

City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Wednesday, November 9, 2016 at 7:00 p.m.

Call to order: 7:00 p.m.

Roll Call:

Councilperson Megginson - present
Council President Ratchford - present
Councilperson Petty - absent
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 that the meeting is being held on Wednesday due to the National Election being held on Tuesday, November 8, 2016.

Approval of Minutes by Date: October 11, 2016 Regular Meeting and October, 26 2016 Public Workshop Minutes. **Approval to Accept Staff Reports** as submitted.

Councilperson Di Mondì 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 October 31, 2016. The total cash on hand in all accounts is \$2,989,276.27.

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:

Mr. Barthel asked Jeff Bergstrom to update Council on the Street Bid pre-meeting and other city projects. Jeff Bergstrom stated that there were five qualified bidders that attended the mandatory pre-bid meeting. The project had been advertised publicly in the paper, and online through construction sites.

The bid is for five road segments, including the intersection of Kristen and North Kathryn, Baldt between Moore Lane and 12th Street, Harmony Street between 4th and 5th Streets, Tremont from 7th Street to the railroad tracks, a portion of West 9th Street from Delaware Street to Clayton Street, the bid also included 14 curb ramps and drainage issues.

President Ratchford asked if we were putting in catch basins or manholes on Delaware Street. Mr. Bergstrom said the plan is to replace one inlet and install several manholes.

Mr. Bergstrom reported on the Banks Building, saying he strongly suggests we proceed with asbestos abatement; the City cannot proceed with the structural analysis until the environmental remediation is completed.

Police Chief Jamie Rogers reviewed his report, and added that two officers were injured due to needle sticks. Officers investigated a burglary in Shawtown that led to a residence on Washington Street, six people were taken out of that house with active warrants. The City is in the process of seizing the house, under the State disorderly premises statute.

President Ratchford asked for an update on truck traffic in the City. Chief Rogers reported that he had met with DelDOT and they were reviewing signage, Delaware State Police truck unit worked with the City police and wrote several citations, but said that most of the trucks that came through would be considered local traffic. The Delaware State Police Truck unit has committed to work with the City police on 6 dates to help with truck traffic enforcement.

Councilperson Di Mondri asked about the tanker trucks that routinely come through the Dobbinsville and Washington Street area early in the morning. Chief Rogers said that according to DelDOT they cannot restrict tanker truck traffic.

President Ratchford said they have had meetings with DelDOT and every idea Council had received from the public, such as changing the speed limit, and installing a stoplight had been denied by DelDOT. However, the meetings were encouraging DelDOT made a commitment to look at signage around the Rt. 9 area, and perform a traffic study. This would include Rt. 9 Dobbinsville area as well as Moore's Lane. President Ratchford said Council will continue to look at all options for this issue.

Council Communications:

None

Business from the Council President:

President Ratchford recognized that November 11th is Veteran's Day, and the Delaware Academy of Public Safety and Security, led by Teacher Jason Casper, and with donations from Home Depot would be landscaping and cleaning up the Veteran's Triangle, and having a ceremony on Veteran's Day.

President Ratchford read a letter from the Trustees of the New Castle Common. (attached)

Business from the Mayor:

None

Comments from the Floor:

Victor Bryson, 604 Clark Street: Mr. Bryson asked Council to leave Councilperson Vannucci's seat vacant until the election in April. He also asked Council to hold off on the rezoning of the Little League Field, so that Little League officials can talk to the Trustees.

Dorsey Fiske, 26 East 3rd Street: Ms. Fiske stated that as a Trustee, she had received a letter regarding the rezoning of the Little League Fields.

Victor Bryson, 604 Clark Street: Mr. Bryson asked why the Mayor was not attending meetings, and how he was able to appoint people for Committees if he is not able to attend meetings.

New Business

Motion, Discussion and Vote on Resolution 2016-49, a Resolution Honoring the Life of Genevieve Miller.

The **Motion** to consider Resolution No. 2016-49 was made by Councilperson Di Mondì and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Resolution No. 2016-49 passed unanimously.

Members of Council presented the Resolution to Ellen Parks and Susan Callahan, members of Dr. Miller's family.

Proclamation Recognizing November 17th as World Pancreatic Cancer Day in the city of New Castle.

The **Motion** to consider World Pancreatic Cancer Day Proclamation was made by Councilperson Megginson and seconded by Councilperson Di Mondì.

President Ratchford read the Proclamation.

The Proclamation passed unanimously.

Proclamation Declaring Saturday, November 26th as "Small Business Saturday" in the City of New Castle.

The **Motion** to consider Small Business Saturday Proclamation was made by Councilperson Megginson and seconded by Councilperson Di Mondì.

President Ratchford read the Proclamation.

The Proclamation passed unanimously.

A presentation was made by Katina Boyce of Mobilitie regarding Cell Tower/Data Tower. Ms. Boyce said that Mobilitie is a privately held public utility. They have been in business for over

18 years. They are asking to place a transport pole in the City of New Castle that would increase cell phone reception and data availability for their customer, Sprint.

They are requesting to place a 120' pole at 6th & Cherry Streets. This would be one of several poles, but this is the only one in New Castle City.

President Ratchford asked if these poles are larger than telephone poles. Ms. Boyce said they are bigger; they are 120' and 4' at the base with the equipment inside the base, or 2' at the base with the equipment outside the base.

Mr. Di Mondì asked if the pole's effectiveness would be compromised if the pole was placed 300-400 feet away. He suggested looking at 3rd & Chestnut, and then the pole would not be at the entrance of New Castle.

Ms. Boyce said she would pass that information along to the company. The radio frequency engineers would be able to see if the location would offer the same coverage.

President Ratchford asked if this pole was just for Sprint, and what type of franchise would the City receive for having the pole on their property.

Ms. Boyce said it was just for the Sprint company at this time, but the pole could have other companies on it. As far as fees go, Mobilitie enters into franchise agreements with municipalities and the fees differ from city to city and State to State.

Mr. Megginson thought the Chestnut Street location was more desirable. Ms. Boyce said she would take this information back to Mobilitie and get an updated proposal.

First Reading of Ordinance 508, An Ordinance regarding rezoning of parcel 21-013.00-001 (Route 273 at Little League field) from I (Industrial) to R-1 (Residential.)

City Solicitor Dan Losco reviewed the Ordinance. Mr. Losco said this Ordinance had gone for State Plus review, which is a requirement for changing the Comprehensive Plan. There were no significant negative comments. This will be the first reading, then, as with any Rezoning or Comprehensive Plan Ordinance the next step would be to send it to the Planning Commission for their comments. Then there would be a public Hearing for Public Comment, and the second reading.

Mr. Di Mondì said that this rezoning would not have been Council's choice; but he felt it was an option when they found out the Trustees were planning to develop part of the New Castle Little League fields. Mr. Di Mondì said he did not like taking peoples zoning rights but the he did not want to see the Little League lose their fields after 48 years.

President Ratchford said this would be the first reading of the Ordinance, and then it would be forwarded to the Planning Commission.

President Ratchford read the Ordinance.

Motion, Discussion and Vote on Resolution 2016-50; A Resolution to Confirm Mayor's Re-appointment of Michael Quaranta to City of New Castle Planning Commission.

The **Motion** to consider Resolution No. 2016-50 was made by Councilperson Di Mondì and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Resolution No. 2016-50 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-51; Resolution to Reserve Excess Transfer Tax Proceeds for Delaware Street Improvements.

The **Motion** to consider Resolution No. 2016-51 was made by Councilperson Di Mondì and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Mr. Di Mondì noted that using windfall for infrastructure improvements is needed. We need to stick to the budget, and keep this money in reserve. He said he would be willing to amend the Resolutions for emergency needs.

President Ratchford stated the Delaware Street project is important, it is not just paving, but addresses drainage, crosswalks, curbing and "green street" issues. When water goes into the storm drains it goes directly into the river. Part of this project will install filter mechanisms. The project will cost about 1 million dollars, with the funds carried over from last year, and the \$400,000 from this property transfer. Ms. Ratchford said she felt confident that Council could keep this money in reserve for the Delaware Street project, and have funds available for any emergencies.

Resolution No. 2016-51 passed unanimously.

President Ratchford asked City Solicitor to review what the City Charter requires Council to do and why the Resolution to appoint a Board of Elections member and the Resolution to appoint a Councilperson are related.

Mr. Losco stated that it was not just the City Charter that requires action, but State law, Title 15 Section 75-51 requires that each Municipality have a Board of Elections, and it have an odd number of members. Our Charter states that we need 5, and that each Councilperson shall appoint a member of the Board of Elections.

Each individual member of Council needs to appoint a member. There are 2 resignations, and three people that need to be re-appointed. He noted that the Charter also states that Council shall fill a vacancy on Council. If Council does not appoint someone for Councilperson Vannucci's seat then there will not be 5 people on the Board of Elections.

Board of Elections hears pre-election complaints, thus an odd number is needed in case of a tie. Each individual member must make an appointment.

Motion, Discussion and Vote on Resolution 2016-52, to Appoint a Marianne Caven as Council President Ratchford appointment to the Board of Elections, with a term ending November 9, 2020.

The **Motion** to consider Resolution No. 2016-52 was made by Councilperson Di Mondì and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Resolution No. 2016-52 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-53, A Resolution to appoint a new City Councilperson to finish out the term of Councilperson Albert Vannucci.

Applications to be considered for Appointment submitted by:

- William G. Blest
- Sally Denton
- Carol Hickman
- William A. Robinett

President Ratchford recommended the appointment of highest vote getter who expressed an interest. She noted that William Blest came in highest vote of those who asked to be considered.

Mr. Di Mondì said he has been approached by residents asking that Mr. Vannucci's seat remain open until the election in April.

Mr. Megginson said he felt the next Council should review the Charter, and he does not feel Council has the right to appoint a Councilperson.

President Ratchford agreed that the Charter could be revised, but we have to follow the Charter in place at this time, and we need 5 members on the Board of Election, if we do not have a full Board of Elections in place it could put the election in jeopardy.

President Ratchford nominated William Blest to take Councilperson Vannucci's Council seat.

Motion died for lack of a second.no second.

Comments from the floor

William Blest thanked President Ratchford for nominating him and reminded Council that they are doing the business of the City and need to appoint a Councilperson for the interim until the April election. They are making decisions that affect the City and its residents.

Roger Clark, West 4th Street: Mr. Clark He asked Council to honor the Comprehensive Plan and not add additional parking within the Historic District referring to a proposed parking lot behind the M&T Bank.

The **Motion to adjourn** was made by Councilperson Di Mondri, seconded by Councilperson Megginson and **passed unanimously**. Council adjourned at 8:26 p.m.

Respectfully submitted,

Kim Burgmuller
Council Secretary