

City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Tuesday, July 12, 2016 at 7:00 p.m.

Call to order: 7:08 p.m.

Councilperson Vannucci lead a moment of silence in honor of the slain Dallas Police Officers.

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
Jamie Rogers, Acting Police Chief
Daniel Losco, City Solicitor
Jeff Bergstrom, Building Official
William Barthel, City Administrator

Approval of Minutes by Date: Regular Meeting of 6/14/16 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 June 30, 2016. The total cash on hand in all accounts is \$3,066,153.75.

Councilperson Petty 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 provided an update on the pier construction. The City did receive \$300,000 from this year's State Bond Bill for the pier plus \$225,000 for changes to Route 9 through Dobbinsville. The additional funding will allow the pier to be built as originally planned without any phasing. The barges will be in transit by August 1st with materials.

Councilperson Di Mondì stated for the record that he is repeating his warning against accepting a bid that is much lower than the other two bids. He predicts there will be problems in the future.

Council Communications:

Councilperson Petty asked for use of Buttonwood Park by the Buttonwood Methodist Church on August 21st for their Annual Coming Home Day. Buttonwood continues to have problems with trucks going down Buttonwood Avenue and a couple got stuck on the railroad tracks.

Business from the Mayor:

None

Business from the Council President:

The Summer Concert series starts on Wednesday night and is being presented by the Community Partnership with sponsorship by many organizations.

Business from the Floor (concerning agenda items only):

President Ratchford announced a change to the usual procedure of taking all public comments concerning agenda items at one time. For tonight's meeting, public comment will be permitted about each item as it addressed.

New Business

Motion, Discussion and Vote on Resolution 2016-31 to recognize and support the Delaware Ovarian Cancer Foundation's "Turn the Towns Teal" Awareness Campaign.

The **Motion** to consider Resolution No. 2016-31 was made by Councilperson Petty and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Resolution No. 2016-31 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-32 to approve leases with the Municipal Services Commission.

The **Motion** to consider Resolution No. 2016-32 was made by Councilperson Megginson and seconded by Councilperson Petty.

President Ratchford read the resolution.

City Solicitor Losco said that the lease has been reviewed in a previous meeting. It calls for the payment of \$1 per year with all maintenance, tax and insurance costs being the responsibility of the MSC.

Councilperson Di Mondì stated that the Exhibit referred to in the Resolution is not included in Council's binders, so he has not had an opportunity to read it. He believes that Council should not be voting on an agreement that they haven't read.

The President called for the vote. Councilperson Di Mondì reiterated that he has not seen the leases and cannot vote. Mr. Losco provided a copy of the lease.

The City Administrator stated that Council gave the City Solicitor the authority to negotiate the lease. The overall lease was reviewed at the March meeting. Areas of concern were identified and have been addressed.

Councilperson Di Mondì stated that he is not calling the Solicitor's work into question, but that it is a matter of protocol.

Councilperson Megginson **Motioned to table Resolution No. 2016-32** until the next meeting to permit time to read the lease and Councilperson Di Mondì seconded.

Councilperson Petty reminded Council that they went through the lease with the attorney and that he looks out for the City's interests.

Motion to Table Resolution No. 2016-32 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-33 to approve a Minor Subdivision for a property located at 322 East 14th Street.

The **Motion** to consider Resolution No. 2016-33 was made by Councilperson Megginson and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

The request for this minor subdivision was approved by the Planning Commission.

Mr. Bergstrom referred to the plot plan displayed in the front of the room that shows that a house is located almost on the property line. For many years, the Trustees have leased a 20-foot strip of land to the DeAscanis family that owns the house. The Trustees have agreed to adjoin the property to the DeAscanis property to avoid having a defect. Both parties have agreed and signed the application for the subdivision.

Victor Bryson of Clark Street stated that he doesn't trust what the Trustees do. Mr. Bryson believed in error that the DeAscanis land was being given to the Trustees. He went to the residents of Van Dyke Village as a concerned citizen. Van Dyke Village residents were lead to believe that the Trustees were planning to build a trail in their back yard.

Dorsey Fiske of E 3rd Street spoke as an individual Trustee to encourage everyone to register to vote in the Trustee elections with a reminder that it is a separate voter registration than federal and state elections.

Ronald Boulden of Van Dyke Three asked if there a dollar amount associated with this transfer or if the land is being given for free. Councilperson Di Mondì responded that this process is just a matter of paperwork to correct an error. The strip of land has been leased to

the DeAscanis family for more than 40 years for a few hundred dollars a year. Nothing will be done to develop the property. Mr. Boulden asked who owns the property on Swede Street. Mr. Bergstrom replied that it was owned by the Julians but was transferred and is now part of a conservation program.

Resolution No. 2016-33 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-34 to provide 2-hour parking from 5th Street to 4th Street on the South Side of Delaware Street from 8:00 a.m. to 6:00 p.m. Monday through Saturday.

The **Motion** to consider Resolution No. 2016-34 was made by Councilperson Megginson and seconded by Councilperson Di Mondì.

President Ratchford read the resolution.

Councilperson Vannucci explained that there are already two businesses and another soon to open in this block. It is hard for cars to park and people need longer than one hour. He asked the police department to review the situation and make recommendations.

Acting Chief Rogers spoke to the businesses. They all agreed that a two-hour parking limit would help. Relining the spaces will result in the loss of two to three spots. Currently, this block is signed for one-hour parking.

Roger Clark of W 4th Street asked who is going to enforce the parking regulations and if the current regulations are enforced. Acting Chief Rogers replied that the summer officers will provide enforcement by chalking tires. After summer officers are gone, it will be handled on a complaint basis.

Robert Thomas of W 7th Street recommended adding parking meters to generate money for the City.

Councilperson Di Mondì would like these regulations and enforcement to go down the street to Pizza History.

Resolution No. 2016-34 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-35 to establish a procedure for Council Approval for commitment of all projects, repairs, services, and contracts over \$10,000.00.

The **Motion** to consider Resolution No. 2016-35 was made by Councilperson Di Mondì but there was no second.

Resolution No. 2016-35 was not considered.

Motion, Discussion and Vote on Resolution 2016-36 to approve public censure of Councilperson Di Mondì concerning verbal confrontations with New Castle residents on May 23, 2016.

The **Motion** to consider Resolution No. 2016-36 was made by Councilperson Megginson and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

Councilperson Di Mondì stated that the Resolution is out of order because it is John Di Mondì's actions not Councilperson Di Mondì's actions being discussed.

Tim Couch, Jr. of William Penn Square stated that the parking issue that caused the residents to seek out Councilperson Di Mondì has been resolved. Before it was resolved, Mr. Couch called Mr. Di Mondì to ask about the situation and the law behind it. Councilperson Di Mondì became irate and belligerent and made it racial. Mr. Couch believes that the community has vexed the neighbor at 9 William Penn Square but neither I or my community is racist. Any elected official should not speak to any citizen the way he was spoken to. It should be about bringing together not dividing. Mr. Couch asked what the Councilperson has done to rectify this situation as an elected official. Community has "Unity" in it. There has been 22 years of harassment, but nothing has ever been done to correct it.

Aritha Brown of William Penn Court stated that she went to Councilperson Di Mondì's office at the direction of the City Administrator to talk to him personally about the parking issue. He was the rudest person she has ever talked to. He talked about "you people". Ms. Brown asked who is "you people" and Councilperson Di Mondì replied that it is black people. When she asked how the change to the yellow line came about, Mr. Di Mondì replied that it is because of a complaint and that it's the law. She read her written complaint of the incident that was previously submitted to the City. She quoted the Councilperson as saying, "You people you don't vote for me. You people have been harassing her for years." Ms. Brown was interrupted several times by Councilperson Di Mondì yelling profane language and calling her a liar. The President gavelled the meeting back to order.

Rev. Aaron Moore, a 31-year resident of William Penn Square stated that the community lives in harmony – black, white and Hispanic. The residents have reconciled the parking issue that caused the interaction but the hurt caused by the Councilperson's behavior remains. The New Castle County Ethics Committee is scheduled to meet tomorrow and will discuss this issue. Rev. Moore also talked to the State Attorney General to request a review of the complaint. He believes that City Government works in a silo but they will try to heal.

Robert Thomas of W 7th Street stated that he has sent emails for two weeks but hasn't received a reply. He has never received a reply from Councilperson Petty. The Councilperson advised him that she does not use email. Mr. Thomas replied that he did not realize that she doesn't use email. He continued by stating that Council represents everyone, not just downtown. The President reminded Mr. Thomas that this comment period only relates to comments about the Resolution under consideration.

Victor Bryson of Clark Street has a problem with the whole idea of a censure. Councilperson Di Mondì was found guilty before the meeting even started. Need proof before he can be censured. President Ratchford advised that the written complaints were presented to Councilperson Di Mondì with a request for his response. The Councilperson has not responded to refute the claims.

Mr. Brown of William Penn Square was upset that Councilperson Di Mondì called his wife a liar.

The President asked the City Solicitor to run through the process and what City Council can do. The Solicitor responded that Council has no recourse beyond the censure. Unless a Councilperson is convicted of a felony, nothing further can be done.

Maro Latavitz of 9 William Penn Square advised that sometimes neighbors have clashed. Most importantly, she respects everyone. She believes that the problem is where the incident occurred. Ms. Latavitz has seen nothing but respect from Mr. Di Mondì. She has seen other neighbors with him and it was always respectful. Sometimes he jokes and maybe some people take it as an insult. She strongly rejects the notion that Council is going to censure the Councilperson. Her neighbors are good neighbors. She recommends taking this as a bad experience and moving forward.

Gene Dempsey of Delaware Street said that we have got to find a solution. He believes New Castle is a loving community. All equal and all loving. There has never been disparity in this town. When a problem happens, they get blown out of proportion. If we meet and work together, we can get rid of this mess. Government policy can't take care of us, we must take care of each other. What should we all do to make this a loving community?

Carol Hickman of STREET is surprised to see this item on the agenda. It should be taken care of on a personal level.

Sally Denton of E 2nd Street relayed her experience while campaigning all over the City of being treated with nothing but respect. This is a shame.

Councilperson Di Mondì apologized that it is in this venue. He stated the President Ratchford has become the fashion police. He believes this Resolution has nothing to do with his position on Council. He addressed those that filed the complaint with the comment that they are thin skinned and need to grow up now. The Councilperson asked for hard evidence. There are only allegations. He refutes any allegations because there is no evidence that they even talked to him. Councilperson Di Mondì referred to the legal opinion of the City Solicitor that he is not being sued or criminally charged and it was not an official act. Council has no right to bring this action of censure against him because it has nothing to do with his legal duties. Even if it is substantiated, there is no shred of evidence. Councilperson Di Mondì suggested that this is a private matter that has no business on the Council floor. Everyone has the 1st Amendment right to speak. What is said personally under this amendment is none of the business of this body.

President Ratchford concluded that Council has heard the comments about an issue that is very tough to deal with. The only action that Council has available is censure and it is based on what they've heard and any written statements. Each Council member must make a decision based on the evidence presented.

Councilperson Vannucci recommended that the Resolution be tabled and that they should let the Attorney General's office handle the complaint.

Rev. Moore spoke with the New Castle County Ethics Commission attorney. They are meeting tomorrow night and will produce a statement with no names with their opinion.

Aritha Brown said that Councilperson Di Mondri claims that someone came to his office that day wearing a "Black Lives Matter" t-shirt and has asked Ms. Brown if she is that person. Ms. Brown states that she was wearing the red t-shirt with black writing that she displayed which is not a "Black Lives Matter" t-shirt. The City Administrator agreed that the t-shirt Ms. Brown held up is the t-shirt she was wearing that day. Councilperson Di Mondri stated that if Ms. Brown can't admit that she is the same person in the "Black Lives Matter" t-shirt, he can't admit that he talked to anyone.

President Ratchford expects the Attorney General's Office to look at what the City has done as part of their review. The Resolution is a statement of what the City has done and will show that Council responded.

Di Mondri reiterated that it is none of Council's business what he does personally and the City Solicitor's opinion is clear that he was not acting as a Councilperson.

Solicitor Losco clarified that Councilperson Di Mondri asked for his opinion on whether or not the City would pay for his defense. His response to that question is being taken out of context and applied to a different question. He further stated that while the Councilperson was not acting in an official capacity, it was a citizen coming to him about City business.

Resolution No. 2016-36 passed with votes recorded as follows:

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

The **Motion to adjourn** was made by Councilperson Megginson, seconded by Councilperson Vannucci and **passed unanimously**. Council adjourned at 8:45 pm.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle