

City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Tuesday, July 14, 2015 at 7:00 p.m.

Call to order: 7:00 p.m.

Roll Call:

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

Also present:

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

Approval of Minutes by Date: 6/9/15 - Regular Meeting; 6/22/15 – Special Meeting/Budget Workshop and **Approval to Accept Staff Reports:**

Councilperson Petty **Motioned** and Councilperson Megginson seconded approval of the Minutes and Staff Reports without changes. The motion **passed unanimously**.

Approval of Treasurer's Report:

City Administrator Barthel reported on the balances of the city's accounts as of June 30, 2015. The total cash on hand in all accounts is \$2,735,799.50.

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:

- The tax amnesty program was successful with total collections of more than \$18,320.
- The City has been offered an opportunity to participate in an online TV program called Fireball Run. The program is a life size trivial pursuit game consisting of 13 episodes of 44 minutes each about travel and adventures. It will be filmed entirely in real time over eight days in September. Filming will be in New Castle on September 27th. 50 teams will compete in cities from Hartford, CT to Cocoa Beach, FL. Domestic distribution is online with 1.7 million viewers. A city that has hosted the program, Amesberry, MA was contacted and their program was reviewed. The value to the City is promotion and economic development.

President Ratchford asked for a **Motion to participate in the Fireball Run program**. The Motion was made by Councilperson Vannucci and seconded by Councilperson Megginson. The Motion passed with three in favor. Councilpersons Petty and Di Mondì requested more time to review the information provided. Councilperson Megginson pulled back his vote in favor and the **Motion failed**. The opportunity to participate will be considered at next meeting.

Police Chief Tjaden reported:

- In relation to the home invasion in Boothhurst, police have recovered the vehicle and issued ten search warrants related to the incident. Arrests will be made in the near future.
- Chief met with DelDOT along with State and Newark Police and representatives of the Attorney General's Office regarding truck traffic. The AG Office will submit a bill to the legislature to clarify the two axel limit and weight rule for local traffic to have a single common definition. The court will not uphold the current regulation.

Councilperson Di Mondì commented that DelDOT pays Newark Police to stop trucks from driving through their town to avoid tolls. They don't care about the quality of life of town residents.

Solicitor Losco confirmed that cases have been taken to court and were not upheld.

Council Communications:

Councilperson Petty reported:

- A representative of Mt. Salem Church will be at the August Council meeting to provide an update on the
- Trucks continue to be a problem on Buttonwood Avenue. Recently, a truck tried to back out from the railroad tracks to Route 9.
- The trees that are blocking water flow continue to grow in the drainage ditch.

Business from the Mayor:

Mayor Reese reported:

- The State budget for FY15/16 includes Municipal Street Aid and \$33,000 for Separation Day from Grant & Aid for New Castle.
- A group of 150 people are coming to town for a reunion. They will visit museums, eat in restaurants and shop.
- The Mayor has nominated Gail Seitz to the Planning Commission. She was an analyst at DuPont and taught at the University of Delaware.

Business from the Council President:

President Ratchford reported:

- The City would like to organize a Fall clean-up. They are seeking ideas and invite groups to participate.

Business from the Floor (concerning agenda items only):

- David Bird of Harmony Street, former Chair and a current member of the Planning Commission endorses the appointment of Gail Seitz appointment. She has worked on several town projects and committees and has managed grant funds.

Presentation of Resolution No. 2015-27, Honoring Reverend Albert Clinton Gaither, Jr. on the occasion of his retirement.

Councilperson Petty presented a resolution previously approved by Council to the Reverend Gaither on the occasion of his retirement from Buttonwood United Methodist Church.

Old Business

Motion, Discussion and Vote on Resolution No. 2015-30, a Resolution supporting a proposed Fishing Pier at the "fishing beach" south of Dobbinsville on Route 9 within the City of New Castle.

The Motion to consider Resolution No. 2015-30 was made by Councilperson Di Mondì and seconded by Councilperson Petty.

President Ratchford read the resolution.

Councilperson Di Mondì thanked Mr. Pankowski and Mr. Horan for choosing New Castle from the competing locations as the site for the new fishing facilities. He commented that the pier is well built and well designed and has parking.

Mr. Pankowski, Chairman of the Advisory Council on Recreational Fishing Funding thanked Council and the President for being receptive and support of the proposal. He stated that the source of the funding is Federal with the State's Fishing License Fee as matching funds.

Mr. Horan, Construction Project Manager, Delaware Division of Fish & Wildlife advised that the design and planning of the project will be an open and evolving process and that input would be welcomed.

Resolution No. 2015-30 passed unanimously.

Motion, Discussion and Vote on Resolution 2015-31, a Resolution to approve the Verizon Tower at Municipal Boulevard Contract.

The Motion to consider Resolution No. 2015-31 was made by Councilperson Megginson and seconded by Councilperson Di Mondì.

President Ratchford read the resolution.

The City Administrator reported that the City sought the advice of a law firm with specific expertise in cell phone tower contracts, Cohen Group in Pittsburgh, PA at the suggestion of Councilperson Di Mondì. The law firm advised that the fee being offered by Verizon is within range of an average rental. Mr. Barthel negotiated for an increased fee and Verizon agreed. The law firm recommended asking for a 3% rather than 2% escalator clause and Verizon accepted. Some additional provisions were recommended and most were accepted by Verizon.

Resolution No. 2015-31 passed unanimously.

Discussion of Truck Traffic through Dobbinsville.

President Ratchford reported that the City is making efforts to get enforceable common language to define truck traffic. Chief Tjaden advised that the City Police will conduct speed checks with radar enforcement on Route 9. State police truck enforcement unit will conduct truck checks between Washington Street and Dobbinsville. DelDOT will remove the signs south of Hamburg Road to allow truck traffic south on Route 9. Pavement along Route 9 has settled causing a problem. Senator Poore facilitated an on-site meeting with DelDOT to review the problem and reports that funds were approved in the FY15/16 State Bond Bill to make the repair with patches.

Christina Arnold of Dobbinsville appreciates the City's efforts to reduce and control the truck traffic. She reported that on June 30th, she counted 57 trucks going through Dobbinsville. There are cracks in her home that she believes are caused by the truck traffic. Her concern is for the 76 kids that live in the neighborhood and dangers posed by the truck traffic in general and specifically the tanker trucks. The trucks do not stop for people in the cross-walk.

Councilperson Di Mondì reports that DelDOT is not responsive. Attempts have been made to have the blinker turned into a traffic light that will allow people to push a button to stop traffic.

The President reiterated the City's commitment to do everything they can to reduce the truck traffic.

Ms. Arnold reports that DelDOT blames the City and the City blames DelDOT, so nothing happens.

Robert Thomas of West 7th reports that the part of the problem is that the traffic is not just from local trucks making local deliveries. Mr. Thomas brought pictures of the trucks. He believes that the trucks are disobeying all the signs on Route 9, yet they are not ticketed.

Meadow Update

Councilperson Megginson advised that after having discussions with the Trustees, he has decided to table the reading of the proposed Amendment to Ordinance 503; to revise and restate City Code Chapter 140 – 18. The revisions will be on the August agenda. Councilperson Megginson is acquiring more information.

Councilperson Megginson **Motioned to table the reading** of the proposed Amendment to Ordinance 503; to revise and restate City Code Chapter 140 – 18. The Motion was seconded by Councilperson Di Mondì and **passed unanimously**.

President Ratchford reported that the Trustees have met with people in Dobbinsville and have agreed to reduce the size of meadows. The President received more than 40 emails in favor and 1 opposed to the meadows. Many of the emails contained constructive comments. Some of the emails were from experts representing organizations with expertise in meadows like Longwood Gardens and Dr. Susan Barton of the University of Delaware who works with businesses and others to create meadows in the workplace.

Councilperson Di Mondì believes that better communications between the Trustees and Council would have resulted in a smoother process. He understands and agrees with cutting back costs but the Trustees started to create the meadows without including City Council. It should have been done in steps with a demonstration meadow. Councilperson Di Mondì recommends that the City Code include the need to get certification to keep the meadows at a certain distance from buildings and to have some restrictions to define a minimum area. In regard to the current meadows, Councilperson Di Mondì wants a letter of understanding from the Trustees to City Solicitor Losco.

Councilperson Vannucci stated his agreement with Councilperson Di Mondì. He doesn't like the way it was done. To get along, the two groups need to talk to each other. The only people that get hurt are the tax payers.

Councilperson Megginson is glad that he addressed the issue even though he didn't get very good press. He has been out to Dobbinsville and walked the meadows. Councilperson Megginson continues to have a problem with certain meadows but believes the Pollination Meadow is a good idea. The Ordinance does need changes to provide clarification and address things like the requirement to be cut three times a year.

Councilperson Di Mondì commented that the issues related to the meadows will be worked out but there shouldn't be minimal mowing.

Marie Wilson of East Second Street stated that Councilpersons are out of line saying that the Trustees don't communicate. Mr. Wilson has had meetings regarding the meadows and is available once per month on a Saturday to answer questions. Council members did not attend the meetings or his monthly Q&A sessions. The Trustees were blindsided by the proposal to eliminate the meadows at last month's meeting.

Councilperson Di Mondì stated the City Council doesn't have to come to the Trustees and that Mr. Wilson must come before Council.

Gene Dempsey of Delaware Street said that all those serving on Council and the Trust are great people. City Council has lost tact in their behavior. Mr. Dempsey has attended the Trustee's meetings and the meadows were discussed.

David Carter, President of the Delaware Audubon Society presented a letter from the local chapter signed by Mr. Carter and Amy Roe, Ph.D., Conservation Chair (See Attachment I). Mr. Carter expressed his support for the meadows. He has worked on many issues in the City of New Castle and advised that the meadows impact drainage. Mr. Carter displayed a water study that shows a storm in July caused a water level rise of four feet. The loss of meadows in areas throughout the City will impact the ability to handle the rising water table. He asked Council to take the time to educate each other and to educate before they regulate. Mr. Carter has an educational curriculum and provided a booklet and DVD both titled *Community Spaces, Natural Places: A guide to restoration, management and maintenance of community open space*.

Matt Sarver of Sarver Ecological, LLC is a certified ecological consultant and offered to be a resource. In addition to his services, he advised that there are many resources available in Delaware, among them experts at the Delaware Nature Society, the University of Delaware and Mt. Cuba that are willing to provide ideas and design. Mr. Sarver understands Council's concern about letting grass grow but that a meadow isn't a field of grass. A meadow is an intentionally planted site with native species. Mr. Sarver provided copies of two booklets for each council member: *Delaware Native Plants for Native Bees* and *Meadows & Buffers for Bees: Creating Mid-Atlantic Pollinator Habitats*.

Judi Baldini of South Street distributed a Memorandum from the President of the United States directing the Heads of Executive Departments and Agencies to create a Federal Strategy to Promote the Health of Honey Bees and Other Pollinators (See Attachment II). The memorandum creates a task force of 15 agencies to address the issue of the decline of pollinators. AmeriCorps has established a bee keepers program. Many cities including New York City are creating meadows. The Smithsonian Institute in Washington, DC has native plants at the entrance and right up against the main building. Some cities are planting

meadows in the school yards and using them as educational tools. Ms. Baldini doesn't think homeowners can be denied the right to plant native species in their yards.

Sally Denton of 2nd Street stated that she hasn't heard any of the Council Members say that they don't want meadows. The Council wants to work with the Trustees.

Keith Adams of Delaware Street is a professional horticulturist and feels honored that Mr. Carter and Mr. Sarver took the time to attend the meeting and express their support for meadows. Mr. Adams provided information from the Natural Lands Trust that will provide a definition of "Meadows" (See Attachment III). Meadows are not a new concept but an international standard. He built a berm containing native species between a residence on the Strand and the river. The purpose of the plants is to have their long roots hold the berm in place. He questioned whether or not the plantings are in violation of the City Code. Mr. Adams loaned Council a book, Planting A New Perspective by Piet Oudolf and Noel Kingsbury.

Councilperson Di Mondì asked if the plantings infringe on other's properties or their view.

Robert Thomas of W 7th Street stated that no one is disgruntled about the meadows except about where they are. He asked if the ground was sampled for hazardous waste before planting. The ground that has been torn up was previously found to contain metals.

New Business

Discussion of Parking Recommendations and Resident/Business Input on Downtown Parking.

Councilperson Vannucci stated that Council voted two years ago on parking. The Parking Committee recommended five locations for parking lots, but the Planning Commission only recommended three of the locations. Council overrode the recommendations of the Planning Commission to consider all five locations because the Parking Committee worked hard and did a good job. Council has not prioritized the locations. Funding has been included in the budget but a located for a parking lot has not been selected. Councilperson Vannucci served on a parking committee twenty years ago, but nothing has changed.

The following members of the Don't Pave Paradise Action Group read prepared statements (See Attachment IV):

Suzanne Souder of W 4th Street
Sara Hutchinson of W 4th Street
Kathy Tidball of W 4th Street
Glenn Rill of W 4th Street
Claire Clark of W 4th Street
Gail Levinson of South Street
Patricia Bigelow of W 4th Street
Dawn Kackley of W 4th Street
Kim Moore of W 4th Street

Councilperson Di Mondì stated that business groups want more parking but the residents don't want more parking anywhere. He suggested that parking meters be considered.

Betsy McNamara of W 3rd Street went to most of the parking committee meetings. The committee was asked to look at City and Trustee owned properties for potential parking but not at private property. There are alternative sites to be considered. New Castle Elementary School has 80 parking spaces and is a 7 to 10 minute walk. Consideration should be given to existing parking and private land.

Dorsey Fiske of E 3rd Street asked Council to think very carefully before adding parking adjacent to Battery Park. It's a very small park that is already crowded on weekends. We don't need more parking to feed into the crowded park.

Sally Denton of E 2nd Street said the parks are crowded because the people have nowhere else to go. The goal is to promote the town so that people will come to visit. Not having available parking makes people feel unwelcome.

Marianne Caven of W 3rd Street stated that she parks in town several times a day and never has a problem getting parking within a block of her house. There is no need for additional parking. She is concerned about safety.

Gene Dempsey of Delaware Street suggested that designated drop off spots could be created for people that can't walk and the driver can park farther away. A parking lot can be created at the former recycling location.

Councilperson Vannucci of East 4th Street stated that he doesn't know why we are here. He repeated his earlier comments that no site has been selected. He suggested that making Delaware Street one way would allow for the addition of 70 to 80 diagonal spaces.

Ed Hitchens of East 4th Street presented a petition signed by 15 residents in regard to limited parking on East 4th Street (See Attachment V). A house that fronts East 3rd Street will have four apartments may park on East 4th street.

Motion, Discussion and Vote on Resolution 2015-32, Approving Mayor's appointment of Gail Seitz to the Planning Commission.

The Motion to consider Resolution No. 2015-32 was made by Councilperson Vannucci and seconded by Councilperson Petty.

President Ratchford read the resolution.

Resolution No. 2015-32 passed unanimously.

Motion, Discussion and Vote on Resolution 2015-33, Approving the nomination of Marco Boyce to the Tree Advisory Commission.

The President reviewed Mr. Boyce's qualifications and certifications.

The Motion to consider Resolution No. 2015-33 was made by Councilperson Petty and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

Resolution No. 2015-33 passed unanimously.

Comments from the Floor.

None

The **Motion to adjourn** was made by Councilperson Megginson, seconded by Councilperson Petty and **passed unanimously**. Council adjourned at 9:11 pm

Council met in Executive Session to discuss collective bargaining regarding the AFSCME Contract and personnel matters.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle