

City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Tuesday, May 10, 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 - present
Councilperson Di Mondì - present

Also present:

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

Changes to the Agenda:

- Motion, Discussion and Vote on Resolution 2016-17 to add Minor Edits and New Photographs to Historic Area Guidelines was removed due to the weather not allowing the pictures to be taken.

- Motion, Discussion and Vote on Resolution No. 2016-21 to approve the appointment of Dr. Roy Sipple to the Municipal Services Commission, as the Mayor's representative, for the term April 1, 2016 through March 31, 2019 was removed due to no action from council is needed. Dr. Sipple has been appointed by the Mayor.

Approval of Minutes by Date: 4/12/2016 Regular Meeting and **Approval to Accept Staff Reports** as submitted.

Councilperson Vannucci motioned and Councilperson Megginson 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 April 30, 2016. The total cash on hand in all accounts is \$3,399,671.45.

Councilperson Di Mondì 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:

- Received word from Senator Poore and DelDOT that the Dobbinsville median project is proceeding and should begin in a month provided that there are no weather delays.
- Chris Rogers will provide an update on the Downtown Delaware District application which must be approved by council and submitted by May 19th.

Council Communications:

None

Business from the Mayor:

None

Business from the Council President:

- Arasapha has plants left from May Market that may be purchased at 419 South from 9 am to 1 pm on Saturday.
- Bellanca Airfield will have an Open House & Car Show on 14th of May.

Business from the Floor (concerning agenda items only):

Dorsey Fiske of E 3rd Street advised that they are seeking volunteers to attend a meeting on May 14th at 2 pm to see the new trails and help with clean up. The rain date is Sunday. Ms. Fiske also asked for confirmation in relation to Resolution No. 2016-19 to have City Council approve bids of \$50,000 or more. She was very surprised that Council doesn't currently need to approve bids in that amount.

Presentation: New Castle Visitor Center at the Arsenal by Dan Citron, Executive Director of the New Castle Historical Society.

Dan Citron, Executive Director of the New Castle Historical Society thanked Council for allowing him to provide an update on the organization's plans for the New Castle Visitor Center at the Arsenal. They intend to have the entire City represented through the Visitor Center. Mr. Citron reviewed the history of the Arsenal as it played a variety of roles including school, military barracks, restaurant, quarantine hospital, state unemployment office and Bellanca offices during WWII.

Mr. Citron addressed the services being provided by the Visitor Center in relation to the requirements listed in a previous presentation by Russ Smith, the former Superintendent of the First State National Park. The facilities have been updated for handicap accessibility. They will represent all the attractions and businesses in the City and coordinate group visits. Mr. Citron emphasized their ability and desire to work with the National Park staff and programs.

The building has always been a community building and will continue with a new use as a visitor center. The New Castle Historical Society needs help to cover the costs of rent, utilities and additional hours to cover seven days a week April through December. They have been awarded a grant of \$10,000 by the Trustees of the New Castle Common and are asking the City to match the grant with \$10,000.

President Ratchford asked what the historical society is doing for coordination of groups and online presence? Mr. Citron replied that the Visitor Center will be the central clearing house for information and tours. They will be asking businesses for information and rack cards.

Alice Riehl of W 4th Street asked if there will be wayfinding signs to the Visitor Center? Mr. Citron has had discussions with National Park Service and who has in turn talked to DeIDOT. The Visitor Center will erect temporary signs in the interim until permanent signs are up.

Old Business

Discussion Regarding the Disposition of 717 Center Street.

At last month's meeting, Council agreed to give the property at 717 Center Street which did not sell at the Sheriff's Sale to the Trustees for \$3,800. The Trustees have decided not to accept the property. City Solicitor Losco will check for interest from the investor that previously made an offer. If the investor is not interested, the City will take possession by default.

President Ratchford stated that the City is interested in talking to the Trustees about a future project when another home becomes available.

Councilperson Di Mondì asked why the Trustees changed their mind. The City Administrator stated that the home owner is now incarcerated and wrote a letter complaining about what is being done. The letter was shared with the Trustees and with that information, they decided not to take it.

Downtown Development District Incentives: Follow-up Discussion.

Chris Rogers provided an update to respond to concerns from the April Council meeting. The recommendation was a five-year tax abatement for any investment over \$75,000. The threshold was revised to \$50,000 and the abatement is limited to non-resident, mixed-use with majority non-residential or single family occupied homes. The waiver of business license fees for one year in existing buildings and three years for new buildings is added. Minor upgrades will not be included in the tax abatement. Real estate transfer tax will be waived for 1st time home buyers.

The application is due on May 19th and requires commitment by the City to the incentives.

President Ratchford asked to go through each incentive and get Council feedback

Item III. A. Chris Rogers stated incentives should be revenue neutral, so the tax abatement only applies to any tax increase due to an improvement. Councilperson Di Mondì said it is the new development that causes concern. Someone could build a new strip mall and pay no taxes for five years.

The President asked if Council needs to vote on each one. City Solicitor Losco advised there is no resolution so there is no vote.

Item III. B. There is no change.

Item III. C. The business license fee waiver is one year for moving into an existing building and three years for new building in the DDD. There were no comments on the changes.

Item III. D. Building permit fee and Historic Area Commission fee will be waived for new or replacement signage, façade improvements, installation of underground utilities and sidewalk improvements. There were no comments on the changes.

Item III. E. – City Realty Transfer Tax will be waived for first-time homebuyers. Councilperson Di Mondì asked for clarification that it must be owner occupied.

New Business

Motion, Discussion and Vote on Resolution 2016-18 to approve an intergovernmental agreement between New Garden Township and the City of New Castle, Delaware for the use of New Garden’s Firing Range Facilities.

The **Motion** to consider Resolution No. 2016-18 was made by Councilperson Vannucci and seconded by Councilperson Megginson.

President Ratchford read the resolution.

The Chief stated that the previous agreement was for use of a facility in Blades more than two hours away. The new location is 20 minutes away reducing overtime. The Chief provided some in-kind services like cutting grass and obtained donated lumber to build the facility. The County Police no longer let the City police use their facility. Ommelanden will only allow use during certain times. The City has first right of refusal for times at the New Garden facility.

Resolution No. 2016-18 passed unanimously.

Motion, Discussion and Vote on Resolution No. 2016-19 to call for Council Approval on any Bid over \$50,000 dollars.

The **Motion** to consider Resolution No. 2016-19 was made by Councilperson Di Mondì and seconded by Councilperson Petty.

President Ratchford read the resolution.

Council Di Mondì stated that the Resolution feels very necessary. It is not intended to be micromanagement. \$50,000 is a significant amount of a \$5M budget. He is concerned that the City is letting contracts with only one bidder. City Council should be involved. There are bids of over \$100,000 with only one bidder. Councilperson Di Mondì talked to contractors who stated that they don’t feel welcome bidding here. He questions why more contractors aren’t bidding.

Councilperson Vannucci asked how many bids the City takes. The City Administrator stated that the bids are advertised and the openings are public. Each one is separate and has to do with type of work being performed.

The City Solicitor stated that large projects usually involve grant funds. The amount of money is defined by the grant. If the bids exceed the authority for approval, it must come back to Council. The City can't refuse to award a bid even if there is only one bidder if the proposal is within the bounds and parameters of the project.

The City Building Official stated that in today's world everyone has the ability to see the bids because they are posted online. Bids are not just published in the newspaper. Some of New Castle's projects are tough due to material requirements and time constraints. The marketplace has reasons why we get limited responses.

President Ratchford stated that reviewing the bids is very complicated. That is why staff and the City Solicitor provide the review. She prefers that it stays with staff rather than become a political decision.

Resolution No. 2016-19 failed with votes recorded as follows:

- Councilperson Megginson – No
- Councilperson Vannucci – Abstain
- Council President Ratchford – No
- Councilperson Petty – Abstain
- Councilperson Di Mondì – Yes

Motion, Discussion and Vote on Resolution No. 2016-20 to request long-term infrastructure funding from the Trustees of the New Castle Common.

The **Motion** to consider Resolution No. 2016-20 was made by Councilperson Petty and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

The City Administrator stated that the request was amended as more information became available. For example, Delaware Street went from an estimated \$600,000 to \$1 million. The study of the needs for Delaware Street is still being funded by a State Grant. Engineering cannot be finalized until three manholes are replaced.

Jeff Bergstrom explained that the original scope of the project was to pave Delaware Street. First, the City has to repair the curbs and then the sidewalks. There is a need to take care of what's under that street prior to repaving. It was found that there needs to be some realignment of the lines. Under Delaware Street there are substantial utilities. There is a need to improve drainage by remediation of the cross connection and other sewage and drainage pipes.

Councilperson Di Mondì said he was appalled by this request to borrow money. The City has never been in long term debt. Before the new Charter, the City couldn't borrow. The City had over half a million. He believes the City needs to make do with the money we have.

The City Administrator explained the intent is for Trust to repay the loan. If they don't agree to repay, then Council will need to reconsider and make a decision. The agreement would be similar to Police Station when the City borrowed the money and Trust paid the loan.

Councilperson Megginson asked if the City has talked to the Trustees.

President has talked to individual Trustees but can't speak for the Trust. She doesn't know if they will agree.

Council Megginson asked if this is just a shot in the dark. Will the Trustees co-sign the loan? What if they decide to pay for something else like they did with the garbage truck?

Councilperson Di Mondì said the City should go after the money they owe us.

The President agrees that the concern over the long-term commitment is valid. The Trust's commitments have been on a year-to-year basis. This is based on their preference for long term commitment support.

Mr. Barthel stated that different scenarios can be considered during the budget process.

President Ratchford wants to find out if the Trust is interested in the project so Council knows going into the budget hearing.

Councilperson Di Mondì stated the City has made requests for last 6 months and they keep saying no.

The President clarified that the Resolution is not approval for a loan. It is agreement to go to the Trustees with the request which would then come back to Council for a decision. The commitment needs to be defined.

Resolution No. 2016-20 passed with votes recorded as follows:

- Councilperson Megginson – Abstain
- Councilperson Vannucci – Yes
- Council President Ratchford – Yes
- Councilperson Petty – Yes
- Councilperson Di Mondì – No

Motion, Discussion and Vote on Resolution 2016-22 to Declare a bucket truck as surplus property.

The **Motion** to consider Resolution No. 2016-22 was made by Councilperson Megginson and seconded by Councilperson Petty.

President Ratchford read the resolution.

The City Administrator explained that the Chief got the Bucket Truck donated a little over a year ago. The City was required to hold the property for one year. The City considered having its own tree service but this bucket truck won't meet the requirements for that use.

Resolution No. 2016-22 passed unanimously.

Comments from the floor:

Victor Bryson of Dobbinsville expressed concern over the pier. He stated that Council is going through a lot of trouble to get the pier completed. Mumford-Miller always comes in with the low bid and then makes money on change orders and extras. He asked how the City will come up the money for that? Is any heavy equipment coming down Delaware Street or through the park? Does anyone know how it's going to be built? If we're going to build a pier, build a pier for the people that they can walk on any time. It should have rails. There shouldn't be a gate. The purpose is to accommodate a boat and it isn't fair to the people of NC. If you spent as much time on infrastructure as you have on the pier, I wouldn't lose car parts.

Councilperson Vannucci stated that Council is not borrowing money for pier

Mr. Bryson responded that they are borrowing for Delaware Street. The whole town has been neglected. Catch basins are sinking. There are puddles in the street. Only Councilpersons Vannucci and Di Mondì should negotiate with the Trust. The City Police are at the Farmer's Market for most of their shift instead of in the City neighborhoods.

Dorsey Fiske of E 3rd Street speaking as a private citizen asked for the amount requested from the Trustees. The President responded that the request is \$200,000 a year over five years.

Ms. Fiske asked if Council is going to request a grant from the State? President Ratchford replied that the City asks for money every year. There will be more needed than just funding for Delaware Street during this period.

Councilperson Megginson asked if money was requested for drainage and the livable shoreline. The City Administrator replied that it was and the Trustees are paying the match and the City is managing the grant.

Councilperson Vannucci stated that our Senator and Representative try to help with their street funds every year. Jeff Bergstrom stated that they City received drainage and bond bill money. Mr. Barthel said the City gets share of the bond bill money plus additional street funds from legislators. The President said the State provided a matching grant to pay for half of the study of Delaware Street.

Ms. Fiske asked if the City has requested funds from the State for Battery Park. The City Administrator replied that a request for 21st Century Funds was submitted and managed for the

Trustees. The City has done a number of projects with and for the Trustees. Ms. Fiske believes the Trustees have \$300,000 allotted for the drainage study for Battery Park.

Ms. Fiske asked if there have been responses to the grant requests. The President replied that the trail money fund and playground funds have been identified, but we won't know until the new budget year. Council Vannucci stated that the City is lucky because we have three representatives – Poore, Mulrooney and Johnson, so they put their street funds together.

Keith Adams of Delaware Street has discussed the issues at Dalby Alley in the past. He asked Council to please prioritize the lack of curbing and the entrance to Dalby Alley and asked what is the time line. President Ratchford replied that the time line is long. Mr. Adams replied that it's a matter of reconfiguring the entrance and curbing. It has been going on for nine years. The President responded that it is within the long term project to repair Delaware Street. Mr. Adams stated that the City is still in violation of the Americans with Disabilities Act. The City Administrator agreed. They planned to fix the curbs but then the full study of Delaware Street was recommended. It has gone from a simple project to being a part of huge long-term project for Delaware Street.

Roger Clark of W 4th Street asked when can we expect an update of the City's Comprehensive Plan and who is on the committee. The City Administrator replied that the update must be done by 2019 and it is on the Planning Commission's radar. Mr. Clark stated that when the process starts, all items discussed tonight should be prioritized.

Jeff Lank from the Jaycees Separation Day Committee stated that the event is exactly one month away. On June 10th, there will be a craft beer festival and entertainment with adult and other beverages. It will be on the Square rather than the Green. On Saturday, all the usual activities will occur including the parade and food from community groups, activities and rides. Lights Out will be doing a new show through the decades just before the fireworks. We will be celebrating 240 year of separation from Pennsylvania and England and the 40th year anniversary of Separation Day.

Judi Baldini of South Street, representing Arasapha thanked the City and everyone that supported the club's May Market. They did fairly well considering the circumstances of the weather.

David Baldini of South Street wanted to express concerns. He is glad to hear that New Castle is open for business. He is concerned that contractors don't feel welcome and the low number of bids we get. He is hearing that the non-profits need more funds and volunteers. Infrastructure issues need to be addressed. There are lots of loose ends and issues that need to be addressed. When the new comprehensive plan comes out, it will be based on 10-year-old demographics. All the loose ends need to get into a new thought process. We need to get everyone in the same tent. Is there a Strategic Plan with the tactics of how we are going to get there? How do we get stuff off the list?

Martin Wilford of Delaware Street asked if there is a time frame? American with Disabilities Act has been around for 20 years and New Castle has never adhered to it. The \$1M allocated

for the Delaware Street project needs to include compliance with ADA. The President replied that the ADA requirements are included in the project.

The **Motion to adjourn** was made by Councilperson Megginson, seconded by Councilperson Vannucci and **passed unanimously**. Council adjourned at 8:58 pm.

Council met in Executive Session to discuss personnel matters.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle