

City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Tuesday, June 9, 2015 at 7:00 p.m.

Call to order: 7:02 p.m.

Roll Call:

Councilperson Megginson - present
Councilperson Vannucci - present
Council President Ratchford - present
Councilperson Petty - absent
Councilperson Di Mondì - present

Also present:

William Barthel, City Administrator
Donald Reese, Mayor
Janet Carlin, City Treasurer
Daniel Tjaden, Police Chief
Jeff Bergstrom, Building Official & Fire Marshall

Approval of Minutes by Date: 4/23 Organizational Meeting; 5/5 Special Meeting; 5/12 Regular Meeting; 5/26 Special Meeting; and 5/28 Budget Workshop and **Approval to Accept Staff Reports:**

Councilperson Di Mondì motioned and Councilperson Vannucci seconded approval of the Minutes and Staff Reports without changes. The motion passed unanimously.

Approval of Treasurer's Report:

Treasurer Carlin reported on the balances of the city's accounts as of May 31, 2015. The total cash on hand in all accounts is \$2,100,105.75.

Councilperson Megginson motioned and Councilperson Vannucci seconded approval of the Treasurer's Report as presented. The motion passed unanimously.

Report from the City Administrator & Staff:

City Administrator Barthel reported:

- The 2015 street projects construction bid was awarded and construction is expected begin in the next two weeks. The work was recommended by City Engineer, David Athey at the February 10, 2015 regular City Council meeting.
- The final documents regarding the new pier were signed with DNREC Secretary Small. The bidding process is expected to be completed in July allowing construction to begin in August.
- The City Engineer has identified a grant from the Mid-Atlantic Regional Council on the Ocean (MARCO), a partnership of Delaware, Maryland, New Jersey, New York,

and Virginia to enhance the vitality of the region's ocean ecosystem and economy. The purpose of the grant is fund a case study to advance the understanding of the use of natural features and the integration of ecosystems including wetlands. If awarded, the grant would be for \$215,000 to \$240,000 and would not require any matching funds.

Police Chief Tjaden reported:

- The recent home invasion in Boothurst is not believed to be random. The get-away car used has been recovered.
- The Chief had the honor of escorting Beau Biden during the funeral.

Council Communications:

Councilperson Megginson reported:

- The Washington Street construction project is coming to an end. Punch work is being completed. Grass seed has been planted and the construction trailer was removed.
- DelDOT will not change the timing of the traffic signals on Route 9 until all construction work is completed. The trip wires have not been installed.

Councilperson Di Mondì commented:

- Representatives from DelDOT should be asked to come to a City Council meeting to talk about the quality of the work on the Washington Street project. The work would not be acceptable to the City if it was directly contracted. Councilperson Vannucci supports the request. The City Administrator was asked to schedule a session for City Council with DelDOT.

Business from the Mayor:

Mayor Reese reported:

- Separation Day festivities are ready to go. Friday will include a beer tasting at 5 pm and a Run/Walk at 7 pm. All of the handbills have been distributed. .
- The City Administrator, Council President and Mayor went to the Riverview Inn to talk to representatives from Pennsville, NJ about a 500 foot dock they want to install.
- Conversations continue with Norfolk Southern about the safety of the trains that come through the City. The company has sent 422 Delaware Firefighters to a school in Colorado to be trained to respond to train-related emergencies.
- Hang tags to permit resident access to the Historic District during events are ready for distribution at the City Administration Office.

Business from the Council President:

President Ratchford reported:

- The City's concerns regarding the oil tanker trains were expressed at a meeting with Norfolk Southern. The maximum train speed is 30 MPH, but speed is adjusted to accommodate conditions. Norfolk Southern is buying the safest cars available and even safer ones will be available soon.
- Interested residents are being sought for two commission openings – one each on the Tree Advisory Commission and the Historic Area Commission.
- The presentation from the Trustees on Meadows will be on June 22.

- The Historic Area Review Committee will present their recommendations for changes to the Historic Area Commission on June 30th.
- The Industrial Trail from New Castle to the Wilmington Riverfront is scheduled for the final phase of construction to begin in 2016 and be completed in 2018.

Business from the Floor (concerning agenda items only):

Victor Bryson of 604 Clark Street asked why City Council is working on a turning lane for the fishing pier parking lot instead of working to restrict truck traffic on Route 9. Councilperson Vannucci responded that the ramp is to access a parking lot to stop the dangerous parking on the shoulder of the road. Mr. Bryson reminded Council that he asked them to do something about safety like having a weight limit on the bridge to limit truck traffic. Councilperson Di Mondì agrees that there is a problem on Route 9 and that Council has tried to limit truck traffic. He would like DelDOT to respond as to why they don't limit truck traffic on Route 9 as they restrict truck traffic in other cities to direct traffic onto I-95.

Motion, Discussion and Vote on Resolution No. 2015-26, A Resolution honoring the life of former Delaware Attorney General, Beau Biden.

The Motion to consider Resolution No. 2015-26 was made by Councilperson Vannucci and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Resolution No. 2015-26 passed unanimously.

Councilperson Di Mondì advised that the date of death needs to be amended.

Old Business:

Discussion and update of Proposed Fishing Pier:

The presentation was a follow-up to a previous presentation regarding a proposal to build a fishing pier south of the City of New Castle at the northern end of the Delaware Bay. Presenters were Bernie Pankowski, the Chair of the Governor's Advisory Council on Recreational Fishing; Larry Horan, Construction Project Manager at the Delaware Division of Fish & Wildlife; and Dave Saveikis, the Director of the Delaware Division of Fish & Wildlife.

The purpose of the Governor's Advisory Council on Recreational Fishing is to serve the recreational fishing community and to make sure the funds collected from fishing licenses are spent to improve access to recreational fishing in Delaware. This fund would provide the majority of the State money needed to build a fishing pier for New Castle. Previously funded projects such as the DuPont Nature Center at Slaughter Beach, the Lewes Boat ramp and the Dog Training Facility at the C&R Center were reviewed. Projects currently under development include the Aquatic Education Resource Center located east of Smyrna on the Delaware Bay and the Delaware Bayshore Initiative, a new program with three goals: Habitat conservation, Recreation, and Strong communities.

The project to construct a fishing pier in New Castle would be completed in three phases: Phase 1 is to develop the concept idea and schematic design, have group discussions and advisory council communications and a preliminary presentation to City of New Castle.

Currently, the project is in Phase 1 with an RFP for professional engineering services for design being created.

Phase 2 takes nine months to a year due to obtain the necessary permits from eight different organizations.

Phase 3 the bidding process will take 30 to 60 days.

Construction is expected to take six months or more depending on the weather. The total elapsed time for the project is 2 ½ to 3 years.

A parking lot accessible from Route 9 will be a part of the project. Important points of design will be safety and accessibility including handicap access to Federal and State standards. Port-a-potties are at most locations, but more permanent bathrooms are possible.

The Woodland Beach Pier was shown as an example of a similar project. The superstructure is aluminum and the piles are concrete due to durability and less subject to vandalism.

The Director estimated the overall cost to be \$2.1 million. A Federal excise tax collected from fishing gear sales would fund 75%. The State needs a 25% match. The State's share is usually derived from fishing license sales. Many projects are already in the queue, so cash flow issues could slow this project down.

In terms of fishing accessibility, New Castle County and the City are underserved, but it would be challenging to come up with funding in the next 2 to 3 years. Another potential source for the State's match is the State Bond Bill. While the project doesn't have to cost City anything, the City can provide some or the entire match.

Councilperson Di Mondri stated that they have an obligation. We provide recreation for most of county, so they should help with funding.

President Ratchford inquired about funding for maintenance costs. The Director replied that they have a shared cost partnership with most towns. For instance, the State would install the lights and the town pays the electric bill.

Mr. Bergstrom, City Building Official asked if the City funding of the turn lane would be credited as part of the match.

For most projects, the Director advised there is usually partnership for maintenance of bathroom facilities. As to the type of facilities, the project might provide funding for Port-A-Potties and City might add funding to upgrade the bathrooms.

Councilperson Vannucci asked if boats would be permitted at the fishing pier. The Director advised that boat docking would not be included in the design and would change the dynamics.

Councilperson Di Mondri asked about the use of a permeable surface instead of asphalt for the parking lot since it's in the area of a marsh and wetlands. The Director said they are open to permeable surfaces and have used them before, but there is need to control weeds.

The President asked for confirmation that enforcement of Fish & Wildlife Regulations would be provided by the State. The Director has 30 enforcement officers deployed throughout the State.

The President expressed the need to make sure the fishing pier, parking lot and access not compromise the dyke and was assured that the construction will be in compliance with standards and regulations.

Roger Clark of W 4th Street asked if FEMA is involved. The Director answered that they would require a permit for the structure if it's in a flood zone.

Rick Pennell of the Strand is familiar with the Woodland Pier referred to earlier and believes that it is an excellent facility. He inquired about structures in the water to attract fish. The Director said that has never done as part of one of their projects but could be considered. The Pier structure itself will attract fish.

Glen Rill of W 4th Street is glad that they are trying to address parking on Route 9. He grew up about a ¼ mile from a fishing hole. In Battery Park there is signage that no one should eat the fish. He wonders if the signs are wrong or do we really want to encourage fishing when it is doubtful that fish and release will be practiced. The Director stated that it is mostly about education and that compliance is voluntary.

Barbara Alfree of Harmony Street asked if Fish & Wildlife will provide enforcement by land or water. The response is by land. In addition to licenses, they will stop loitering. They will coordinate their efforts with the City police force.

Councilperson Megginson stated that most of the fishermen only come when Stripers come up the bay. At first, they practice catch and release but as the season continues they catch and keep as the fish meet the size minimums.

Councilperson Vannucci confirmed that Fish & Wildlife Officers do currently patrol the area based on the experience of his grandchildren being checked for licenses and having their buckets checked.

The President agrees that the fishing pier is good idea and will make the area safer with a lit parking lot and pier. It is a good recreational opportunity for citizens.

Mr. Pankowski said that the purpose of the license fees is to support the fishing community. He asked that City Council pass a resolution in support of the pier. The timetable is for the Governor's Advisory Council on Recreational Fishing to make presentation on use of the funds to the Director in September so the Council needs commitment from the City to move forward.

New Business:

Motion, Discussion and Vote on Resolution 2015-25, Approving appointments to Historic Area Commission.

The Motion to consider Resolution No. 2015-25 was made by Councilperson Vannucci and seconded by Councilperson Di Mondì.

Michael Quaranta is nominated to fill the unexpired term of David Bird as the Planning Commission representative to the Historic Area Commission due to the resignation of Mr. Bird.

President Ratchford read the resolution.

Resolution No. 2015-25 passed unanimously.

Comments from the floor:

Suzanne Souder of 60 W 4th Street read a statement for the record in regard to an item in the proposed City FY 15/16 budget for \$140,000 for paving of a parking lot on West 3rd Street. Residents of the area strongly object and plan to work with the Parking Committee and the Planning Commission to find other solutions. The group requests that the budget item be amended to be designated to explore parking solutions with no reference to a specific area or solution. (See Attachment I)

Roger Clark of 71 W 4th Street presented information to City Council in regard to a question he is frequently asked by residents as to who has oversight of Battery Park. Mr. Clark has received many differing answers. His research indicates that oversight belongs to the Trustees and that any work in Battery Park has to have their approval. (See Attachment II) Council responded with agreement that the Trustees do have oversight of Battery Park.

Carol Hickman of W 9th Street commented on the proposal to build a Fishing Pier. Ms. Hickman frequently uses the area designated and agrees with the need for a parking lot and to make the area a little safer. She does not think encouraging people to fish there is a good idea because they do not catch and release. Ms. Hickman does not believe that the pier is good investment.

Dorsey Fiske of 26 E 3rd Street addressed the upcoming DNREC public hearing on Wednesday, June 17 regarding a Coastal Zone Permit for Green Recovery Technologies. She read a prepared statement in part. The full text is attached. Ms. Fiske encouraged City Council to attend the Public Hearing. (See Attachment III)

Councilperson Di Mondì expressed the need for businesses that will not harm environment and provide jobs but questions why the plant is being located in a populated area instead of where the chickens are grown downstate. He is concerned about truck traffic and why this plant will be in the Coastal Zone. Ms. Fiske responded that the plant is expected to bring 15 jobs. She

believes that the plant can be anywhere and doesn't need to be in the Coastal Zone, so it should be located elsewhere. This is an experimental process and is not tried and true.

Gene Dempsey of Delaware Street asked if anyone has talked to them about what they're doing. He doesn't believe the processing has anything to do with rendering chicken.

Alice Riehl of 61 W 4th Street advised that Terry Gormley, Editor of *The Weekly* met with the company to investigate the process and published her findings in the paper. The input for the process is a powder that is separated into two products using a centrifuge. There are no emissions resulting from the process. Ms. Riehl urged people to go to the meeting and learn about the process.

Ms. Fiske reiterated that it is an experimental procedure. Her main point is that there is no need for it to be in the Coast Zone because they don't need access to the river or water. The processing can be done somewhere else.

The motion to adjourn was made by Councilperson Megginson, seconded by Councilperson Di Mondy and passed unanimously. Council adjourned at 8:30 pm.

Council met in Executive Session to discuss collective bargaining regarding the AFSCME Contract.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle