

City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Tuesday, March 10, 2015 at 7:00 p.m.

Call to order: 7 p.m.

Roll Call:

Councilperson Megginson
Councilperson Cochran
Council President Ratchford
Councilperson Petty
Councilperson Vannucci

Also present:

William Barthel, City Administrator
Donald Reese, Mayor
Janet Carlin, City Treasurer
Jeff Bergstrom, Building Official & Fire Marshall
Daniel Tjaden, Police Chief

Approval of Minutes by Date: 2/10/2015 Regular Meeting

Council President Ratchford had one correction to the 2/10/2015 minutes, under Business from the City Administrator, the grant that is referred to is for pedestrian walkway and drainage improvements, not restroom improvements.

Councilperson Cochran motioned and Councilperson Vannucci seconded approval of the minutes as corrected. The motion passed unanimously.

Approval of Treasurer's Report

Treasurer Carlin reported on the balances of the city's accounts as of February 28, 2015. The total cash on hand in all accounts is \$2,764,849.17.

Councilperson Megginson motioned and Councilperson Cochran seconded approval of the Treasurer's Report as submitted. The motion passed unanimously.

Business from the City Administrator

The City Administrator is working on three grants on behalf of the Trustees:

1. The FEMA repair grant to repair damage from Hurricane Sandy. The pre-bid meeting to reengineer the walkway has been completed.
2. Senator Poore has provided a 21st Matching Grant in the amount of \$40,000. The required 50/50 match will be provided by the Trustees. The City Administrator and Building Inspector have met with the Trustees.
3. The City has been awarded a State Coastal Management Matching Grant. City Council needs to vote to accept the \$7,000. The Trustees will provide the matching funds.

Mr. Athey, the City Engineer is ready to let the bids go within the next two weeks for repair and resurfacing of City streets and alleys.

The permit approval for the new Pier is waiting for approval from the DNREC secretary and then will go to the Army Corps. The project will then go to bid and is expected to be completed this year.

Contract negotiations will begin in about a month with AFSCME.

Approval of Staff Reports

Chief Tjaden reported:

- Suspects were arrested at Airport Plaza on fraud charges on Sunday and Monday.
- The new canine and his City Police Officer are ready for training. The police dog, named Cooper has completed training by the County Police. His temperament is not appropriate for the County's need because he won't bite, but is perfect for drug enforcement. Cooper comes with a special car.
- A meeting was held with residents of Shawtown regarding the potential use of cameras. Funding sources have been identified. The cameras would be used to monitor drug activity and the trains. Full coverage would require eight cameras but it may be necessary to start with less and build.

Councilperson Vannucci motioned and Councilperson Cochran seconded approval of the Staff Reports as submitted. The motion passed unanimously.

Grant Review

Councilperson Cochran reported on grant receipts for the month of February.

Council Communications

Councilperson Megginson reported:

- Construction has started again on Wilmington Road.
- Mumford Miller has returned to complete 25 items on the punch list from the Washington Street Project list. Included in the repairs are adjustments to the catch basins and driveway aprons.
- The Board of Health is addressing code enforcement at two properties located at 168 N Catherine Circle and the Mt. Salem Church on East Fourth Street.
 - The owners of the home on Catherine Circle have not lived there for about 2 years. There is mold in basement and the property is expected to go to Sheriff's Sale. The owners are not responding, so the City may have to clean up the site.
 - Mt. Salem Church is owned by a national church organization which sent William Westbrook to the City to represent them. The Church has not been used for 2 ½ years. Property and furnishings are completely contaminated with mold. The organization has no funding to clean up the mold. A structural engineer will be engaged to verify that the building is sound and safe to be worked on. It is possible that building can't be repaired and will need to be demolished. The Church has 15 days to respond. If building is torn down, cemetery will remain and be maintained by the national organization.

Councilperson Petty remarked that Rev. Gaither of Buttonwood United Methodist Church and Rev. Williams, representing Mt. Salem Church are in attendance.

Business from the Floor (concerning agenda items only)

Reverend Gaither and Brother Jerome, the finance person from Buttonwood United Methodist Church expressed interest in a property across the street from the church. It was previously used as a playground but has since been bought by DeAscanis to build homes. The Church would like to have the other half of the property for parking.

President Ratchford thanked them for coming to present their interest and announced that the resolution regarding the property is tabled due to new information received this evening regarding a possible floodplain issue.

Business from the Mayor

The Mayor reported:

- A letter was received from 11th Street resident, Janet Kozak stating her concerns about the trains.
- A 12 page questionnaire from the University of Wisconsin will be submitted to receive a free evaluation of the City's trees
- Channel 10 was in town today filming background shots for use during the Harriett Tubman Celebration.
- The Tall Ships will be in our area for four days, June 25-28 to participate in a Tall Ships Festival in Philadelphia. The City will need to create a plan to address the needs of any ships wanting to come to New Castle.

Dominic Hanna of the New Castle Jaycees reported that vendors and crafters are approaching them regarding Separation Day. They are looking for organizations that would like to have a float in the parade.

Business from the Council President

President Ratchford discussed Council's previous communications with PBF regarding concerns about the trains. Last year during a presentation to Council, PBF talked about buying stronger cars. There is current reporting that the new stronger cars still spill.

The President attended the Governor's press conference on the State's Climate Change Adaptation Plan. The State just released a report regarding preparedness. The City should have its own Change Adaptation Plan.

There is a Neighborhood Block Grant available that requires no matching funds. The purpose of the grant is to provide a platform to create shared vision of where we want to go as a City.

Old Business

Discussion regarding Verizon Antenna

Councilperson Cochran deferred to the City Administrator who reported that the MSC will not discuss having an antenna on the water tower at this time. The trend is away from doing this and they are not interested in further discussion. Mr. Barthel does not think MSC has completely shut the door. He would like to go back to the MSC with a proposal that they if there is no antenna that the MSC will make up the difference of \$100,000 in the City's budget.

Councilperson Vannucci asked if the City owns the property the water tower is on. Mr. Barthel replied that the City owns the land but the MSC owns the water tower. Councilperson Vannucci believes that since the water tower is on the tax payers property, the MSC can't deny installation of the antenna. Councilperson Cochran stated that the City Attorney is research the issue.

Councilperson Petty asked what kind of agreement the City currently has. Mr. Barthel believes it is a handshake agreement. Councilperson Vannucci reported that after the initial amount was paid, the City was paid yearly.

President Ratchford asked that the discussions be continued.

New Business

Motion, Discussion and Vote on Resolution No. 2015-08, a Resolution to accept the Cricket Wireless proposal of \$7,000.00 to leave all equipment on site after they vacate their lease.

The Motion to consider Resolution No. 2015-08 was made by Councilperson Cochran and seconded by Councilperson Petty.

President Ratchford read the resolution.

President Ratchford requested more specific information about the proposal. The City Administrator explained that Cricket Wireless is exiting the cell tower behind the Police Station and is cancelling their lease of \$500 per month.

City Building Official Bergstrom reported that some of the money is to settle the lease and some is to leave equipment including a platform. The cabinet is scrap metal sitting on an elevated platform. Cricket Wireless will take the electronic components and everything hazardous.

Councilperson Cochran suggested checking with MSC on their opinion of the remaining equipment.

President Ratchford asked if it is the intention of Cricket Wireless to use the site as a trash location and whether the equipment being left behind can be reused. The City Administrator replied that they don't want to pay to have it removed. Mr. Bergstrom believes another company will want to use it.

Councilperson Megginson suggested requesting \$15,000.

The resolution will be amended to allow Mr. Barthel to negotiate the exit agreement with Cricket Wireless with the floor being \$7,000.

Resolution No. 2015-08 as amended passed unanimously.

Motion, Discussion and Vote on Resolution No. 2015-09, a Resolution for the placement request of Bayberry Farms as a vendor operating within the City limits.

The Motion to consider Resolution No. 2015-09 was made by Councilperson Cochran and seconded by Councilperson Petty.

Toby Hagerott, the owner/operator of Bayberry Farm stated this will be the 5th year for his farm to sell produce at the corner at Delaware and Market Streets on Saturday evenings.

President Ratchford read the resolution.

Resolution No. 2015-09 passed unanimously.

First reading of Ordinance 502, an Ordinance to amend Chapter 166, Section 166-6 A (5)(c) regarding Permissible Noise Levels in Industrial Districts.

President Ratchford provided background that this ordinance is to correct a noise ordinance passed several years ago. The current ordinance lists the maximum permissible noise level as 8.52 decibels which is less than a breath. The correct number is 85.2. Council is now going through the proper procedure to correct the error.

The Ordinance was read in its entirety by President Ratchford.

A public hearing will be scheduled for consideration of the Ordinance.

Motion, Discussion and Vote on Resolution 2015-10, a Resolution to approve disposing of city surplus property as listed below:

Seized in a drug transaction:

- 1999 Infiniti Q45 S/N -JNKBY31A9XM603959, seized in a drug transaction.

The following vehicles are from the Military Law Enforcement Surplus Program L.E.S.O., have been in the City's possession for one year and are at this time eligible for disposal:

- 1985 AM General 6X6 Wrecker S/N - NLOK36-C536-00836
- 1986 D-7 Caterpillar bull dozers S/N - 61G00891
- 1986 D-7 Caterpillar bull dozers S/N - 61G307
- 1979 6x6 Dump Truck 5-ton S/N - C529-01401

The Motion to consider Resolution No. 2015-10 was made by Councilperson Cochran and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

Resolution No. 2015-10 passed unanimously.

Motion, Discussion and Vote on Resolution 2015-11, a Resolution to Appoint Tree Commission Members.

The resolution was tabled due to an incomplete slate of candidates.

Motion, Discussion and Vote on Resolution 2015-12, a Resolution to Approve Mayor's Planning Commission Appointments.

Mayor requests reappointment current Planning Commission members Jonathan Justice, Josephine Moore, and Vera Worthy.

The Motion to consider Resolution No. 2015-12 was made by Councilperson Cochran and seconded by Councilperson Petty.

President Ratchford read the resolution.

Resolution No. 2015-12 passed unanimously.

Motion, Discussion and Vote on Resolution 2015-13, a Resolution to approve a Coastal Management Matching Grant from the State of Delaware and a 21st Century Project Matching Grant from The NCCD.

The Motion to consider Resolution No. 2015-13 was made by Councilperson Petty and seconded by Councilperson Cochran.

City Administrator Barthel read the resolution.

Councilperson Megginson said that it seems like we are going to have the City Administrator doing work for the Trustees and is concerned about having too much on City Administrator's plate.

President Ratchford stated the importance of the projects being funded to solve drainage problems and to replace failing bulkhead.

Councilperson Megginson stated that they are worthy projects but we're adding too much.

Resolution No. 2015-13 passed unanimously.

Motion, Discussion and Vote on Resolution 2015-14, a Resolution to approve disposing of city surplus property, Parcel # 210020019, 0 Buttonwood Ave.

The resolution was tabled pending further investigation and discussion.

Discussion concerning possible annexation and donation of a portion of Army Creek Dike currently owned by PrintPak.

The City Administrator provided background that when the dikes were repaired the City agreed to maintain the dikes to federal standards to remain in the federal insurance program. The City needs easements to maintain the dikes. PrintPak believed the State was interested in taking possession of the property but has found that not to be true. PrintPak has now offered the land to the City. The City Solicitor is looking at options. Senator Poore has indicated that the State may be interested in taking over the dike. A meeting will be held in the next couple of weeks with all interested parties. If State takes over ownership, the Army Corps will maintain the dike.

Comments from the Floor

Paul Freebery of Baldton: Mr. Freebery wanted to speak to the Councilperson Vannucci's comment regarding antennas on area water towers. Mr. Freebery wanted to know why it was such a big deal to have antennas on area water towers, stating that all municipalities put up antennas around their water towers and collect revenue. Mr. Freebery feels that if the attachment of the antennae does not impugn the structural integrity it would be a good way to generate revenue.

Mr. Freebery read in the paper that the City is going undertake lots of paving in alleys. He asked the City to spend the money on paving to repair roads rather than the alley. He believes Baldt has only been paved once in 25 years and that the City needs to look at the streets. Councilperson Megginson stated that the alleys are streets and explained the reasons for the selections that were made for paving this year. President Ratchford stated that the City keeps a list of things that need to be done, but the list is always longer than the available funding.

Reverend Williams spoke about Mt. Salem Church. His family started the Church which was built in 1818. The present structure was built in 1864 and is on the National Historic Register. The Reverend believes it is important for the Church to be saved. Councilperson Megginson stated that the City doesn't want to tear it down, but it may be a hazard. The concern is the addition. If it is deemed to be a hazard, the Conference will have to decide what will be done. Councilperson Petty stated that as a result of concerns about the structure three or four years ago, a group repaired and repainted it, but it was closed again. The local people don't want to abandon it, but can't get in.

Bill Emory of Baldton: Expressed concern that after 12 months of inconvenience the Washington Street project is still incomplete. DeIDOT was supposed to supervise and obviously didn't. The citizens are alarmed about them doing repairs again. Patching makes roads of lower quality. Mr. Emory asked Council to express concerns to DeIDOT that we are unhappy. Mr. Emory walked Baldt Avenue with President Ratchford. This was on the schedule to be blacktopped and was bumped. The road is totally deteriorated. Mr. Emory believes more gets done within the downtown area than the neighborhoods

Bob Thomas of West 7th street: Mr. Thomas asked about the truck signs not being put back up on Washington Street that show weight limit signs. President Ratchford replied that the City doesn't have the authority to enforce. Mr. Thomas stated that putting up signs and enforcement are two different things. The signs discourage truckers from outside the area from using the road. Councilperson Cochran commented on possibly lowering the speed limit to discourage truck traffic.

Jerome Pinkett of Buttonwood: asked about signs to eliminate the tractor trailers coming through Buttonwood by mistake every day. It's a dead end but they think it's a through street. Councilperson Petty asked for bigger sign. The City Administrator asked the Chief to increase enforcement. Mr. Bergstrom reported that he has called GPS companies to make changes. Council President Ratchford asked that the problem be addressed through signage and enforcement.

Mr. Pinkett asked Council to recognize Coach Tattersall for his induction in Hall of Fame.

David Baldini of South Street asked if there is a way to use the pier attenuators to help block any future oil spills.

Mayor Reese wishes to publically thank the Trustees for the new window blinds.

The motion to adjourn was made by Councilperson Megginson, seconded by Councilperson Cochran and passed unanimously. Council adjourned at 8:35 pm.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle