barthel said Riverbend was in four or five months ago also seeking to remove the restriction. The Planning Commission had recommended Council review it, if there were certain things that Riverbend was willing to do. One thing was sidewalks, another was a second point of entry. Another item was a traffic study. Riverbend did not provide a traffic study, did not provide anything on sidewalks. The developer said it would not provide anything on the sidewalks or the traffic study. The question came up that if you remove the age restriction it would change the demographics. Council wanted to know what would happen if the project went from 1.5 people per home to three or four people per home. Also, from an automobile perspective, the number of vehicles is going to double or triple.

Mr. Lingo said most of the concerns were around traffic and a traffic study would seem to ameliorate a lot of it.

President Barthel said he would not put it in those terms. If the City were to consider it, it would require another public hearing and go back to the Planning Commission.

Mr. Lingo said a demographic study would be difficult to do other than get averages looking at a market rate community versus an active adult community. He said there is no way to predict who would buy the homes. They can do a study on the traffic generated. The developer thought it was a good idea to extend the sidewalks from Route 9 to the causeway. Mr. Lingo does not want to add any additional impervious material. He recommended the developer take the 26-foot wide roadway and take four-feet off the roadway to use as a pedestrian/bike path.

Mr. Lingo said he did not know why a second point of ingress and egress would matter when considering changing the age restriction.

President Barthel said when the project was approved the single ingress/egress was allowed because there wasn't going to be the traffic because it was a 55 and older community. He suggested Mr. Lingo go back and look at the minutes from when the project was approved.

City Solicitor Daniel Losco said there are no recreational facilities for children. He does not believe you can do a plan with 200 homes without designating such space.

Mr. Lingo said there are three areas that can be designated as play areas. They would leave it up to the homeowners association what type of facilities to put in there.

Councilperson Gaworski said another concern was flooding and an inability to get in or out.

Mr. Lingo asked whether that is more of a community concern or changing it from active adult to market rate. He said they cannot make another way in or out so it may not make sense to pursue it further. Newark recently had a similar community that went bankrupt. Cornell Homes went in and worked to change it and it will be sold out next year.

Mayor Reese said the streets are in. He asked whether they would be asking for the City to take them over.

Mr. Lingo said they are not asking the City to take over anything additional.

### **New Business**

1. Motion, Discussion and Vote on a Bank Resolution, to pay a check in the amount of \$400,000, payable to Losco & Marconi, P.A., to purchase property to be known as the Broad Dike Wetlands Natural Area, which property is owned by the Immanuel Episcopal Church.

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

2. Motion, Discussion and Vote on Resolution No. 2011-33, to allow an encroachment of about 2 feet to continue in the City Right-Of-Way for 7 West Center Street.

Building Official Bergstrom provided a brief overview of the matter.

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

3. Discussion and Decision on whether or not to accept one bid received for the purchase of 19 Arbutus.

President Barthel said the City received one bid, for \$300, from Terry Wallace. When the City advertised the bid, it stated it could reject all bids if it so chose. The property at 19 Arbutus has since had fire.

President Barthel said they had a meeting two weeks ago with a group, including Solicitor Losco, Building Official Bergstrom, Mr. Lloyd and Councilperson Megginson, where they talked about some things the City could do to encourage people to get involved and purchase these types of properties. One thing talked about was to work with investors, using a process in which instead of passing title, the City would keep the title and the investor would come in and rehabilitate the property.

A discussion was held about held about using such a process on the 19 Arbutus property.

Councilperson Cochran said he would like to see the City keep the property and work with an investor. He does not want to give it away.

The consensus of the board was to try working with investors to rehab the property.

President Barthel said he thinks this is an opportunity for the City to engage in a proactive program.

Solicitor Losco said the key is finding the right Realtor to work with.

Councilperson Cochran made a motion to reject the bid for the property. Councilperson Petty seconded the motion. The motion passed unanimously.

#### **6. Comments from the floor**

A audience member asked what the land being acquired by the City would be used for.

Administrator Thomas said it is intended for passive recreation.

Councilperson Petty made a motion to adjourn the meeting. Councilperson Gaworski seconded the motion.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Michael Dickinson  
New Castle City Clerk