

**City Council of the City of New Castle**  
**Regular City Council Meeting**  
**Town Hall, 201 Delaware Street, New Castle**  
**Tuesday, February 9, 2016 at 7:00 p.m.**

**Call to order:** 7:00 p.m.

**Roll Call:**

Councilperson Megginson - present  
Councilperson Vannucci - absent  
Council President Ratchford - present  
Councilperson Petty - present  
Councilperson Di Mondì - present

Also present:

William Barthel, City Administrator  
Janet Carlin, City Treasurer  
Daniel Tjaden, Police Chief  
Daniel Losco, City Solicitor  
Jeff Bergstrom, Building Official

**Approval of Minutes by Date:** 01/12/16 Regular Meeting and 01/19/16 Special Meeting and  
**Approval to Accept Staff Reports** as submitted.

Councilperson Megginson motioned and Councilperson Petty 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 January 31, 2016. The total cash on hand in all accounts is \$4,000,575.32.

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

**Report from the City Administrator & Staff:**

City Administrator Barthel:

- Approached by the New Castle Community Partnership for assistance with the summer concert series to provide insurance coverage, trash removal and personnel to open and close the band shell.
- Met with County representatives regarding the youth recreation program for the summer of 2016. The program will be available from June 28 to August 11. Attendance has increased indicating a successful program.

Police Chief Tjaden:

- City Solicitor Losco and the Chief met with a landlord and resident regarding violation of the nuisance ordinance.

- A stolen car was recovered and an escaped prison was found in the process.
- A heroin arrest was made.
- A new officer was hired to start on March 1. The officer retired from the Wilmington Police with 20 years of experience in community policing.
- Both the victim and perpetrator in the homicide in the TGIF parking lot at Airport Plaza are from Philadelphia.

Councilperson Di Mondì directed his concern about outsourced professionals to the City Administrator. The total for January exceeds \$10,000. He also expressed concern regarding the number of projects with outside firms asking for City participation. Most of it involves studies - climate study, pier study, green street study. He asked why the City of New Castle is studying the climate. The Federal and State Government are studying the climate. It isn't "free" money. It is increasing the debt.

President Ratchford explained that there are projects in progress including several big ones. The Shoreline Grant is funded in part by the Trustees for a feasibility study regarding the replacement of the bulkhead and other work to protect the shoreline; the Delaware Coastal Program is addressing the problems from sea level rise and flooding and determining possible solutions to mitigate known water hazards; and the grant to discover what is under Delaware Street needs to be completed prior to repairs and repaving.

City Administrator Barthel added that all the projects were discussed at the budget meetings and were approved by Council at that time. The grants related to Battery Park require City participation because the City owns the property, but the funding is provided by the Trustees.

### **Council Communications:**

Councilperson Petty:

- Trucks are still coming in and out on Buttonwood Avenue.
- Yellow line to indicate "No Parking" needs to be painted.
- The Zenith air vent makes a horrible noise.
- Keystone deliveries were to be plastic pipes, but they are metal pipes that are very noisy being unloaded.

The City Administrator responded that better weather is needed to paint and the City continues to monitor truck traffic.

The Building Official will investigate the noise issues.

### **Business from the Council President:**

President Ratchford:

- City employees were thanked for their work and great results in difficult conditions during the snowstorm.
- The Mayor is recuperating and hopes to be back here soon.
- The City is applying to be a Downtown Development District. Currently, all businesses, residents and visitors are being encouraged to complete an online survey. The results will

be included in the master plan for community development. Three cities were accepted in the first round – Wilmington, Dover & Seaford and will get benefits.

**Business from the Floor (concerning agenda items only):**

None

**New Business**

**Motion, Discussion and Vote on Resolution No. 2016-02** to nominate Carolyn Briggs to the Historic Area Commission.

The Motion to consider Resolution No. 2016-02 was made by Councilperson Petty and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Ms. Briggs is a resident of more than 30 years and has an Associates Degree from Delaware Technical Community College in engineering and architectural drawing and many years of experience in the field.

**Resolution No. 2016-02 passed unanimously.**

**Moratorium on Apartments:** Council Discussion and Public Input

Councilperson Megginson opened the discussion by saying that he wanted to bring the potential issues from the apartments that are being developed to the attention of the citizens. He believes that his suggestion for a moratorium on additional apartment buildings is being misinterpreted to include the three apartment buildings already being considered. Councilperson Megginson's proposal is to stop approvals temporarily until the three buildings currently in progress are built and then see how they work out. All three proposed sites are in the flood plain and will need to meet the Federal specifications. The Washington Street project needs DelDOT approval. The 6<sup>th</sup> Street project by St. Peters will need DelDOT review due to traffic and storm water problems. In total, there will be more than 200 units that will impact traffic on 6<sup>th</sup> street and Washington Street. Route 9 has Riverbend that is still buildable and then further down three more developments plus Langollen.

Councilperson Di Mondì stated that this is what you get from the Western gateway. It is up for grabs. Everyone was given carte blanche to move forward with multi-housing buildings. We gave the developers the right without review of zoning. They don't have to go before the Planning Commission. Rental units are the bane of any community. The City should make them sell as condos and limit the number of renters.

Councilperson Megginson asked the City Solicitor if a moratorium is legal. The Solicitor responded that it is but it needs limits on time and scope. There must be a purpose to it. It occurs to him that the process doesn't provide enough City input into development in the Downtown Gateway. Any projects currently in the pipeline can't be subject to a moratorium. The moratorium would only impact projects that have not been submitted.

Councilperson Di Mondì asked Solicitor Losco how to a 25% rental cap could be implemented. The Solicitor advised that typically those limitations are contained in condominium documents. The Code could be changed to favor this type of development.

President Ratchford stated that multi-family housing provides diversity and has a role. There needs to be some balance against demand.

Councilperson Megginson suggested a moratorium until the three currently in process are built and meet all qualifications. Just hold off on anything new until it is determined what the current projects turn out to be. Older people are looking for a retirement home, assisted living then to nursing care.

President Ratchford asked the City Solicitor if a moratorium would need parameters and limitations. Mr. Losco replied that there must be parameters and limitations. DelDOT will need to assess traffic and may refuse cut-ins until road improvements are completed. Revisions can be made to the Downtown Gateway ordinance.

Councilperson Di Mondì asked if permits can contain restrictions for a certain amount of time for building to begin. Mr. Losco referred to a New Castle County sunset provision that requires that ground be broken within three years of final approvals. Councilperson Megginson asked for clarification that is not until everything is done. Mr. Losco replied that anything in process has to be considered according to the ordinances in force at the time. The rules cannot be changed once the process begins.

Mike Quaranta, Chair of the Planning Commission stated that the role of Commission in development is perfunctory. The 2009 Comprehensive Plan guides and limits what can be done. If criteria are met, the project must be allowed to go forward. The Planning Commission has wrestled for months with these buildings. The demographic trends are showing increased demand for multi-housing. Post the 2008 housing explosion bank rules require loans to fit certain criteria. The rules are pretty strict for the kinds of loans that Freddie Mac and Fannie Mae can accept. People aged 18 to 35 are living in rental properties. Many have school loans and can't save for a down payment. People who are older want to transition out of properties requiring care. The Downtown Gateway was viewed as being mixed use but usually development has to start with people. If the apartments are built, the liquor store owner wants to rebuild for retail space. Mr. Quaranta recommends creation of a committee from a variety of backgrounds and interests to discuss possibilities. Every piece of ground is different. What remains are narrow with little frontage. Most are in the flood plain and will have parking on the first floor. What was theoretical in the Plan is now coming to reality.

President Ratchford asked what the Committee will consider. Mr. Quaranta envisions hearing from owners of multi-family projects but maybe not the ones that are investing in New Castle. New Castle County tends to have owner managed properties. The Committee would hear from a range of voices and opinions. President Ratchford asked if the committee would look at the zoning code and the market. Mr. Quaranta agreed that the Committee would consider those things.

Councilperson Megginson complained that every time he brings something up it is misconstrued that he is trying to be critical of Commissions and Organizations. He appreciates what the Planning Commission has done and understands that hands are tied. Most of the land that is buildable is Trustee land. There only two or three ways in and out of town. The traffic patterns have to be considered. DelDOT is supposed to do something in Dobbinsville this spring to calm traffic. Mr. Quaranta replied that he took no offense to the proposal and agrees that it is time to raise and consider this issue.

Councilperson Di Mondì stated that his issue is that while the trend is towards apartments, there is a relationship between the number of rentals and the quality of life. We are at about 50% rentals already in Dobbinsville. There are many Code violations. We have given people the right to build on that property. We are now at 38% overall in the City and with the additions will be over 50%. There

are homes for sale that aren't selling because of rules they have to comply with and the cost of upgrading and maintaining.

Mr. Quaranta stated that we should have people talk to the trends in condos. Economics are hard to predict along with the impact of changes. Larger cities like Detroit and Cleveland now have empty neighborhoods that will never be back.

President Ratchford stated that the question is where we are going as a City. Planning wants to create a Committee for exploration.

Roger Clark of W 4<sup>th</sup> Street asked a procedural question. If Planning approves, then the project goes to Council for consideration. Doesn't Council have the ability to approve or deny? Mr. Losco replied that if the land owner wants to develop within the Code, they cannot be stopped. We can monitor but there is no consideration. The decisions were already made in the Comprehensive Plan. Builders to before the Planning Commission to illustrate that they are planning to meet the City Code and Regulations.

Dave Baldini of South Street believes that a moratorium as he understands it is the wrong approach. We are adding 200 apartments and 400 cars. It is dynamic situation yet we are using the 2009 Plan which is based on the 2000 census demographics. Now the flood plain issues and the Downtown Gateway plans have come into play. The issue is not where we are but how do we get out? We have two business parks – how do they play into the overall plan? We need to understand where we want to be in five years.

President Ratchford expressed concern about the message a moratorium may send.

Councilperson Di Mondri stated that Council is a Committee that has thoughts that could be sent to the Planning Commission.

Councilperson Megginson would like to build on the City Solicitor's ideas. Council and the Planning Commission should each create a plan and then compare. He doesn't agree with the formation of new committee.

President Ratchford believes there is a need for planning expertise to determine what needs to be solved – density or traffic.

Councilperson Di Mondri repeated the need to consider the quality of life of the 5000 people that live here. People move here for quaintness, not a place surrounded by apartment buildings.

Councilperson Petty added that we all have the same idea. We need to figure out the best way to handle it. What needs to be changed to improve the process for the future?

President Ratchford closed by stating that the topic deserves future discussion.

Gene Dempsey asked if anyone goes to the Helm. He walks around the apartment communities regularly. The apartments give people what they want – off-street parking and balconies. He cautioned council to be very careful about what we want or don't want. He has never seen anything at the Helm that causes concern.

### **Comments from the floor**

Brandon Jennings introduced himself as the 2016 President of the New Castle Jaycees.

Mike Quaranta of Delaware Street reported that the planning for the BBQ contest to be held in conjunction with Separation Day is underway and has sponsors. The fiscal agent for the event is a non-profit that will provide funding for park improvements and grants for home improvements.

The **Motion to adjourn** was made by Councilperson Megginson, seconded by Councilperson Petty and **passed unanimously**. Council adjourned at 8:23 pm.

Respectfully submitted,

Janet Wurtzel  
Clerk of the City of New Castle