

City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Tuesday, June 14, 2016 at 7:00 p.m.

Call to order: 7:00 p.m.

President Ratchford started the meeting with a reminder that today is Flag Day and that the flags are at half-staff due to the incident in Orlando.

Roll Call:

Councilperson Megginson - present
Councilperson Vannucci - present
Council President Ratchford - present
Councilperson Petty - present
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

Approval of Minutes by Date: 5/10/2016 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 May 31, 2016. The total cash on hand in all accounts is \$3,202,959.42.

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 provided an update on the construction of the pier. After conversations with the Council President, City Solicitor, City Engineer, City Administrator and the selected contractor, it has been determined that the pier cannot be completed as planned at this time, due to lack of funds. The available funding is adequate to complete a pier to walk on but will not accommodate large ships like the Kalmar Nyckel. The mechanicals, electric and water will be added in a later phase. At this time, the plan is to continue with the first phase of the project. If the State Bond Bill passes with the \$300,000 currently allocated, the additional

funds will allow completion of both phases of the project. Start date is expected to be mid-August with completion in November or December. DEMA has been informed of the need for and has agreed to an extension.

Councilperson Di Mondri stated that there is a transparency issue and read the following statement:

“The Administrator and Council President’s revision of the pier contract and bid is contrary to Council’s authority and I believe unfair to other bidders. Our original vote to authorize this pier was partially based on the docking of tall ships. This has been taken out of the equation into a supposition rather than a part of the awarding process. The Council should first of all been made aware of negotiations outside the normal bidding process. It should have come to another Council vote for these major changes, not read about in the news.”

He added that he found out about the proposed changes at the Separation Day Parade. There was no notification that the project was going to be downsized. Councilperson Di Mondri stated that he is making a formal objection.

Chief Tjaden reported that the Credit Union robbery is solved. The perpetrator also robbed a bank in Elsmere. He has been identified and a warrant has been issued.

Council Communications:

Councilperson Petty reported that Buttonwood is again experiencing problems with tractor trailers driving in the neighborhood. She asked that the signs be put back up.

Councilperson Vannucci asked the City to look into some type of barrier at Delaware Street near the pizza shop due to people driving on sidewalk.

Business from the Mayor:

None

Business from the Council President:

President Ratchford thanked the City Administrator, the Public Works Department and the Police for a safe Separation Day. She congratulated the committee and volunteers for an overall successful event. This year’s new BBQ event and the second year of Friday night activities were both successful.

Jeff Lank, Chair of the Separation Day Committee had previously reported problems with the budget but believes that the income from the rides and amusements will cover the gap. The only complaint Mr. Lank is aware of is that the buses stopped an hour early. About 60 people had to walk to their cars at the 1st Baptist Church parking lot. The vendors were the happiest they have been in three years. There were no medical or police issues and no problems with cars in the park. Mr. Lank thanked everyone that contributed to the event’s success.

Business from the Floor (concerning agenda items only):

Victor Bryson of Dobbinsville is concerned about the Little League. He can accept the rezoning of the property to R1 Residential if there is a 50-year lease in place for the Little

League to use the field. Young families are moving in and need activities for their children. Mr. Bryson believes the problem with the Trustees is trust.

Robert Thomas of W 7th Street stated that the kids of New Castle deserve to have fields. Funds were raised from individuals to cut the grass and maintain the property. Mr. Thomas agrees with Mr. Bryson that the change in zoning to Residential is acceptable if the Little League gets a 50-year lease on the fields.

President Ratchford read a letter into the record from Henry Gambacorta, President of the Trustees of the New Castle Common in regard to Resolution 2016-28 rezoning 732 Frenchtown Road (see Attachment I).

Presentation by Gabriel Phillips of Colonial School District to provide an update on current trends in the district.

Mr. Phillips explained the District Superintendent was unable to attend tonight's Council meeting due to a conflict with the district's School Board meeting.

Colonial School District has a new vision and is trying to reconnect to the community. The pre-schools now accept purchase of care and are growing. Kindergarten includes a language immersion program to learn Chinese. Middle schools have programs that align with the programs at William Penn High School so that the students can try out various learning and career possibilities before they start high school.

At William Penn High School, the students that operate the restaurant, Penn Bistro are going to national competitions. As the result of a visiting chef from Amsterdam, one student was invited to intern as a sous chef. The student was able to fund her trip to Amsterdam through the Go Fund Me web site.

The students in the building trades are building sheds and homes with Habitat for Humanity. Students in the medical program are doing live blood draws. This fall, space will be rented at Penn's Place for the art students to sell their works.

Mr. Phillips invited everyone to contact him to see the schools or to invite district school representatives to community meetings.

Old Business

Motion, Discussion and Vote on Resolution 2016-17 to add minor edits and new photographs to Historic Area Guidelines.

The **Motion** to consider Resolution No. 2016-17 was made by Councilperson Megginson and seconded by Councilperson Petty.

President Ratchford read the resolution.

Resolution No. 2016-16 passed unanimously.

New Business

Motion, Discussion and Vote on Resolution 2016-26 regarding the disposition of 717 Center Street.

The **Motion** to consider Resolution No. 2016-26 was made by Councilperson Megginson and seconded by Councilperson Petty.

President Ratchford read the resolution.

The City Administrator reminded Council this property didn't sell at Sheriff's Sale. The City doesn't have legal title. The transaction will assign the City's property right to the buyer.

Councilperson Di Mondì asked that there be wording included in the transaction document that requires immediate rehabilitation and use of the property so it doesn't sit uninhabited.

Resolution No. 2016-26 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-27 to authorize approval to dispose of a Police Vehicle as Surplus Property.

The **Motion** to consider Resolution No. 2016-27 was made by Councilperson and seconded by Councilperson.

President Ratchford read the resolution.

The Resolution will be amended to indicate that it is a car not a truck.

Resolution No. 2016-27 as amended passed unanimously.

Motion, Discussion and Vote on Resolution 2016 - 28 to commence the pre-application review ("PLUS") process with the Office of State Planning Coordination as provided for in 29 Del. C. §9204 with respect to a proposed amendment to the City comprehensive plan and zoning map to designate that portion of 732 Frenchtown Road tax parcel 21-013.00-001 currently home of the New Castle Little League to Residential R-1 from its current zoning of Industrial.

The City Solicitor provided a review of the process as required by State Law to amend the Comprehensive Plan. The parcel does not currently have a designated development use.

The City Planner advised that maps designate future use of vacant land. There is no recommendation for this parcel.

The Motion to consider Resolution No. 2016-28 was made by Councilperson Di Mondì and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

Councilperson Di Mondì addressed the letter from the Trustee's President. He has informally contacted Trustees to ask them to continue the lease as is. The Trustees haven't extended, so there is a need to go forward with this Resolution. The people in town deserve a Little League and he will try to stop the Trustees from developing this property. They have plenty of other property to use. The process to change the zoning is long and can be stopped at any time. All the Trustees have to do is present the extended lease.

President Ratchford asked if the change to R1 zoning would cause any change to lease. The City Solicitor advised that the current use is still permitted under Residential. The change is that housing can be developed.

Councilperson Di Mondì commented that it is contiguous with property currently zoned R1.

President Ratchford asked if the rezoning is an expensive process and who usually pays. The City Solicitor replied that usually the property owners seek rezoning and pay. Even though the property owners aren't requesting the rezoning, it can be done. It is not typical for a government entity to rezone one parcel. It is usually a large designated area. The current zoning as Industrial is very restrictive. It does not permit a strip shopping center. The cost isn't significant. PLUS review is quick and involves the City Planner.

President Ratchford supports having the New Castle Little League and thinks the City should be more progressive with additional things for kids to do. The President doesn't think that R1 protects Little League and thinks that Council needs to work together with the Trust.

Councilperson Megginson doesn't see any problem with passing the resolution. It will take a couple of months to process the rezoning. If the Trust renews lease, the process can be stopped.

Resolution No. 2016-28 passed with votes recorded as follows:

- Councilperson Megginson - yes
- Councilperson Vannucci - yes
- Council President Ratchford - no
- Councilperson Petty - yes
- Councilperson Di Mondì - yes

Comments from the floor:

Ed Hitchens of E 4th Street stated that there were flags up for Separation Day but not for Memorial Day. Why weren't flags up? Is it a budget issue? The City Administrator responded with a question asking if the City used to decorate with flags on Memorial Day. Gene Dempsey of the Visitor Bureau said that they used to do it. It was agreed that it was an oversight that will be corrected in the future.

Roger Clark of W 4th Street asked for clarification of who has jurisdiction not ownership of the land off of W 3rd designated for a parking lot. Mr. Clark specifically wanted to know

who would be responsible for addressing drainage needs. The City Administrator replied that the property owners are responsible. Mr. Clark asked if the parcels are under the jurisdiction of the Trust. The City Solicitor responded that in order to develop that land, the owner must go to the Historic Area Commission. This parcel is not part of the Battery Park. The Trustees own and control the property, but they must go through all the permitting processes. Councilperson Di Mondì stated that the only way to contest it is through the Historic Area Commission.

Robert Thomas of W 7th Street asked about the requirement for outside contractors to have a City business license and permits? Mr. Bergstrom responded that contractors doing work in the City must have the proper license and permits and that both were issued in relation to the project in question. Mr. Thomas responded that the City is losing money because they aren't enforcing and/or are waiving fees.

Roger Clark of W 3rd Street believes that no construction could be started on the pier until all funding is available. President Ratchford stated that the resolution requires that the pier be constructed with State Funds but there is a requirement about funding availability.

Dorsey Fiske of E 3rd Street doesn't understand how the pier construction suddenly changed into a two-part project. The Delta Group study was so bad that the woman that did it was embarrassed. Council needs to work more closely with residents. Ms. Fiske asked if the materials have been downgraded to meet the price. The City Administrator replied that the decking is the same but changes have been made to the railing. Councilperson Vannucci reiterated his promise that the City will not pay. Ms. Fiske believes the City should get the money for Delaware Street repairs first. President Ratchford replied that the State has already made an investment in the Pier. The City Administrator is authorized to manage the contract. City Council made a commitment to build the pier and is managing the project.

Councilperson Di Mondì thanked Council for voting for the ball park resolution. This one resolution made working on Council worthwhile.

The **Motion to adjourn** was made by Councilperson Megginson, seconded by Councilperson Vannucci and **passed unanimously**. Council adjourned at 8:09 pm.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle