

City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Tuesday, October 11, 2016 at 7:00 p.m.

Call to order: 7:00 p.m.

Roll Call:

Councilperson Megginson - 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
William Barthel, City Administrator

Approval of Minutes by Date: Regular Council Meeting Minutes 8/9/2016 and **Approval to Accept Staff Reports** as submitted.

Councilperson Megginson motioned and Councilperson Petty 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 August 31, and September 30, 2016. The total cash on hand in all accounts as of September 30, 2016 is \$5,800,409.39.

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:

- Recommended scheduling a Special Council Meeting to discuss budget items due to unexpected income. Unexpected income and unexpected expenses result in a net increase in income of approximately \$400,000. Since the budget was created, the City has learned that remediation needs to be completed on the Banks Building regardless of whether it is torn down or rehabilitated and the HVAC systems in the City Administration Building need repair. The City has been investigating having online fillable forms available at a cost of \$5,000.
- Pier construction is expected to be completed by December 25, 2016. The structural steel frame will be started next week.
- Jeff Bergstrom received a memorandum from New Castle County that there are four residences in Section 3 of Van Dyke Village that are partly or completely outside of the

City and the County is requesting that the City fix it. The residents have been receiving city services.

City Solicitor Losco reviewed the process for annexation of the property and advised Council that the homeowners should be contacted regarding the situation and the process.

Police Chief Rogers reported on recent police activities and current statistics.

Councilperson Di Mondri stated that the City Solicitor was paid more than \$6,000 last month and the cost of energy for City Building exceeded \$3,000. He believes that both costs are out of line. There was a discussion between Councilperson Di Mondri and Mr. Barthel regarding the type of system and possible causes of the high cost. President Ratchford recommended that an energy audit be completed.

Council Communications:

None

Business from the Mayor:

None

Business from the Council President:

President Ratchford announced that the City needs volunteers to serve on the Tree Advisory Commission and the Board of Elections.

Special Council Meetings will be scheduled to discuss the City budget and to hear ideas from the citizens regarding the influx of visitors.

Motion, Discussion and Vote on Resolution 2016-43 to honor the life of Councilman Albert Vannucci, Jr.

The **Motion** to consider Resolution No. 2016-43 was made by Councilperson Petty and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Resolution No. 2016-43 passed unanimously.

The Resolution was presented to the Family of Councilperson Vannucci.

Business from the Floor (concerning agenda items only):

The President read a letter from Sally Denton and William Boyle in support of the permit request from Wheelys New Castle. (See Attachment A)

Anne Dorsey Fiske of E 3rd St. reminded Council that after the new Charter was approved, she asked that some flaws be addressed including the addition of a requirement that the City's elected officials be current in their taxes.

Victor Bryson of Clark Street asked for clarification of the time remaining on the term of Councilperson Vannucci. The City Administrator stated that person appointed by Council would serve until the next election in April of 2017. Mr. Bryson believes that John Cochran should be appointed by Council to serve because he received the next highest number of votes.

JoAnn Dyer of Baldt Avenue stated that she wrote a letter to the City dated September 6 to acquire a handicapped parking space in front of her home. Others park in front of her house. There is a garage in the back of her house but there are three steps at the back door. There is only one step in front. Councilperson Di Mondri drove by her house to find that it is the only house that doesn't have a driveway and is on a corner, so he understands the need.

New Business

Motion, Discussion and Vote on Resolution 2016-44 to confirm the Mayor's re-appointment of David Baldini to the City of New Castle Planning Commission for a term ending October 11, 2019.

The **Motion** to consider Resolution No. 2016-44 was made by Councilperson Di Mondri and seconded by Councilperson Petty.

President Ratchford read the resolution.

Resolution No. 2016-44 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-45 to appoint David Baldini as the Planning Commission appointment to the Historic Area Commission.

The **Motion** to consider Resolution No. 2016-45 was made by Councilperson Petty and seconded by Councilperson Di Mondri.

President Ratchford read the resolution.

Resolution No. 2016-45 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-46 to place stop signs at the corner of Delaware Street and Fifth Streets making it a three way stop intersection.

The **Motion** to consider Resolution No. 2016-46 was made by Councilperson Di Mondri and seconded by Councilperson Petty.

President Ratchford read the resolution.

Councilperson Di Mondri stated that he would vote for it to just slow traffic. He added that there are no speed limit signs in the City and asked if some should be posted.

Chief Rogers replied that it is up to the City's discretion to the City to add speed limit signs. The speed limit in residential areas is 25 MPH unless posted otherwise.

There was a discussion about stop signs and speed limit signs on 5th and 7th Streets. DelDOT has responsibility for Route 9. Concern was expressed regarding the transport of hazardous materials on 7th Street through town within 5 five feet of homes rather than on Route 13.

Resolution No. 2016-46 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-47 to allow resident handicapped parking at 212 Baldt Avenue.

The **Motion** to consider Resolution No. 2016-47 was made by Councilperson Megginson and seconded by Councilperson Di Mondì.

President Ratchford read the resolution.

Resolution No. 2016-47 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-48 to approve the request of Wheelys New Castle for a vendor permit within the City limits.

The **Motion** to consider Resolution No. 2016-48 was made by Councilperson Petty and seconded by Councilperson Megginson.

President Ratchford read the resolution and a letter that accompanied the application.

Terry Gormley and Dave Casey are the owners of the proposed news café on a three wheeled bike. The bike has to be delivered to receive final approval from the Board of Health. They plan to vend at festivals and events in New Castle and Wilmington. On nice days, they will go to the wharf and around town.

