

**City Council of the Mayor and Council of New Castle**  
**Special City Council Meeting at Town Hall**  
**201 Delaware Street – New Castle**  
**Thursday – September 22, 2011 – 5 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, City Engineer David Athey

**Agenda**

5 p.m.: Discussion with the City Planner and City Engineer concerning the DelDOT proposal to reconfigure traffic patterns in the City, aimed at reducing cut-through traffic.

President Barthel said that at the meeting with DelDOT on August 2 Council said it wanted to have the City's people look at the proposal presented to see if there was a better way to approach the issues. Council said that before it closed the door it wanted to see if there were any alternative proposals – basically before the City walked away from the funding DelDOT said was available. He said nothing is a done deal and nothing has been decided as rumors have indicated. Nothing nefarious is going on. Council is doing what it is chartered to do.

City Engineer Athey said what he may have said at the August 2 meeting was there may not be a silver bullet, which he stands by. What he and City Planner Marian Hull tried to do was to try to determine why there is so much cut-through traffic in New Castle. Two obvious answers: First, it is a shorter distance with fewer, if any traffic lights, and shorter time; second, there is nothing to discourage people from taking that route.

The biggest issue he had is the stated mission was to reduce cut-through traffic in New Castle yet DelDOT's own traffic projections show that is not happening. Traffic volumes on the perimeter roads do not go up. He said he would have a hard time recommending it. In fairness to DelDOT there is no silver bullet. Whatever you try to do to affect your non-residents is going to affect your residents. Everybody in the room may have to live with some degree of inconvenience or change in their lives.

Mr. Athey said he and Ms. Hull found a 1999 WILMAPCO traffic study that would discourage traffic through New Castle. They did not do any traffic projections, however. Perhaps DelDOT could sit down with WILMAPCO. The other idea was the idea of traffic calming.

DelDOT basically shuffled the deck. He can't guarantee an alternate approach will accomplish it.

President Barthel said the suggestion is instead of truncating it, to go back and have a discussion with DeIDOT.

Mr. Athey said he would hate to truncate it at this point. It is worth some more dialogue.

President Barthel said DeIDOT indicated they did not have an alternate. He asked whether a section of the memo suggesting making a right turn lane onto to Delaware was suggesting a right turn only lane.

Mr. Athey said that was not the intention.

Councilperson Gaworski said he thinks the best solution would be to take Route 9 and make it four lanes all the way to Hareø Corner.

Mr. Athey said that would make the perimeter streets more attractive.

DeIDOT said at the last meeting widening the road is not in the stateø plans.

Councilperson Cochran said the City does not want to walk away from \$3 million. But Council wants to make sure people are happy with what is done.

Administrator Thomas said DeIDOT indicated the project was federally eligible for funding. That does not mean other alternatives would be. Council needs to decide what the optimum design is that meets the goals.

President Barthel said Mrs. Thomas correctly pointed out at the last meeting that just because funding is available, if it is just an incremental change and does not achieve the desired results, Council has to determine whether that is worth spending the money. DeIDOT also said it was not going to use the money for repairs, such as flooding, unless the whole project was going to be done.

Councilperson Petty asked why DeIDOT refuses to look at Route 9.

Mr. Athey said he cannot speak for DeIDOT, but a four-lane road is very expensive. It requires a lot of traffic to warrant. There are ways to improve roadways.

Councilperson Petty asked whether the City could prohibit entry and exit and certain times.

Mr. Athey said he does not know of a legal reason. He was not sure how you would enforce local traffic only.

Mr. Losco said it would strictly be a matter of Police enforcement.

City Planner Marian Hull arrived at 5:25 p.m.

Mr. Athey suggested one of the options was to increase enforcement by Police on the cut-through streets. People cut through New Castle because it is quick, easy and faster. Make it less so and they will seek other routes.

Ms. Hull said that in taking a look at the DeIDOT solutions it was pretty clear the options on the table right now are not workable. The purpose of the memo was to lay out the pros and cons and for it to be the beginning of a discussion with the City, DeIDOT and WILMAPCO.

President Barthel said the City should see if the DeIDOT folks are open to further discussion.

Consensus of Council was to pursue that path.

President Barthel said he was glad everyone was at the meeting and asked that they continue to stay involved. He said he believes they were in attendance for the wrong reason, based on a rogue e-mail that went out this morning creating panic. There will be additional meetings. It is not a done deal.

Tom McDowell, of Fourth Street, said the quickest way to deter cut-through traffic is to put speed bumps on Third Street and Fourth Street.

Mr. Athey suggested the City talk with Good Will Fire Department about any consideration of speed bumps. It slows down fire engines and response times.

Bill Shusta, of East Fourth Street, asked what changes the City might be taking a look at in the future in conversations with DeIDOT.

President Barthel said they have not sat down and talked yet. The WILMAPCO study would be just a starting point of discussion. He said he believes Council made it clear in the last meeting with DeIDOT that the current DeIDOT plan was not something the Council was thrilled about. He said he had not heard one positive comment about that plan.

Administrator Thomas said the issue is on hold with DeIDOT.

James Wilson, of East 4th Street, said he had a 7-year-old son and has an extraordinary interest in stopping cut-through traffic. The DeIDOT plan is not a good solution. Their approach is all about increasing the capacity and efficiency of the perimeter roads. Their own traffic models show they are going to increase the capacity and efficiency of those roads and not going to get any diminution. They might get done and it might increase the amount of cut-through traffic. The 1999 plan suggested two strategies: one was increase the capacity of Route 9 and the other was supposed to be traffic calming.

Michael Heyman, of 2nd Street, asked whether the DeIDOT project would require any matching funds.

President Barthel said no.

Beverly Wik, of East 3rd Street, said the best traffic calming method would be to hand out loads of tickets to people who don't live there. She watches people roll through the intersection. People will change their behavior. Post someone there every day. She also suggested looking at putting in a red light camera. Someone needs to do that type of police traffic enforcement. Newport and Milford both do this type of enforcement.

President Barthel said all the things suggested by speakers are things that would be taken into account.

Councilperson Cochran made a motion to adjourn the first part of the meeting. Councilperson Petty seconded the motion. It was adjourned at 5:46 p.m.

### **5:30 p.m. Discussion with City Council Members and Commissioners of the Municipal Services Commission on a proposed MSC Charter Revision.**

Chip Patterson, Robert Appleby and Roy Sippel from MSC were in attendance.

Mr. Patterson said back in 2008 MSC approached Council and then Mayor Klingmeyer for a charter change. The requested changes now are the same five items, most having to do with cleaning up the language.

The first request is to create consistent language by eliminating the word Board and changing to Commission. The second is to remove position of Superintendent and replace with Supervisors. The third is to allow for condemnation of lands through the Mayor and Council Charter within the City limits for electric purposes. The Charter currently allows MSC to come to City Council and ask them to condemn land for water uses.

The fourth change is to change the publication of the year-end financial report from a specific month, now July, to annually.

The final one is the most controversial: To give the Commission the authority to borrow money on the revenues of the Commission. The conditions are: the Commission must notify Mayor and Council; the instruments shall not be backed by the full faith and credit of the City; and the debt of the Commission cannot exceed its annual revenues.

He explained one of the major sources of funding for infrastructure is the State's revolving fund. The Obama program to provide funds for cities, all the money was filtered through the State's revolving fund.

MSC, because it could not work in a timely fashion, could not get this money. He believes MSC lost a \$1 million grant to upgrade its water plant because of its inability to jump on those funds. It had shovel-ready plans. There was not time to go out and make a case to the public for a referendum. He believes there will be other opportunities in the future that MSC would like to be in a position to take advantage of.

There is not anything in the immediate future MSC needs to borrow for. But having the ability to move immediately is in the citizen's advantage.

MSC is asking Council and Mayor to support this in the hopes representatives at the State level will support this.

President Barthel said that when Mr. Patterson spoke about this matter at a previous Council meeting, Councilperson Cochran brought up about Council having a vote on borrowing. Mr. Patterson had said then that MSC did not want Council to have a vote on it.

Mr. Patterson said the structure in the Council creating MSC was to empower three commissioners to study the long-term needs for electric and water and make the decisions on how it is going to provide for power and water. Because they are appointed for three years and tend to be re-appointed, they can take a long-term view. Council can totally change every two years, and when you are not studying what the needs of the City are in terms of its water and electric supply infrastructure, you are asking a novice to make a decision.

Solicitor Losco asked if the issue is really about borrowing rather than grants.

Mr. Patterson said there are loans with principal forgiveness.

Mr. Losco said he looked over this section of the MSC charter. He asked what MSC is looking for regarding borrowing.

Mr. Appleby said all it does is allow MSC to avoid the rigmarole to get access to free money.

Councilperson Cochran said his concern is not day-to-day operations and small amounts of money but when MSC gets to \$1 million and above, he personally feels MSC should come to Council and get a stamp of approval. Council wants to make sure the decisions are made properly. Council works for the citizens. He thinks Council should be involved.

Mr. Patterson asked if it would have to be a simple majority or all Council.

Councilperson Gaworski asked if it would be subject to referendum for a certain amount.

Mr. Losco said it depends who the borrower is. If it is MSC, they are not required to do a successful referendum; the City is. If the Charter change request is one that gives the right to borrow, if Council approves with resolution approval, for capital expenditures, Council could call a special meeting and move very quickly. The referendum piece causes the delay. Another way to address this is to carve out a way to avoid it when it involves borrowing with no repayment.

Mr. Patterson said a concern is that a new Council some time in future could come in and for political reasons veto something in the best long-term interest.

Councilperson Petty asked how the City was the cause of MSC losing out on money.

Mr. Patterson said because of the timing the City would never have been able to go out and get a referendum approved.

Mr. Sippel said it is the structure of the process, not the City itself, that caused the loss of funds.

Mr. Patterson said that in 2008 the Council supported the changes and the Mayor did not. If the changes had been adopted, MSC would have been in a position to take advantage of the opportunities.

A brief discussion was held about the details of the minor changes.

President Barthel said Council and the City Solicitor can take a look at what was discussed, and then talk again with MSC.

Councilperson Cochran made a motion to adjourn the meeting. Councilperson Gaworski seconded the motion. The motion was approved unanimously.

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Michael Dickinson  
New Castle City Clerk