

New Castle City Special Planning Commission Meeting
January 14, 2013 – 6 p.m.
City of New Castle’s Town Hall

Members Present: David Bird, Chair
Joe DiAngelo
Dorsey Fiske
Jonathan Justice
Josephine Moore
Florence Smith
Vera Worthy

Members Absent: Susan Marinelli
William Simpson, Co-Chair

Also Present: Marian Hull, City Planner
Daniel Losco, City Solicitor

The meeting was called to order by Mr. Bird at 6:02 p.m. Roll call followed.

The purpose of the meeting is a motion, discussion and vote on a resolution to make a recommendation to the City Council concerning a minor subdivision, with the result being the relocation of the boundary line between State properties of the Court House and Sheriff’s House, with that location commonly referred to as “The Green”, involving tax parcel numbers 21-015.30-155 and 21-015.30-156.”

This matter was tabled at the December 2012 Planning Commission Meeting.

Solicitor Losco informed the role of the Planning Commission is to review the plan for compliance with the City Code. The property is located in the historic district and the Historic Area Commission has already approved bulk area and setback regulations. Ms. Hull said the subdivision plan is very simple and suggested Commissioners evaluate the plan on its merits.

Ms. Lynn Riley, Division of Historical and Cultural Affairs, Stephen Johns, Consulting Engineer, Vandemark & Lynch, Deputy Director Suzanne Savery, and Cyndi Snyder, Supervisor of the Court House Museum were in attendance to address questions/ concerns.

Mr. Johns said the request is for a recommendation to relocate the property line between the Court House and Sheriff’s House so it sits closer to the Sheriff’s House and removes The Green from the Sheriff’s House property.

This property would then be deeded to the National Park Service with whatever easements the State might seek. That piece of property would become a proposal for designation as a national monument. Ms. Riley confirmed there are still two ideas being considered: national park and national monument. Mr. Bird understands that the National Park Service’s plan would be to use the Sheriff’s House as a headquarters, but with the national monument designation the property would need to be owned by the federal government. Ms. Riley understands that is the National Park Service’s position under their interpretation of the Antiquities Act.

Mr. Justice asked Ms. Hull if there was anything in the plan that would violate the subdivision code. She responded there is none.

The floor was opened for discussion.

Mr. Bird asked if the property would revert or remain with the State should things not work out with the National Park Service. Mr. Josh Magarik, Projects Director from Senator Carper's office, said if the property does not transfer to the federal government through the Antiquities Act or legislation then the property would remain with the State.

Mr. Tom McDowell asked if the federal government is deeded this property and decides it does not want the property, does it revert back to the State. Ms. Riley said that once it is in the National Park system they do not have the authority to surplus property so it would remain with the federal government.

Ms. Fiske suggested the federal government consider language in the deed that stated if they ever stopped using the Sheriff's House for the intended purpose then the property would revert back to the State. If they would agree to such language it may make residents feel more comfortable. According to Solicitor Losco, it is possible for the deed to contain such language but that decision would be up to the federal government.

Mr. Carlo Viola was at one of the recent meetings on this matter and residents were given certain assurances by officials during discussions. He asked how residents would be kept informed of plans for a national park or national monument or other issues that would need to be agreed upon between now and when the agreement takes place and what would the sequence be.

The Planning Commission will make some recommendation to City Council tonight; City Council will take some action at their meeting. After that time, should recommendations be favorable, it is between the State and federal government. It would be the State's responsibility to keep the community informed. Beyond the transfer there will be a general management plan developed by the National Park Service and interaction with the community will be part of that process.

Mr. Viola remembered residents were told at a meeting about two years back that if plans went forward, a comprehensive logistics study (traffic, parking, etc.) would be performed with the objective of continuing to preserve the historic area and not compromise it. Ms. Riley confirmed his statement.

A motion was made by Mr. Justice to make a recommendation to the City Council concerning a minor subdivision with the result being the relocation of the boundary line between State properties of the Court House and Sheriff's House, with that location commonly referred to as "The Green", involving tax parcel numbers 21-015.30-155 and 21-015.30-156. Ms. Fiske seconded the motion.

Planning Commission Meeting
January 14, 2013

A roll call vote followed.

Ms. Moore - voted in favor of the motion.

Mr. Justice - voted in favor of the motion.

Ms. Worthy - voted in favor of the motion.

Ms. Fiske - voted in favor of the motion.

Ms. Smith - voted in favor of the motion.

Mr. DiAngelo - voted in favor stating it meets the requirements of the City Code and he does not see any difficulty with the request.

Mr. Bird - voted in favor citing the same rationale.

The application was approved by unanimous vote.

The meeting was adjourned at 6:30 p.m.

Debbie Turner
Stenographer