Councilperson Di Mondì applauds the young man for his initiative but stated that the City has a long term policy of not allowing mobile vendors. Vendors are permitted if they have a stationary position. Otherwise, they are in direct competition with city businesses.

Ms. Gormley replied that she has letters of support from businesses. The news café must stop and open up. It does not work like an ice cream truck.

Councilperson Di Mondì said he would support the permit request if they committed to only one move per day or two stops.

The President called for a vote. Councilperson Petty voted no and the other Councilpersons voted yes. More discussion and clarification of how and where the news café would operate continued.

Councilperson Di Mondì **Motioned** to revise the language of Resolution No. 2016-48 to allow only two business stops (for selling) per day except for special events and Councilperson Megginson seconded.

The Amendment passed unanimously.

Resolution No. 2016-48 as amended passed unanimously.

Motion, Discussion and Vote on Resolution 2016-48 to appoint a new City Councilperson to complete the term of Councilperson Albert Vannucci.

President Ratchford explained the process as outlined in the City Charter. There are no qualification rules except that they must be a two-year resident. Several people expressed interest:

- Bill Blest
- Valarie Windle Leary
- Carol Hickman
- Sally Denton
- Jeff Davis

Councilperson Megginson stated that there should be a change to the City Charter to the effect that there are no appointments to Council. President Ratchford replied that Council needs five members to eliminate a tie vote. Councilperson Megginson would like to continue with just the four sitting Council members until April. Councilperson Di Mondì agrees.

President Ratchford disagreed. There have been meetings with no quorum like the September meeting making it difficult to operate. Council can consider future changes to the Charter, but currently, the Charter allows appointment by the Council.

City Solicitor Losco clarified that the City Charter does not just allow but demands that Council select someone but it doesn't say how long Council has to make the appointment.

Councilperson Di Mondì added that if it doesn't say when, then they don't have to do it.

The President replied that it would be a dereliction of their duty.

Councilperson Megginson responded that if there is no quorum, the meeting can be rescheduled. Council can meet at any time.

President Ratchford stated that not having a meeting due to lack of quorum costs money due to staff time, the City Solicitor's time and sometimes someone to take minutes.

Councilperson Petty stated that past practice has been to replace deceased elected officials with a family member either a spouse or child and inquired as to whether Councilperson Vannucci's family had been asked. The response was that they have not been asked.

President Ratchford motioned to appoint Bill Blest. There was no second.

Councilperson Di Mondì said it shouldn't be Bill Blest, because John Cochran got the most votes at the last election. President Ratchford advised that she spoke with Mr. Cochran more recently and that he is no longer interested.

Councilperson Di Mondì wants the opening to be advertised and a form to be completed by those interested.

Councilperson Di Mondì nominated John Cochran. There was no second.

President Ratchford nominated Bill Blest. There was no second.

President Ratchford nominated Valarie Windle Leary. There was no second.

Councilperson Petty said that the open council seat should be advertised and those interested should complete a form.

Councilperson Di Mondì wants it handled the same as an election. Publicize the opening and direct people to come in to sign up for consideration.

Councilperson Megginson again stated that he doesn't agree with filling the position. President Ratchford replied that it is against the City Charter to not fill the seat and she wants the process to move forward.

Council agreed to have candidates complete a form for the next two weeks with a statement on why they would like to be appointed to Council. They will be vetted according to the requirements that they be an eligible voter and a two-year resident. Council will vote on the appointment at the next meeting

Comments from the floor.

Victor Bryson of Clark Street said he read in the paper about police costs for the Farmer's Market. The businesses at the Farmer's Market are struggling. The City taxpayers have mixed feelings about the Trustees. Residents of New Castle pay \$600,000 to \$800,000 per year to police the properties of the Trustees. Mr. Bryson wants the Trustees to pay for the police protection of their properties and threaten to annex the Farmer's Market if they don't pay. The Trustees owe 20% of the police budget or \$400,000.

Robert Iwanowski of Moores Lane said his home has been struck by trucks two times in 12 years. Trucks are speeding. The City Police told him it's a DelDOT road. Chief Rogers took photos of the truck signs and will meet with DelDOT regarding the lack of "no truck traffic" signs.

Robert Thomas of W 7th Street gave Council a petition but has had no response. DeIDOT told Mr. Thomas that they were going to put up a traffic light but City Council got involved and put in an island instead. Councilperson Megginson said the City doesn't approve what DeIDOT does. DeIDOT told Councilperson Megginson that they couldn't put a light there. Mr. Thomas wanted to know why some road work is done by the City and some by the State. Mr. Barthel explained that the City patched the road where the plates were for the bike event and billed the State for the work.

Eileen Burke of Harmony Street asked how the City will inform the public about the new process to appoint a Councilperson. President Ratchford stated that it will be posted on the City web site and be in the Weekly. Ms. Burke asked what will be the criteria for the appointment. The response was that the City Charter mandates that elected officials must be a resident for at least two years and be an eligible voter.

Anne Dorsey Fiske of E 3rd Street recommended that Council start with the highest vote getter by asking Mr. Cochran officially and then going to the next one until the seat is filled. She also commented that the Trustees were not laughing at Councilperson Di Mondì's letter. Ms. Fiske reported that she went to a meeting regarding being a police volunteer. They had great tour of the police station and were provided interesting information. She is considering volunteering and encouraged others to do the same.

Judie Baldini of South Street asked about the impact of the election of another Council member in April on the staggering of terms. The response was that the next election will include two openings for four-year terms and one opening for a two-year term. There is no impact on staggered terms.

The **Motion to adjourn** was made by Councilperson Megginson, seconded by Councilperson Di Mondì and **passed unanimously**.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle