

**City of New Castle Delaware
Regular Council Meeting at Town Hall
201 Delaware Street, New Castle
Tuesday, April 8, 2014, 7 p.m.**

Call to order: 7:00 pm

Roll Call:

Councilperson Megginson
Councilperson Cochran
Council President Ratchford
Councilperson Petty
Councilperson Vannucci

Also present:

Donald Reese, Mayor
Janet Carlin, City Treasurer
Daniel Losco, City Solicitor
Jeff Bergstrom, Building Official & Fire Marshall
Chief Tjaden, Department of Public Safety
William Barthel, City Administrator

Approval of Minutes by Date: March 11, 2014

Councilperson Megginson motioned and Councilperson Cochran seconded approval of the minutes without changes. The motion passed unanimously.

Approval of Treasurer's Report

Treasurer Carlin reported on the balances of the City's accounts as of March 31, 2014. The total cash on hand in all accounts is \$2,374,914.54.

Councilperson Cochran motioned to accept the report and Councilperson Petty seconded. The council unanimously accepted the report.

Approval of Staff Reports

Chief Tjaden reported that the police have started enforcement of the signed truck restrictions on River Road. Sixty to 70 warnings were issued in March and they started issuing tickets the first week in April. Local businesses were advised in advance.

The Council accepted the staff reports as presented.

Grant Review

Councilperson Cochran reviewed the grant receipts for March 2014.

Communications

Councilperson Megginson contacted Senator Poore two weeks ago for an update on the Washington Street construction project. The Senator's emailed response was read and included the timeline to complete the project is October 2014.

The dike construction projects were checked on April 7:

- Buttonwood Dike still needs 100 yards of vegetation cleared.
- Gambacorta Dike paving will be done in the next week or two weather permitting. The road for construction truck access had to be widened for the project. The contract stipulates that the road be put back as they found it. The City is exploring leaving it as is with better truck access with the Trustees.
- Army Creek is not coming along as fast.
- Broad Dike work is proceeding going east. The berm has been too wet to work. The bird houses will have to be removed temporarily.

Business from the Floor

Roger Clark of West 4th Street pointed out that the words "Pier" and "Dock" have been used interchangeably, but have different meanings. A dock receives boats and a pier is something to be walked on.

Bob Appleby is neither for nor against the dock but wants to see a plan to cover the costs for insurance and maintenance. He also believes parking may be a problem. Mr. Appleby called for a referendum.

Alice Jarvis of 15 The Strand believes the design for the dock has the effect of 3-sided box that will collect trash and debris creating an eyesore.

Ed Betz of 13 The Strand believes that the attenuators included in the dock design will be on his property.

Tom McDowell is in favor in replacing the old pier. He asked City Council to postpone their vote. He asks everyone to go to Chesapeake City to look at the kind of traffic being drawn.

Dennis Beaumont 57 The Strand believes the current design shows day slips.

Business from the Mayor

Mayor Reese reported that the Separation Day Committee continues to meet and is signing contracts with several vendors including a fireworks company. They are looking for a Grand Marshall for the parade and are asking for suggestions.

The Mayor's Ball in DE City was a great success raising \$40,000 which will be evenly split between playgrounds and Fort Delaware.

The Mayor asked for Council's consideration of his three nominees for the Planning Commission.

Business from the Council President

President Ratchford recognized Dave Baldini for his suggestion to post the resolutions to be considered at the Council meetings with the agenda. His suggestion has been implemented. The paths on the Army and Gambacorta Dikes will be joined together.

Old Business

Pier Update from Duffield Associates

Council President Ratchford provided a short history of the project and reported that a cost/benefit analysis is underway. To date, Council has approved permitting. After the Duffield study and recommendation in January, Council voted for the location of the dock to be the Wharf.

Dave Gosse of Duffield Associates updated Council on their progress. Plans for permitting were submitted in January. Unfortunately, DNREC published the conceptual plan created years earlier prior to public input. The day slips from the original concept plan have since been removed. The dock is designed for use by the Kalmar Nyckle and Three Forts Ferry.

Mr. Gosse showed the current design. The primary reason that the dock goes out so far is to get it off the shallows to keep boats out of the destructive wave action. It would eventually need to be dredged if it is in the shallows. The dock is designed to not catch trash. Breakaway sections are designed for storms with parts that can be easily replaced.

DNREC reports the comments received to Duffield. The attenuators are 200 feet beyond the property lines. Their purpose is to break up large waves from commercial traffic and storms.

Currently both the State and Army Corps of Engineers have the current design for permitting. They want to see the footprint, the number of pilings and the safety systems. Colors, materials and design selections are made later.

The Army Corps will review the plans with other agencies such as FEMA and Fish and Wildlife. It will take the Army Corps about twice as long as State to complete their review. Duffield Associates is looking for a no-impact decision.

