

**City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Tuesday, May 12, 2015 at 7:00 p.m.**

Call to order: 7 p.m.

Roll Call:

Councilperson Megginson - present
Councilperson Vannucci - present
Council President Ratchford - present
Councilperson Petty - present
Councilperson Di Mondi - present

Also present:

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

Approval of Minutes by Date: 4/13 Special Meeting - Canvass of the Vote; 4/14 Public Hearing and Regular Meeting and **Approval to Accept Staff Reports:**

Councilperson Petty motioned and Councilperson Vannucci seconded approval of the Minutes and Staff Reports without changes. The motion passed unanimously.

Approval of Treasurer's Report:

Treasurer Carlin reported on the balances of the city's accounts as of April 30, 2015. The total cash on hand in all accounts is \$2,420,603.17.

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

Report from the City Administrator & Staff:

City Administrator Barthel reported that the City Engineer, Mr. Bergstrom, Councilperson Megginson and he met on Friday to open the two bids received for street paving. Mr. Bergstrom has talked to the apparent low bidder and to Delmarva Power to lower the gas lines. Work will begin after June 1st. Bids to provide the City Property Insurance were received from four brokers. The City Administrator and City Solicitor are reviewing the bids and negotiating with the brokers.

Preparations are being made for the budget meetings for FY 15/16 to begin in the next couple of weeks.

Councilperson Di Mondi asked if the insurance bids included consideration of the overages from last year. Mr. Barthel replied that the overages were due to the City joining a consortium for Worker's Compensation Insurance two months late but having to pay the premiums for the entire year. The City is entitled to a rebate of \$88,000 because of the payment for two months that were not used.

Chief Tjaden reported Police Dog Cooper and Officer Allston made their first drug arrest at 1107 Washington Street. Charges are related to prostitution and heroin. The Motorcycle Run raised \$7,000 for kids to go to camp this summer.

Council Communications:

None

Business from the Mayor:

The Mayor was sworn in by City Resident, Judge Richard Cooch and then the Mayor swore in the newly elected Council President and Councilpersons. Mayor Reese participated in Arbor Day planting of trees at Railroad Park. The Mayor is seeking candidates for an upcoming opening on the Planning Commission. He has received seven letters of interest but other interested citizens may still submit a letter.

Jeff Lank from the New Castle Jaycees and the Separation Day Committee reported that all the additions made to last year's event such as the Friday night Craft Beer Festival, Food Trucks and Music are on the schedule again this year. The Committee would also like to extend the Carnival operation to include Friday night rides and games between 5 and 9 PM. They have addressed the need for additional police and emergency medical response. The Saturday schedule has no changes from last year. Included are the Sailing Club Regatta, Parade at 11 AM followed by the Dignitary Luncheon plus the activities in Battery Park such as rides, games and demonstrations. One new addition in the park will be the Blue Hen Chickens from the University of Delaware. While food trucks are permitted on Friday night, the only food vendors in Battery Park on Saturday are New Castle Community Organizations. There will be music all day with the highlight being the group from two years ago, Lights Out returning. They will be followed by the annual Fireworks Finale. Friday includes the 5K Race and Beauty Pageant. The Winners of Beauty Pageant participate in Saturday's Parade.

Councilperson Di Mondi expressed concern that the \$500 to \$600 of additional income generated by the Friday night Carnival will not cover the cost of additional Police and EMT. Mr. Lank responded that the \$500 to \$600 of income is after expenses. The Committee paid for additional police coverage last year.

Chief Tjaden stated that last year's Friday night activities were very nice, but the rain storm and it being the first year probably caused attendance to be down. The Chief has concerns about what the numbers will be this year. He would like to have another year of experience with the event before adding more activities in another location. His concern is being stretched too thin.

Councilperson Petty asked if the Committee has received feedback from residents. Mr. Lank stated that they actively request feedback and get some during the event. One of the frequent comments from participants is the need for more rides but there is no more room.

Mr. Lank stated that the Committee is very cautious when selecting bands that aren't loud for Friday night's entertainment. This year's music will be provided by Jimmy Pritchard and Crabmeat Thompson.

Councilperson Vannucci is concerned that the City's Police and Goodwill Fire Company will be on duty on Saturday for 14 hours. Bringing in bigger rides costs too much for police coverage and results in the need for additional police protection for fights. Councilperson Vannucci would like Friday night to continue to be focused on adults being entertained on the Green. Having kids in a separate area in Battery Park creates a greater risk for fights. Mr. Lank responded that he hears Council's concerns and is able to deal with it either way.

Councilperson Di Mondi stated that he does not support expanding the Friday night activities to add the Carnival.

President Ratchford summarized the Council's position that adding the Carnival on Friday night would result in coverage being stretched too thin and creates too great of a risk. She recommended looking at the entire event and reviewing for next year. On behalf of the City, the President thanked Mr. Lank, the Committee and Volunteers for their work.

Mr. Lank concluded that the budget needs to be reviewed because the costs of the event are exceeding the income.

Business from the Council President:

President Ratchford reported that the City is considering Hang Tags for resident's vehicles for special event days to permit access to the Historic District of the City.

The President is pleased to report that the Trustees, Councilperson Vannucci, and the City Administrator met with the City Police and that the Trustees will fund a third position to help with enforcement of regulations in the parks.

The area selected for the Washington Park Playground is not suitable due to its designation as wetlands. The City will review other options for placement of the playground. Councilperson Megginson inquired about the change in location of the playground needing to come before council. The President replied that it will.

Business from the Floor (concerning agenda items only):

None

Old Business:

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

President Ratchford nominated Tom Maddux and provided his qualifications. At the previous regular Council meeting in April, Council approved the Council's nomination of John Antonio and the Mayor's nomination of Dave Robinson.

The Motion to consider Resolution No. 2015-11 was made by Councilperson Petty and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

Council approved Resolution 2015-11 with the Council President and three Councilpersons voting Yea. Councilperson Megginson did not vote.

Motion, Discussion and vote on Resolution 2015-17, to potentially provide amnesty from penalty for homeowners who pay delinquent tax obligations by June 22, 2015 on an improved residential property.

The Motion to consider Resolution No. 2015-17 was made by Councilperson Megginson and seconded by Councilperson Di Mondi.

President Ratchford read the resolution.

Councilperson Di Mondi commented that he would like to include information in the dunning letter that there is a payment plan available. He would like City Solicitor Losco to draw up a standard payment agreement.

The City Administrator reviewed the process. The first step is to send a letter to the homeowners with delinquent property taxes to explain the program. If there is no response, a second letter will be sent asking the homeowner to come in to discuss a payment plan. If there is still no response, a letter will be sent from the City Solicitor. The intention of the program is not to take possession of the property or throw people out of their homes. The City wants to collect before the homeowner get years behind and becomes unable to pay the outstanding taxes.

Councilperson Di Mondi recommends that the City follow the County process by only giving them two years before starting to take action. The City should immediately offer a payment plan and make it affordable. The City Administrator agreed with Councilperson Di Mondi and stated that the City needs to be flexible.

Councilperson Di Mondi asked that the City make the offer of a payment plan before making any threats. The City should use the IRS process.

President Ratchford clarified that the Resolution stipulates that homeowners can either take the 50% reduction in penalty costs or they can work with the City on a payment plan.

Resolution No. 2015-17 passed unanimously.

New Business:

Verizon made a presentation regarding their request to put a new tower behind 100 Municipal Blvd.

Verizon approached the City Administrator more than a year ago to place a new cellular tower on the City property behind 100 Municipal Boulevard.

James Rodgers is a site acquisition consultant hired by Verizon to find sites for towers to add to their network. The industry has changed dramatically in the last ten years due to Smartphones and Tablets causing demand to exceed capacity. It is a health and safety issue for Verizon subscribers due to the inability to connect. The current tower has been adjusted twice and there is no more expansion left.

The current request is for a 30 X 35 platform with a 110 foot high pole in the Municipal Services lot that the City owns. The new tower will result in additional income for the City. The revenue is greater for a new tower than to expand the current one. The coverage footprint provided by each tower is shrinking and in-building coverage is reduced.

Verizon is currently working on 1,000 new cell tower sites in southern NJ, DE and eastern PA. The use of phones, tablets and other computers like those in cars and appliances is causing the need for expansion.

Verizon is requesting a five-year agreement with four five-year extensions.

President Ratchford asked about the range of the tower. Towers are now shorter in height in urbanized areas causing a smaller area of coverage of about 1 to 1 ½ miles.

Councilperson Di Mondi asked if this request is instead of the request for antennae on the water tower. Mr. Barthel replied that this request is in addition to the water tower request.

Councilperson Di Mondi remembers that negotiations in the past have been handled by an attorney from Philadelphia that specializes in these leases. He suggests retaining such an attorney before making the decision because this agreement has many years of future commitment. The City Administrator acknowledged that specialized attorneys have been retained in the past but believes that the City and the City Solicitor have more experience than before.

Mr. Rodgers stated that they have already discussed the lease with the City Solicitor and found him to be very competent and knowledgeable. He doesn't anticipate that another attorney is going to change anything that is within the range of what Verizon can accept.

The lease offer is for \$1800/month with a 2% increase resulting in more than \$100,000 in first five years. The other carriers are on the other tower. While he can't predict the future, many of the smaller companies have gone out of business. Broadband is not competitive because of huge infrastructure costs. Verizon will comply with all FCC and other requirements. A geology study will be completed before the tower is designed and built.

President Ratchford asked about Verizon's market share. It is the largest market share nationally and is at least 30 to 40% locally.

Councilperson Megginson Motioned and Councilperson Vannucci seconded to approve the City Administrator and City Solicitor to proceed with negotiations with Verizon for the new tower. The Motion passed unanimously.

Motion, Discussion and Vote on Resolution 2015-19, a Resolution to Consider an Encroachment at 110 E. 4th Street.

The Motion to consider Resolution No. 2015-19 was made by Councilperson Di Mondi and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

The City Solicitor stated that he has done this previously using the same process of a license agreement to indemnify the City.

Resolution No. 2015-19 passed unanimously.

Motion, Discussion and Vote on Resolution 2015-20, a Resolution for the placement request of "Taste of Heaven" as a vendor operating within the City limits.

Tasha Miles, resident of New Castle has been preparing Soul Food to sell for one year and decided to have a food trailer she built herself. This will be her first. She is approved as a food vendor at Cow Town in New Jersey.

Councilperson Di Mondi asked how large the trailer is. Ms. Miles replied that is a 5X8 utility trailer.

Councilperson Megginson asked where she would like to set up. Her reply was in Battery Park, near the tennis courts and Councilperson Megginson advised that Council doesn't have jurisdiction.

Councilperson Petty inquired about the Spiced Rum Cake on the Dessert list for \$50. Ms. Miles advised that she makes the cakes from scratch and that is less than similar cakes of smaller size.

President Ratchford stated that Council would like to support residents but they need to find an agreeable place. The area by the tennis courts is not available on Community Concert Nights but encouraged her to reach out to organizers.

Ms. Miles stated that she currently has a temporary health permit for June 1 to 14 and has to put more investment into the trailer to get a permanent license.

The President asked if she had used the equipment in public places before. Ms. Miles states that she has and that the equipment runs on propane.

The President asked the City Fire Marshall is he has any concerns. He does not as long as it's in the current open configuration.

A location near the Sailing Club was proposed and accepted.

The Motion to consider Resolution No. 2015-20 was made by Councilperson Petty and seconded by Councilperson Megginson.

President Ratchford read the resolution and added that trash removal be provided.

Resolution No. 2015-20 as amended passed unanimously.

Discussion for need to amend Mowing Ordinance, including addition of “meadows” requirements.

Councilperson Megginson stated that the Trustees have notified the public that they intend to grow meadows in the City. City Council has not been notified and there is no ordinance for a meadow. Councilperson Megginson has been contacted by people that don't want meadows and are concerned with the use of pesticides. He believes Council should have a discussion.

The President stated that the Trustees presented the concept last year.

Councilperson Megginson stated that they tried last year and it looked like a dog patch. He is not in favor of meadows or minimal grass mowing.

The President stated that they have to go through a process to create a meadow. There is a definition in the City Code for a wild flower meadow. A 15 foot buffer has to be maintained. The benefits are to provide habitat and help clean water.

Councilperson Megginson thinks the Trustees should have to get a permit and there should be public hearing regarding the matter.

Councilperson Vannucci stated that kids play in the field in Dobbinsville. There are snakes and ticks. The half cut grass looks bad. He thinks it should be cut.

Councilperson Di Mondi stated that he hasn't seen any flowers that would indicate that it's a meadow. He asked if there is there a permit for minimal mowing.

President Ratchford suggested the Council should ask the Trustees to come before Council for a discussion.

Councilperson Megginson would like to have public hearing on the matter.

Councilperson Vannucci restated his position that they should cut it.

Councilperson Di Mondi asked if residents can practice minimal mowing.

City Solicitor Losco explained the City ordinance that covers minimal mowing and meadows.

Councilperson Megginson reiterated his request that it not be a Council Meeting, but a Special Meeting for that purpose only – the discussion of meadows and grass cutting.

The President agreed to schedule a Special Meeting on this topic only.

Comments from the floor:

Victoria Wolliston at 120 and 121 E 4th Street stated that it took seven months and many permits to restore her home. The most recent project was the repair of her roof. She got five estimates for repair and selected a New Castle licensed contractor who claimed there is no need for a permit for repair. The roof repair is unsatisfactory, so she called the City Building Inspector, Mr. Bergstrom. He told her he can't be involved because she didn't get a permit. She called the City Administrator but didn't receive a call back. The City Administrator did return her call but she has not yet received the message.

Councilperson Vannucci asked for the name of the contractor. She replied that the contractor was Charles Connell.

The President advised that obtaining a business license does not include an evaluation of their work quality. The City Administrator will follow-up with Ms. Wolliston.

The motion to adjourn was made by Councilperson Petty, seconded by Councilperson Megginson and passed unanimously. Council adjourned at 8:42 pm.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle