

City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Tuesday, December 8, 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 - absent
Councilperson Di Mondì - present

Also present:

William Barthel, City Administrator
Donald Reese, Mayor
Janet Carlin, City Treasurer
Daniel Tjaden, Police Chief
Daniel Losco, City Solicitor

Approval of Minutes by Date: 11/10/2015 Regular Council Meeting and **Approval to Accept Staff Reports** as submitted.

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

Approval of Treasurer's Report:

City Treasurer Janet Carlin reported on the balances of the city's accounts as of November 30, 2015. The total cash on hand in all accounts is \$4,037,584.86.

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

Report from the City Administrator & Staff:

City Administrator Barthel:

The pre-bid meeting regarding Pier Construction was held with four companies in attendance. The bid date was moved to the 18th of December due to the need to provide complete answers to the bidders' questions. The start date for construction remains early January.

Councilperson Di Mondì asked for the bottom line bid figure. Mr. Barthel stated that available funding is \$800,000 provided by the State and approximately \$145,000 of FEMA funding designated for the replacement of the pier. The total cost of the pier cannot exceed \$945,000. Costs to date for engineering have been charged against the FEMA funds.

Police Chief Tjaden:

- A car stop on Route 9 resulted in confiscation of drugs and a gun.
- An arrest was made for a burglary at Goodwill.
- A number of people in town appeared on the “Wanted” list and were arrested.
- As a result of a tip, an undercover drug buy was made at 16 Edgewood Street. A Search Warrant was obtained resulting in confiscation of \$1,700 in cash and heroin.
- The New Castle Police have policies and a system in place to respond to shootings and incidents of terrorism. They regularly check the schools, their parking lots and surroundings.
- A “No Trucks” sign was added to Delaware Street and the sign at Buttonwood Avenue remains. Both are believed to be effective. Anyone seeing a truck in the City is asked to call police.

Council Communications:

Councilperson Vannucci:

A Christmas Party is being planned for Saturday, December 19 from 11 am to 2 pm for kids at the Good Will Fire Hall. The party is sponsored by the Fire and Police Departments.

Business from the Mayor:

Mayor Reese:

- \$500,000 was received from the rural authority to fix the purity of the town’s water. A new unit was installed at Penn Farm.
- The Mayor spoke at Small Business Friday along with the Congressional Delegation.
- The town is preparing for the Spirit of Christmas this weekend.

Business from the Council President:

President Ratchford:

- Thanks to the Arasapha Garden Club and the City’s Public Works Employees for decorating the town.
- Thanks to Bruce Burk for helping to establish the trail at the Broad Dyke by clearing the underbrush. It will remain an unpaved trail.
- A nonprofit organization preserving New Castle’s Italian heritage has asked to place a monument in a City Park.

Business from the Floor (concerning agenda items only):

Marty Wright of W 7th Street supports the resolution to form a new 501©3. The Historic New Castle Alliance and the New Castle Community Partnership have good intent and have accomplished good things but have become stagnant and have not achieved the goals first set out by the organizations. A new 501©3 needs to be formed and funded through the business community particularly by major corporations in the City of New Castle like Amazon and Home Depot.

Jago Plant of 5th Street stated that the New Castle Community Partnership (NCCP) is a 501©3 that exists for the same purpose and has a track record of doing things for New Castle. In 2015, the organization took responsibility for the continuation of A Day In Old New Castle and the Summer Concert Series. They are considering helping with the pocket park. One of the NCCP members is working on a single sponsorship package to eliminate multiple asks for funding. To say it’s not working is incorrect. There’s a lot of effort by the members. Mr.

Plant is disappointed that the NCCP Board of Directors was not spoken to before putting this Resolution forth. NCCP is already a 501©3 that covers everything.

Gene Dempsey of Delaware Street said if we get another group that reaches out, that is the best thing we could do. There are not enough people coming in from outside of town and additional effort is needed to make people aware of what New Castle is. Mr. Dempsey is not sure what the program is but he certainly supports it. He wants council to get involved.

Councilperson Megginson read a Letter from Sally Denton in support of the nonprofit proposed in Resolution No. 2015-54 (See Attachment A).

Jago Plant of 5th Street stated that the NCCP would like the funding proposed by the Resolution. Mr. Plant asked who the people are that have requested this new 501©3? Why set up another 501©3?

Councilperson Megginson responded that the City did provide funding for the Alliance at the beginning. The NCCP can keep going. The organization being formed is not related to the Main Street program and will encompass the entire City of New Castle. In addition to marketing the town, they propose to take care of playgrounds and raise the funds to repair the Banks Building.

Councilperson Vannucci stated that Terry Gormley from the newspaper approached him about needing money for bands for the Summer Concert Series. Councilperson Vannucci reached out to the Clubs for funding. The Clubs need to know who's behind the events and they will support established organizations. The new organization will have the City of New Castle's name on it. The clubs can't give funds to a private outfit. Mr. Plant responded that the NCCP would be happy to show the Clubs their books.

Michelle Quaranta of W 3rd Street and owner of 2nd Act thanked the Council for offering support and acknowledged the NCCP for what they've accomplished. Residents support her business but cannot sustain it. Help is needed to promote the destination. Everyone must work together to promote the City. Ms. Quaranta stated that she is also a realtor and has found many houses are empty and have been on the market for a long time. Without a healthy Main Street, the energy in the City filters out. There's been a change recently from an infusion of new businesses.

Alice Riehl of W 4th Street asked for clarification regarding the purpose of the new organization to promote the City and/or to redo the Banks Building and build Parks. Councilperson Megginson responded that the organization will get brochures out that will cover a larger area than just downtown.

Russ Smith of Chestnut Street asked if the issue is a matter of control and stated that the City cannot control a 501©3. Councilperson Megginson responded that the organization will be independent but will be supported in startup by the City.

Old Business

Second Reading and Motion, Discussion and Vote on Ordinance 504 to amend Section 230-25 of the Code of the City of New Castle to permit limited retail sales in Industrial zones via special exception from the Board of Adjustment.

President Ratchford explained that the Ordinance was read at the last regular meeting, was posted on the City web site as the second reading and a Public Hearing was held just before this meeting.

The Motion to approve Ordinance 504 was made by Councilperson Megginson and seconded by Councilperson Vannucci. **Ordinance 504 passed unanimously.**

New Business

First Reading of Ordinance 505 to amend Section 230-45 Historic review certificate required in historic districts to update compliance requirements and Sections 230-49 through 230-52 Historic Area Commission to revise Commission structure, proceedings and powers & duties based on recommendations of the Historic Area Review Commission (HARC) and other input. Ordinance changes are needed in preparation for consideration of the proposed updates to the design guidelines.

President Ratchford, City Solicitor Losco and City Administrator Barthel shared the reading of Ordinance 505.

Mayoral Proclamation Recognizing the Retiring New Castle Jaycees President

City Solicitor Losco read the proclamation honoring Jeff Lank for his service to the City of New Castle and the State as the leader of the New Castle Jaycees.

First Reading of Ordinance 506 to amend Section 140-11 of the Code of the City of New Castle entitled “Excessive Consumption of Inspections” and Section 140-12 of the Code Entitled “Fees For Excessive Consumption of Inspections; Collection”.

City Solicitor Losco explained that this is a change to an existing ordinance. The intention is to address problem properties that are cited repeatedly and the inspector has to continually visit to follow-up. Currently, if the property transfers, the excessive consumption charges from the previous owner are waived. It has been found that banks that own properties in foreclosure are not caring for their property and then transfer the property to holding companies to avoid having to pay the fines. The fines will now be enforced through liens that must be paid at sale.

President Ratchford read Ordinance 506.

Motion, Discussion and Vote on Resolution No. 2015-53 to add a Stop Sign at the corner of Linden Street and 14th Street, making that intersection a four way stop.

The Motion to consider Resolution No. 2015-53 was made by Councilperson Megginson and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

Councilperson Di Mondì asked how much traffic is at that intersection. Chief Tjaden responded that the intersection is used in the morning by drivers avoiding the traffic light in the morning and on Friday afternoons by drivers attempting to get around the backup.

Resolution No. 2015-53 passed with three affirmative votes.

Councilperson Megginson – affirmative
Councilperson Vannucci – affirmative
Council President Ratchford – affirmative
Councilperson Petty – absent
Councilperson Di Mondì – abstained

Motion, Discussion and Vote on Resolution No. 2015-54 to support the creation of a 501(c)(3) corporate entity to promote, improve and enhance the historic, cultural and commercial attributes of the City of New Castle and to assist in funding projects in support thereof.

The Motion to consider Resolution No. 2015-54 was made by Councilperson Megginson and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

Councilperson Di Mondì stated that the Resolution creates a slippery slope. He inquired if the City would recruit the Officers and Directors and if the City would fund it?

Councilperson Di Mondì believes that the City should not be involved in a 501©3. The City can encourage one but not start one. A 501©3 exists that is trying to do the same thing. The proposed organization seems to be in conflict with those organizations with the same mission. Every 501©3 has books showing the contributors and expenses. There's nothing underhanded about a non-profit and they must provide full disclosure.

Councilperson Di Mondì recommends that the City nurture the organizations that City already has rather than compete with them.

Councilperson Ratchford asked about the City's liability if the City's name is attached to it. City Solicitor Losco replied that his understanding is that the City would file to create a corporate entity and then after formed, would apply for 501©3 nonprofit tax status. The City would create the organization and recruit the volunteers. After the Board is formed, it becomes a separate entity.

The question was asked about the criteria for appointment. Councilperson Megginson stated that people have already shown interest. The people that are supporting the creation of the new 501©3 and are expected to form the first Board of Directors are Joe Day, John Antonio, Michael Hemphill, Sally Denton, Marty Wright and a representative of the Refinery.

City Administrator is to provide assistance to the Board to help get the organization started with tasks such as filing applications. They plan to upgrade the visitor web site, print brochures and broadly promote the City.

Councilperson Di Mondì stated that businesses can donate to a City. City Solicitor Losco agreed.

Councilperson Vannucci asked the Police Chief if the assistance of the Refinery has been beneficial to Delaware City. Chief Tjaden responded that the support has been very positive.

President Ratchford stated that the City needs to step up and needs to work with existing entities. Web site and brochures need focus. The City has not stepped up and there are multiple ways the City can support promotional initiatives. The City already has more nonprofits than money and volunteers.

Resolution No. 2015-54 failed with votes cast as follows:

Councilperson Megginson – affirmative
Councilperson Vannucci – affirmative
Council President Ratchford – negative
Councilperson Petty – absent
Councilperson Di Mondì – negative

Motion, Discussion and Vote on Resolution No. 2015-55 to raise the City Laborers Wage \$1 an hour as a gesture of Holiday Spirit and our appreciation for their hard work during the year under all conditions.

The Motion to consider Resolution No. 2015-55 was made by Councilperson Di Mondì but there was no second.

Councilperson Vannucci stated that the City just finished negotiating a contract. The Union was offered a \$3 per hour raise but they refused. Six people can't be selected from the Union to give them the dollar. It's against the law after the contract has been approved.

Councilperson Di Mondì asked if the Union filed a complaint. Councilperson Vannucci responded that he called to tell the Union what is being proposed.

Councilperson Di Mondì read a statement (See Attachment B).

Motion, Discussion and Vote on Resolution No. 2015-56 to provide a lump-sum pension benefit to one retiree of the City of New Castle.

The Motion to consider Resolution No. 2015-56 was made by Councilperson Vannucci and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Resolution No. 2015-56 passed unanimously.

Discussion and decision regarding the City's Annual Funding Request to the Trustees.

City Administrator Barthel reported that the Trustees have historically provided \$200,000 for projects annually. Based on statements from Trustees, they are looking for capital projects. Mr. Barthel recommends a request for an infrastructure project. Jeff Bergstrom, City Building Official identified street projects totaling \$400,000. There is \$37,000 left over from previous projects and the City can request additional funds from State Senator Poore.

Councilperson Megginson motioned to request \$250,000 for street repair and drainage infrastructure improvements and Councilperson Vannucci seconded.

Councilperson Di Mondì asked who determines the specific streets and drainage to be addressed. Mr. Barthel responded that City Council will prioritize.

President Ratchford thanked Trustees for investing \$300,000 in upgrades to Battery Park.

Councilperson Megginson asked how much money was spent at the Penn Farm barn. He doesn't see any benefit to the City from that work.

Comments from the Floor

Judie Baldini of South Street asked that now that there is willingness to support a new 501©3 for consideration to support the existing organizations that fulfill the same priorities and ideas. Perhaps the people that have expressed interest in the new organization could get involved in the existing organizations. She asked Council to work with people that have been doing this work and have the same passion for the City.

Jeff Lank extended thanks on behalf of the Jaycees for all the support received from the town and volunteers.

The **Motion to adjourn** was made by Councilperson Megginson, seconded by Councilperson Vannucci and **passed unanimously**. Council adjourned at 8:27 pm.

Council met in Executive Session to discuss real estate, personnel matters and AFSCME Collective Bargaining Agreement.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle