

City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Tuesday, August 9, 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:

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

President Ratchford announced changes to the Agenda: Removal of Motion, Discussion and Vote on Resolution 2016-42 and comments from the floor will be permitted as items are addressed.

Approval of Minutes by Date: Public Hearing & Special Meeting 5/12/16; Special Meeting 5/19/2016; Special Meeting 7/12/2016; and Regular Meeting 7/12/16 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 July 31, 2016. The total cash on hand in all accounts is \$2,989,276.27.

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:

Police Chief Rogers addressed the concerns regarding the large numbers of people coming to town to play Pokemon GO. The police are writing tickets for illegally parked vehicles and talking on cell phones while driving. There was an accident. At the request of Trustee Chris Castagno, the Police are not enforcing the dusk closure of Battery Park. They believe that the citizens would rather them in the Park than on the streets and in yards. There has been no violent crime. Trash in the park has not increased. There is litigation against the maker of the

game from other communities. The Chief encouraged everyone to call to report trespassing on their property or other violations.

Several residents complained about cigarette butts, public urination and throwing up. President Ratchford stated that they will revisit the situation.

Councilperson Di Mondri asked who is making the rules because he wasn't asked about any changes. President Ratchford replied that Battery Park is maintained and managed by the Trustees, so they create the rules.

Councilperson Di Mondri asked the City Administrator about the fees for the City Attorney being over \$6,700 again. He believes those charges occur regularly, so the City could hire a full time attorney.

Council Communications:

Councilperson Di Mondri read a written statement – see Attachment A.

Business from the Mayor:

None

Business from the Council President:

President Ratchford asked the City Attorney to develop a code of conduct. The President has invited Ms. Aritha Brown to read her complaint in regard to her interaction with Councilperson Di Mondri. Ms. Brown read her written statement – see Attachment B. President Ratchford read the letter she addressed to Ms. Brown in response to her complaint – see Attachment C.

New Business

Motion, Discussion and Vote on Resolution 2016-38 to approve a minor subdivision in order to transfer 0.012 Acres from the rear of the property at 73 West 5th Street, Tax Parcel 21-015.30-098, owned by James R. Keller & Sharon W. Keller to the property at 401 South Street, Tax Parcel 21-015.30-104 owned by the Trustees of the New Castle Common and occupied by the Goodwill Fire Department.

The **Motion** to consider Resolution No. 2016-38 was made by Councilperson Megginson and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

Building Official Bergstrom advised that the Keller's property is irregular and they are transferring a section of their property that is approximately 14 feet X 40 feet to the Goodwill Fire Company.

Councilperson Di Mondri asked if the neighbors were notified that the fire company is going to use this piece of land for garbage cans and as a hangout for firemen. Mr. Bergstrom replied that there was public notification through the standard approval process for the transfer at Planning Commission meeting and now at this City Council meeting.

Judie Baldini of South Street advised that the neighbors were not notified specifically. There is already an issue of firemen hanging out but they are generally quiet at 11 PM. Her understanding from Planning Commission was that use of the property was for trash cans.

Resolution No. 2016-38 passed with four yes votes.

Councilperson Megginson - yes
Councilperson Vannucci - yes
Council President Ratchford - yes
Councilperson Petty - yes
Councilperson Di Mondì - opposed

Motion, Discussion and Vote on Resolution 2016-39 to name the Banks Building Preservation as the beneficiary of the 2016 River Towns Ride and Festival.

The **Motion** to consider Resolution No. 2016-39 was made by Councilperson Petty and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Councilperson Di Mondì claimed to be surprised by this proposal because he believes that there was an agreement at a budget meeting to hire an inspector to determine whether or not the building should be restored. Councilperson Petty responded that the building has been inspected. Councilperson Di Mondì continued that \$15,000 was allocated for the inspector at a budget meeting in June. He would like to wait to consider this request until there is an answer from the inspector. He hasn't found any builders that believe the building is worthy of restoration.

Councilperson Megginson clarified that this resolution doesn't authorize spending. It only puts money into a fund. Councilperson Petty added that the people that have looked at the building believe it is worth fixing.

Peter McCurdy of Delaware Street asked if there a plan for the Banks Building in the long term. President Ratchford replied that the study will address appropriate uses.

Dorsey Fiske of E 3rd Street asked if the inspector has been hired and when the report is due. President Ratchford replied that many aspects will be reviewed including the building, the possibility of flooding and possible uses. Ms. Fiske added that Mr. Di Mondì's comments make sense.

Councilperson Petty commented that the City has an engineer, Mr. Athey. She asked Mr. Bergstrom to please get him engaged.

Natalie Kozlowski of Delaware Street asked if there is a limit of what you would spend on the building and if it exceeds that amount, what will be done with the funds. The President replied that hasn't been determined.

James Meek of The Strand advised that there was a report about five years ago that concluded that the building was falling apart and has little historic value.

Councilperson Petty stated that the building was dedicated to a person and honors a family. They are trying to identify private funding for the rehabilitation. The building has stood through many storms. It is deteriorating because it hasn't been maintained. Ms. Petty has not seen any report that concludes it should not be restored.

Dorsey Fiske of E 3rd Street confirmed that the Trustees hired an historic architect that gave a presentation on the building. Only the frame is original and there is little historic value. President Ratchford stated that Council has that information.

Keith Adams of Delaware Street believes it is a great idea to save the Banks Building but wants to point out that there are other buildings in the City that are in better condition and are more historically significant that need to be addressed. Mr. Adams suggested using the British rating system to determine the relative historic value of buildings.

Candace Checchi of the New Castle Jaycees advised that the Banks Building was once the organization's clubhouse. They've been displaced ever since it was closed and the Jaycees would be happy to help with the restoration.

Resolution No. 2016-39 passed with three yes votes.

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

Motion, Discussion and Vote on Resolution 2016-40 to accommodate the Good Will Fire Company by switching No Parking restrictions on the east side of West 4th Street, increasing parking in the area by approximately 130 feet.

The **Motion** to consider Resolution No. 2016-40 was made by Councilperson Petty and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Councilperson Megginson reported that the curb has been painted yellow from South to Williams so the fire company can turn into their property. Fire company only needs to enter from Fourth Street.

Councilperson Di Mondì asked if the change was suggested by Fire Chief. The President responded that the change was suggested by the Good Will Fire Company.

Resolution No. 2016-40 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-41 to approve the request of Pizza Capo as a vendor operating within the City limits.

The vendor, Susan Gochenaur advised that they will be selling Italian ice and bottled water. She sent a picture of the cart. She is interested in vending in Battery Park.

The President advised that there is no vending in the Park. They must stay in a parking lot and there is no reserved spot.

Councilperson Di Mondì expressed serious concern about bringing mobile units to town when others have investments in permanent businesses. He believes that the street vendors will take away some of their business. Mr. Di Mondì can accept Italian ice but not pizza due to competition. Councilperson Megginson stated that the permit is for Italian water ice, bottled beverages and snacks. If they want to do serve pizza, they would need to come back for another permit. Councilperson Megginson agrees with Councilperson Di Mondì that they can't serve pizza.

President Ratchford asked about the size of the cart and was advised it will fit in one parking space.

Victor Bryson expressed his admiration for the vendor and acknowledged that it is hard work. He believes this is not the time to allow additional vendors. Everyone is trying to take advantage of Pokemon game visitors. He believes it is unfair to allow people to benefit from the game while it is destroying our town. He asked Council to be fair to the people that own businesses by voting it down. Councilperson Petty stated that the game just came and everybody is trying to get used to it. She asked that Council be given time to digest what is going on. The assembled citizens yelled "no".

Kris Stone of Delaware Street recommended cutting down the times that people are playing. She sees beverages and treats as just one more invitation to come in to play. President Ratchford stated that the vendor would need to be gone when the park it closed.

Valarie Windle Leary reported that Bailey's Dogs leaves in the afternoon. She asked Council to consider placing this vendor closer to the hot dog cart because they complement each other. She doesn't see any conflict with the Hawaiian Ice at Ferry Crossing because people in the park won't walk that far.

Councilperson Vannucci replied that there can't be two vendors at the same location. When it was done before it resulted in an argument.

The **Motion** to consider Resolution No. 2016-41 was made by Councilperson Megginson and seconded by Councilperson Petty.

President Ratchford read the resolution.

The resolution was amended to show the new location as the paved area at the Sailing Club and the items offered were defined at those named in the applications. Hours of operation were defined as the park hours. Garbage cans are required to be provided.

The amended Resolution 2016-41 was read.

The President asked for a **Motion to consider Resolution 2016 as amended**. Councilperson Megginson motioned and Councilperson Di Mondì seconded.

Resolution No. 2016-41 passed unanimously.

Councilperson Vannucci commented that Battery Park closes at 9 pm and the wharf closes at 11 pm. Trustee Chris Castagno approved the park stay open later. Council has nothing to do with park. Trustees said to leave it open.

Dorsey Fiske of East 3rd Street spoke as a private citizen to clarify there are two organizations related to the care and operation of Battery Park. There a Battery Park Committee with two Trustees and other residents and the Battery Park Commission that has oversight of the park.

Councilperson Di Mondì asked if Council can't we pass an ordinance to determine the rules of the park. City Attorney Losco replied that the State Legislature gave exclusive control and management of Battery Park to the Trustees.

Chief Rogers explained that the police originally chased everyone out of the park after hours and found them in front of homes. They are leaving people in park to keep them off the streets and in yards. It is relatively peaceful. If someone is on private property, the police should be called. The police continue to make arrests with the biggest being a resident.

President Ratchford directed the police chief to clear the park during closed hours.

Kris Stone of Delaware Street contacted an attorney that has filed a class action law suit. The attorney advised that people should contact him for more information.

Discussion on Cherry Street Parking between East 5th and 6th Streets.

John Easom of Cherry Street has lived there for 33 years. The residents have always used the parking lot behind the post office. No one should be parking on the street. Fire trucks cannot access. St Peters has an overflow lot but it is now signed as no parking. The residents keep the lot they use cleaned of trash.

Angela Marconi of Delaware Street accesses her properties parking space via Cherry Street. She has been unable to access her driveway a couple of times due to people parking on the sidewalk. Police couldn't do anything, but knocked on the door to request that the car be moved. She requests the curb be painted yellow.

Ariana Jordan of Cherry Street stated that if the curbs are painted yellow, there is nowhere for residents on Cherry between 6th and Subway to park.

John Easom of Cherry Street stated that problem is that people on Delaware Street can't back out of their driveways. He asked that signs be erected rather than paint the curbs.

Joan Simpson of the corner of Cherry and 6th asked where they are to park. It is illegal to park on the sidewalk but parking on the street blocks emergency vehicles.

The President asked the City Solicitor for clarification. He stated that it is against State law to park on sidewalks but New Castle does its own enforcement. The City Solicitor and Chief agreed that ticketing is up to the officer's discretion.

Comments from the floor

Peter McCurdy of Delaware Street asked why the item regarding toilets in the park was struck from the agenda. President Ratchford responded that it is in the realm of the Trustees. There was a possibility of a grant for funding. After discussion with the Trustees, it was decided not to apply and resolution was removed.

Robert Thomas of West 7th Street commented that the City fought to get money for a pier to bring people to town and asked what are we going to do about parking when people show up for the pier.

Mary Davis of East 3rd Street is concerned about the suggestion that there might be bathrooms in Bicentennial Park. She believes it will hurt property values and new construction in this area will damage esthetics. She recommends finding some adaptive reuse.

Keith Adams of Delaware Street agreed with Ms. Davis and commented further that it is very poorly thought out to put bathrooms behind the important group of houses on Cloud Row. He advised Council that they need to educate themselves or get input from others that are more informed on historic preservation.

Councilperson Di Mondì stated that he has been fighting it for years. No residential area should have one.

David Baldini of South Street commented that electric outlets that belong to the City are being used to recharge phones in Battery Park. He wonders if people are still coming in to visit the museums and restaurants. Delaware Street and South Street are like raceways. The Pokemon craze is not resident friendly and is contrary to efforts with the Development District.

Natalie Kozlowski of Delaware Street did some case studies and found that they are in places where there is a problem. If visitors are here for the park, there are bathrooms. If they are here for restaurants, there are bathrooms. If they are here to see museums, there are bathrooms.

Arleen Solomon of East 3rd Street commented that the Pokemon people are not bringing anything positive to town. We need creative solutions. Should the park be closed earlier? Should we ban smoking? Maybe there is way to make it less attractive. President advised that

keeping them out of the Park will not completely solve the problem because there are Pokemon stops on private property and even in churches.

Judie Baldini of South Street reported that there is illegal vending going on in the park. Someone is selling bottles of water at a picnic table. She witnessed a young man recharging his phone using the City's outlet. She saw a guy set up 6 outlets at MSC plugs. Ms. Baldini suggested a committee to consider ways to stop the Pokemon people from coming.

President Ratchford asked the Chief to define loitering. The Chief advised that loitering is a State law and basically involves asking people to move along and they don't.

Stephanie Roach of West 3rd Street advised that over the course of the last 12 to 18 months, the Delaware beaches became no smoking. Perhaps the same should occur in the park. The President responded that currently the playground is a no smoking area and they can look at expansion.

The **Motion to adjourn** was made by Councilperson Megginson, seconded by Councilperson Petty and **passed unanimously**. Council adjourned at 9:07 pm.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle