

**City Council of the City of New Castle
Special Meeting at Town Hall
201 Delaware Street – New Castle
Friday, July 22, 2016 – 9:00 a.m.**

Call to order: 9:00 a.m.

Roll Call:

Councilperson Megginson
Councilperson Vannucci
Council President Ratchford
Councilperson Petty
Councilperson Di Mondì

Also present:

William Barthel, City Administrator
Daniel Losco, City Solicitor
Dave Athey, City Engineer

Old Business

Motion, Discussion and Vote on Resolution 2016-32; A Resolution Approving Leases with the Municipal Services Commission.

President Ratchford introduced the first Resolution, stating it had been tabled at the last Council meeting for further review.

The **Motion** to consider Resolution No. 2016-32 was made by Councilperson Megginson and seconded by Councilperson Petty.

President Ratchford read the resolution.

She asked City Solicitor to summarize the key points of the leases.

Mr. Losco said there are three locations, the Municipal Blvd. site, Chestnut Street and the Gray Street site. There are three separate Leases, but they all have the same Terms. \$1.00 a year in rent for 30 years, and three ten year renewal options for each of the leases. The tenant pays all expenses, maintenance and capital expenditures and pays for all insurance on the premises.

President Ratchford stated that the City would still own the properties and any buildings on the property, if the tenant should vacate the buildings would be the property of the City. Dan Losco added that the equipment and facilities would remain the tenant's property.

President Ratchford asked for clarifications on section 7.1.1 Alterations concerning changes to the properties. Mr. Losco stated that any significant structural changes to the buildings or

property with an aggregate cost of more than \$10,000 would have to be approved by the City Council.

Councilperson Di Mondì stated that this is an extension of the original agreement, and that it solidifies the City's scope of ownership of these properties.

Resolution No. 2016-32 passed unanimously.

New Business

Motion, Discussion and Vote on Resolution 2016 – 37; A Resolution to authorize the City Administrator to sign the Inter-jurisdictional Agreement (IJA) between the Principal Permittees and Co-permittees governing coordination and cooperative activities by all Permittees as outlined in the Stormwater Pollution Prevention and Management Plan (SWPP & MP) regarding NPDES Permit Number DE 0051071 / State Permit Number WPCC 3063A / 96.

The **Motion** to consider Resolution No. 2016-37 was made by Councilperson Megginson and seconded by Councilperson Petty.

President Ratchford read the resolution.

She asked City Engineer Dave Athey to give an overview of the agreement.

Mr. Athey explained that New Castle, like thousands of municipalities around the country are no longer allowed to discharge their Stormwater without a permitting order. This is a reflection of the amount of pollutants that are now found in stormwater runoff. The City is part of a larger group of areas in the County so the permit is issued to New Castle County and DelDOT and the co-permittees, which are all the cities and towns in the area. The permit requires the Inter-jurisdictional Agreement to be exercised between the co-permittees and the principal permittees.

Resolution No. 2016 – 37 passed with 3 yes votes.

Councilperson Megginson – yes

Council President Ratchford – yes

Councilperson Petty – yes

Councilperson Di Mondì – no

Mr. Di Mondì stated his reason for voting no was that in the agreement, where enforcement action may be taken the pollutants were not named, they are to be defined. He did not want to sign the agreement until he was guaranteed that this agreement would not infringe on property owners rights to do things such as wash their car in the driveway.

President Ratchford asked for clarification regarding what pollutants are named in the agreement. She asked if the state or City define the pollutant. Mr. Losco stated the pollutants are defined at the federal level with the EPA.

President Ratchford announced there would be a workshop meeting in August to discuss City fees, and costs of police coverage in the Airport Plaza area.

The **Motion to adjourn** was made by Councilperson Megginson, seconded by Councilperson Petty and **passed unanimously**. Council adjourned at 9:54 a.m.

Respectfully submitted,

Kim Burgmuller
Council Secretary