Due to the error in publishing the outdated plans with the Public Notice, DNREC has mailed and hand delivered the permit application to concerned citizens.

Councilperson Cochran asked if there were plans to protect the pilings in the winter. Mr. Gosse reports that the pilings are permanent. The small floating dock at the end can be removed for the winter if needed. Pilings will be steel or fiber glass, so they don't need winter protection.

Councilperson Vannucci asked about the estimated cost to start looking for funding sources. The preliminary cost estimate is \$785,000.

President Ratchford addressed the misinformation and concerns of citizens. She encouraged calls to the City Administrator and Council members to ask questions.

Councilperson Megginson addressed the citizen concerns that City money would be used for construction of the dock. He reminded everyone that at the pre-election meeting to meet the candidates all of City Council pledged not to use City money. Grants or other outside funds will be used.

New Business

Delaware Coastal Management Program (DCMP) grant.

Jeff Bergstrom reported that the City applied for a coastal program grant to study flood prone properties in town. The inlet and outlet measurements will be added with current information on property vulnerability. Of the \$30,000 cost of the program, \$12,000 is from a grant and most of the rest is in-kind staff time. Someone will have to be hired to do the elevation studies. The project is very cost effective.

Motion, Discussion and Vote on Resolution 2014-018, to accept an offer to purchase City properties.

The Motion to approve Resolution No. 2014-18 was made by Councilperson Petty and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

City Administrator Barthel commented that there are three properties for sale. A written offer was received for one property. The City took possession of the property at 601 Center Road in 2001. It is a vacant lot that costs the City to maintain. The buyer wants to build a home which will result in tax revenue from property taxes. Mr. Barthel will negotiate the sale with the parameters set by Council.

Resolution No. 2014-18 passed unanimously.

Motion, Discussion and Vote on Resolution No. 2014-19, to appoint an architect to the Historic Area Commission, three year term beginning on 4/18/2014.

The Motion to approve Resolution No. 2014-19 was made by Councilperson Petty and seconded by Councilperson Cochran.

President Ratchford read the resolution and provided the nominee, Leila Hamroun's credentials.

Resolution No. 2014-19 passed unanimously.

Motion, Discussion and Vote on Resolution No. 2014-20, to approve the Mayor's appointments to the Planning Commission.

The Motion to approve Resolution No. 2014-20 was made by Councilperson Cochran and seconded by Councilperson Megginson.

President Ratchford read the resolution to re-appoint David Bird, Joseph DiAngelo and Florence Smith.

Resolution No. 2014-20 passed unanimously.

Motion, Discussion and Vote on Resolution No. 2014-21, to approve a Minor Subdivision for a property located at 1000 Washington Street – tax parcel number 21-014.00-139 1000.

The Motion to approve Resolution No. 2014-21 was made by Councilperson Megginson and seconded by Councilperson Cochran.

City Administrator Barthel read the resolution.

Jeff Bergstrom reported that this was a double wide lot with a house across lot. The house was demolished and a new house is planned to be built on one of the lots.

Resolution No. 2014-21 passed unanimously.

Motion, Discussion and Vote on Resolution No. 2014-22 to add a towing fee and an alcohol permit fee to the current fee schedule.

The Motion to approve Resolution No. 2014-22 was made by Councilperson Cochran and seconded by Councilperson Megginson.

President Ratchford read the resolution.

The towing fee is recommended by Chief Tjaden to cover administrative costs and is used by other Delaware cities.

Resolution No. 2014-22 passed unanimously.

Motion, Discussion and Vote on Resolution No. 2014-23 to amend the Parade and Assembly permit fee.

The Motion to approve Resolution No. 2014-23 was made by Councilperson Petty and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Resolution No. 2014-23 passed unanimously.

Motion, Discussion and Vote on Resolution 2014-24, to dispose of City owned vehicles.

The Motion to approve Resolution No. 2014-24 was made by Councilperson Megginson and seconded by Councilperson Vannucci.

City Administrator Barthel read the resolution.

Resolution No. 2014-24 passed unanimously.

Motion, Discussion and Vote on Resolution 2014-25, to name and accept maintenance responsibility of Alleyway between West Third and West Fourth Streets.

The Motion to approve Resolution No. 2014-25 was made by Councilperson Megginson and seconded by Councilperson Cochran.

President Ratchford read the resolution.

The alleyway will be named Three Fourths Alley.

Resolution No. 2014-25 passed unanimously.

Motion, Discussion and Vote on Resolution 2014-26, to dispose of City paper street located off of 9th Street.

The Motion to approve Resolution No. 2014-26 was made by Councilperson Cochran and seconded by Councilperson Megginson.

City Administrator Barthel read the resolution.

The City is reviewing properties that have no utility to the City. Paper streets do not have parcel numbers. The process will take some time as it includes a petition to Superior Court. Property will go to the adjacent property owner.

Resolution No. 2014-26 passed unanimously.

Discussion and decision to hire seasonal landscaping company.

Council has asked the City Administrator to take bids to hire a seasonal landscaping company after the City Administrator evaluated the cost of mowing and maintaining the City property by Public Works and by a contractor. Notification of the RFP was done by publication in the News Journal and New Castle Weekly. Eight companies responded to the RFP. The lowest and highest bids were not considered. Mr. Barthel recommends acceptance of the second lowest bid from a City resident for \$32,000. By hiring a landscaping company, City Public Works employees will be redeployed to repair curbs,

street surfaces, signage, etc. This contract is for maintenance and does not include landscaping which is a separate issue.

Comments from the Floor

Kirsten Almquist of The Strand stated that the Western Gateway to the City is important and the landscaping needs to be contracted out.

Debby Pullan, AFSCME Union President is concerned that contracting a company to mow the City properties is outsourcing. The City is not replacing employees and it may result in being short-handed.

Jerry Tompkins wanted to know why trucks are not allowed on River Road because it is a big problem for businesses. The Police Chief responded that they are enforcing signs that allow trucks only for local delivery.

Andrew Marchioni of BNS referred to the City Code, Chapter 225 regarding the regulation of trucks. He asked an attorney for interpretation and was advised the local delivery is within City. The current enforcement is negatively impacting his operations. The shortest route to his business is on Washington Street. He asked to have a meeting with the City Administrator. Councilperson Vannucci expressed concern about damage to houses from the truck traffic. The enforcement is to encourage trucks to go in another direction.

James Ash of Grantham Lane Properties has been using the same route since 1984. He believes 90% of the trucks are coming through to local business. He asked for consideration of alternative solutions such as dropping the speed limit by 5 MPH. Councilperson Petty asked if they thought about using smaller trucks.

Mike Klerlein of Summit Steel asked for scientific data that the trucks are damaging homes. He reminded Council that the businesses hire local people.

Marty Wright of 123 W 7th asked if the dock will accommodate a rescue boat from Good Will. President Ratchford advised that they have the option. Councilperson Vannucci reports that Good Will believes that they won't want to keep their boat there all summer.

Alice Jarvis of 15 the Strand advised that the old Prisoners Pier had 6 feet of clearance but new design is 6 inches from water level. Mr. Gosse believes there is more than 6 inches of clearance and he will review.

Bob Thomas of Dobbinsville invited the City to bring engineering meters to his home to record the vibration and damage caused by truck traffic. He said the signs have been there for years and need to be enforced.

John Gaworski of 1104 Washington Street reported that the truck traffic causes black soot and loud noise from braking and shifting.

Dave Baldini of South Street reports that the trucks miss the turn from South Street to 6th Street and then get caught at 3rd and South.

Dorsey Fiske of 26 E. 3rd Street advised that when she served on the Planning Commission she believed they should be concerned with the entire shore line. As for the dock, she is more concerned about maintenance than the initial cost. She asked how often Kalmar Nyckle will come to New Castle in light of the construction of new facilities in Wilmington.

Roger Clark of W. 4th Street asked if the dock plans have been approved by HAC. He believes the dock is within the Historic District. Mr. Gosse replied that Duffield Associates has an historical architect review the plans.

Rod Gillespie of 24 W 4th asked about the availability of the dock plans. He couldn't find them in the library. The City Administrator will publish the plans on the City web site and will look into making them available at the library. Mr. Gillespie quoted the DNREC Marina Guidebook as stating the need for wastewater facilities at the dock and the requirement for restrooms. The Kalmar Nyckle is rated for 49 people and will need restroom facilities when it's docked. He could not find the facilities on the drawings and doesn't believe that there is room for them. The Guidebook also requires parking spaces at the rate of one half space per person. He has sent his concerns to DNREC and hopes they are addressed. He believes that the site is unsuitable. He has a question about the O&M costs for the electric and sewage pumping system. Mr. Gosse replied the dock does not qualify as a marina and is not being considered as such by DNREC. There may be some confusion because a marina checklist was completed as part of the permitting process.

Rick Pennell of 28 The Strand asked that the wave attenuator be described in terms of what it looks like and what it does. Mr. Gosse reports they are approximately three feet in diameter in various shapes and sizes. Their function is to stop the surface wave action. The State Historic Preservation Office asked for something other than orange and white that will work with the City. They are designed to be in place all year round but can be removed.

The motion to adjourn was made by Councilperson Cochran, seconded by Councilperson Vannucci and passed unanimously. Council adjourned at 8:51 pm.

Council met in Executive Session to discuss (1) FOP contract negotiations and (2) personnel matters.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle