

**City Council of the City of New Castle**  
**Regular City Council Meeting**  
**Town Hall, 201 Delaware Street, New Castle**  
**Tuesday, March 8, 2016 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:

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

**Change to the agenda:**

Resolution 2016-05 to impose a moratorium on new land development applications in the Downtown Gateway Zoning District for 60 days was withdrawn.

**Approval of Minutes by Date:** 2/9/2016 Regular Monthly 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 February 29, 2016. The total cash on hand in all accounts is \$3,849,985.66.

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:

- Senator Poore and Representatives Johnson and Mulrooney have allocated \$65,000 from their Community Street Funds for drainage projects for Juniper Street and Queens Court.
- Letter has been received from Trustees President Clayton expressing interest in expanding the parking lot behind M+T and at 3<sup>rd</sup> and Foundry. It is City property, so an agreement with the Trustees would have to be worked out.

- This week's Sheriff's Sale included four properties in New Castle. Two sold for \$61,000 for back taxes and liens. One property sale was stayed through bankruptcy. No bids were submitted for the fourth property. It will become City property and will be disposed of by the City.
- The Pre-bid meeting for the dock was held on Thursday and bids due on March 31.

Councilperson Di Mondì asked how the parking lots were selected. City Administrator Barthel said the properties were on the list. If the Trustees want to put parking on their land, they don't need City permission but they must go through the permitting processes. This request must come before Council for the Trustees to take possession.

Councilperson Di Mondì wants a Public Hearing before approval of the parking project.

President Ratchford clarified that the City owns Battery Park but the Trustees manage the property and have the right to put what they want on the property.

Police Chief Tjaden:

- Three officers have retired or resigned. One new hire is a retired community policing officer from Wilmington. Two more are in the current training class at the Police Academy.
- An arrest has been made on body found near the Farmer's Market. It was not a homicide but a fatal pedestrian accident.
- An attempted car theft on The Strand was foiled. The perpetrator is known and an arrest warrant has been issued.
- There was a drug overdose in Dobbinsville just before tonight's meeting.
- Two disorderly properties have been taken to court and the tenants are moving out.

**Council Communications:**

None

**Business from the Council President:**

President Ratchford:

- Thanks to Bruce Burk and the Antonios for building the new trail.
- Thanks to Dave Robinson for his work on a grant application for boulevard trees for Washington Street.
- The Trustees are working on improvements to the Little League Field. Trustees Clayton and Wilson advised that the changes will result in an area for a playground and basketball court. The City would have to fund the construction but the Trustees would provide the land. Council was asked to get input from citizens.

Councilperson Vannucci asked if it is same area the Trustees offered before. The President replied that it is not the same area and this is a dry area.

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

Mark Shupe of 10A Buttonwood Avenue reminded the Council that he was the meeting two months ago regarding the parking restrictions on Buttonwood Avenue. During that meeting, he asked how many accidents had occurred at the intersection but no one had checked for any data although the contention was that the intersection is dangerous. With the help of the New Castle Police, the records were checked and there hasn't

been a single accident at the intersection of Route 9 and Buttonwood Avenue in years. Mr. Shupe is in favor of parking being restricted near Route 9 for better visibility, but there is a parking problem and the restrictions need to be reconsidered. .

President Ratchford asked the Police Chief for an assessment. Chief Tjaden went with City Administrator Barthel and Lt. Brams to measure the road width at the entry from Route 9. Currently, there are two yellow lines that do not permit parking on either side.

Mr. Barthel summarized the proposed amendment as changing from no parking on either side of the street to restricting parking on the north side while allowing parking on the south side in front of the new houses.

Mr. Shupe reported that there was a fire last week. The fire trucks were able to get down street and other emergency response vehicles were parked in driveways.

The Chief stated that the problem is that there is no shoulder. Cars must cross a double yellow line to get by.

Councilperson Vannucci asked if the fire company had been there to review the clearance for their trucks because they are getting bigger.

Victor Bryson of Dobbinsville thinks it is not fair that no parking is permitted near the new homes but the older homes further down the street can park in front of their homes.

President Ratchford stated the need for balance between safety and convenience.

Mr. Shupe advised that people walk in the street not on the sidewalk. There is a mailbox where people stop to pick up their mail. .

Councilperson Di Mondì stated that he was offering a compromise. The original resolution banned parking on both sides of the street. Those restrictions were based on it being a dangerous intersection. The records were searched with the help of the Chief that show that since the new homes were built in 2012 there hasn't been a single accident. The street gets narrower, so if parking is restricted, it should be the entire length of the street. The compromise is to restrict parking on the north side only and allow parking in front of the new homes.

**Motion, Discussion and Vote on Resolution 2016-06** to amend and revoke in part prior Resolution 2015-51 relating to the no parking restriction at the entrance of Buttonwood Avenue.

The **Motion** to consider Resolution No. 2016-06 was made by Councilperson Di Mondì and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

Councilperson Megginson would like to see parking restricted on the south side past the mailbox to the first driveway.

Councilperson Megginson **Motioned to amend** Resolution 2016-06 to restrict parking along the curve on the south side of Buttonwood Avenue and Councilperson Di Mondì seconded. **The Motion to amend was passed unanimously.**

President Ratchford read the Resolution as amended.

**Resolution No. 2016-06 passed unanimously.**

**Discussion concerning Downtown Gateway Zoning District issues, review and possible amendments to regulate mixed use development and enhance quality of life for residents.**

President Ratchford stated that this topic was discussed at the last meeting. The Planning Commission has met since then and a proposal has been received from the City Planner. The open questions are:

- 1/ is a moratorium needed?
- 2/ could the issues be resolved quickly without a moratorium?
- 3/ should there be a restriction on length of approvals for construction?

City Solicitor Losco stated that there is a process for proposed zoning changes. The steps are a Planning Commission recommendation, public hearing and a Council vote. The change needs to be in the form of an ordinance not a resolution. The procedure is the same regardless of whether or not there is moratorium.

President Ratchford summarized the issues before Planning Commission:

The distinction is between Multi-family vs Multi-use. Multi-use that mixes commercial and residential is what was intended. The current applications are multi-family with no ability for multi-use. There is a disincentive in that multi-use has a density restriction but multi-family does not. Maybe the City should enact incentives to provide property tax or other cost reductions commercial development. Both development zones are in the flood plain.

The President asked Building Official Bergstrom if the City's regulations are consistent with State regulations and whether or not there is an elevation requirement. The Bergstrom advised that City flood plain regulations are compliant. If there were changes that caused them to non-compliant, citizens would no longer be able to get flood insurance for a mortgage.

President Ratchford asked if elevation is required for residential and "flood proof" is required for commercial. Mr. Bergstrom indicated that is correct.

The President stated that traffic impacts need to be considered. The Downtown Gateway is to be a walkable extension of downtown.

The City Administrator stated that there is \$6,700 in the budget that can be redirected for this project. It was originally allocated as a match for a grant that the City did not receive. The funds would now be used for planning resources and work by the City Solicitor.

Councilperson Megginson agrees with speeding up the process by having the Planning Commission Chairman, the City Administrator, the City Planner and the City Solicitor meet to determine needed changes.

Councilperson Di Mondì wants a moratorium long enough to facilitate the time needed for zoning changes and process changes that will allow consideration by Council and the residents of the placement, design and density of new development.

The City Solicitor stated that there was considerable input from the City Planner on the design and throughout the entire process for the 120 apartment units. The project is in compliance with the current Downtown Gateway zoning ordinance.

Councilperson Megginson asked if there is problem with enacting a moratorium. The City Solicitor advised that it will take 1 ½ to 2 months to get the moratorium in place. Changes to zoning can only take place via Ordinance and must come to Council as a recommendation of the Planning Commission.

Councilperson Megginson **Motioned** to proceed with having the issues addressed by meetings of the Planning Commission Chairman, the City Administrator, the City Planner and the City Solicitor. Councilperson Vannucci seconded. **The Motion passed unanimously**

## **New Business**

**Motion, Discussion and Vote on Resolution 2016-07** to approve a Vendor Permit Application for the Bayberry Farm produce stand at the corner at Delaware and Market.

Toby Hagerott clarified that he was formerly at Bayberry Farms but is now at Penn Farms and his business is called Against the Grain. This will be his sixth year selling produce from his farm and other local farms in New Castle on Saturday evenings.

The Motion to consider Resolution No. 2016-07 was made by Councilperson Vannucci and seconded by Councilperson Megginson.

President Ratchford read the resolution.

**Resolution No. 2016-07 passed unanimously.**

### **Comments from the floor:**

Roger Clark of W 4<sup>th</sup> Street inquired about any further discussion regarding possible parking restrictions for Plum Alley and Williams Street and was advised it has not been addressed. He also asked if any consideration had been given to acquiring better AV equipment for the Council meeting room.

Bob Thomas of W 7<sup>th</sup> Street stated that Councilperson Petty doesn't want trucks on Buttonwood Avenue. If you restrict car parking, it allows more room for trucks. Mr. Thomas asked if the new apartment complex is another black eye for the City. The same process was used for the failed development of Riverbend.

Dorsey Fiske of E 3<sup>rd</sup> Street asked for and received clarification of the bid process for the dock from the City Administrator.

The **Motion to adjourn** was made by Councilperson Megginson, seconded by Councilperson Vannucci and **passed unanimously**. Council adjourned at 8:15 pm.

Respectfully submitted,

Janet Wurtzel  
Clerk of the City of New Castle