

City Council of the City of New Castle
Regular City Council Meeting
Town Hall, 201 Delaware Street, New Castle
Tuesday, December 13, 2016 at 7:00 p.m.

Call to order: 7:01 p.m.

Roll Call:

Councilperson Megginson – present
Council President Ratchford – present
Councilperson Petty – present
Councilperson Di Mondì – present

Also present:

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

Approval to Accept Staff Reports as submitted.

Councilperson Megginson motioned and Councilperson Petty seconded approval of the 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 November 30, 2016. The total cash on hand in all accounts is \$4,832,462.64.

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:

City Administrator Barthel:

- The pier is expected to be completed by December 24. The fencing installation will begin tomorrow and be completed by the end of next week with lights added.
- One property went to Sheriffs Sale and was sold for \$10,000 to third party.
- The audit will be presented next month.

Councilperson Di Mondì inquired about the financial reports showing \$5,000 budgeted for the Planning Commission for contractual services but the actual costs are \$18,000. The City Administrator needs to do research to answer the question and will reply to the Council tomorrow.

Building Official Bergstrom:

Bids were received from three contractors. Paving Plus was the lowest but withdrew when they realized they made mistakes. The City now has two good bids and both are below the engineering estimates. Mr. Bergstrom recommends accepting the lowest bid and moving forward.

Chief Rogers:

- The November statistics were reviewed. .
- The State Police truck unit has been working on Route 9 stopping several trucks for being overweight trucks and/or out-of-date licenses.

Councilperson Di Mondri asked why the signs stating no trucks over two axles are not enforced. The Chief replied that the State Police consider the trucks to be local traffic, so it is not enforceable. Councilperson Di Mondri asked why Middletown can enforce the same on Route 299, but New Castle can't on Route 9.

Councilperson Petty asked about the continued presence of truck traffic on Buttonwood Avenue. Chief Rogers replied that the trucks are ticketed on Buttonwood Avenue.

Councilperson Petty stated that trucks continue to get stuck on the railroad tracks. The Chief responded that they notify the railroad as soon as they receive the call.

Council Communications:

None

Business from the Mayor:

None

Business from the Council President:

President Ratchford thanked everyone that worked on the Children's Party especially the Police and Goodwill Fire Co as well as everyone involved in the Spirit of Christmas and Dicken's Experience.

The President is looking into a zip code specific to the City of New Castle. Currently, the City and unincorporated New Castle share a zip coded. Besides being used for mail delivery, zip codes are used for data and research. The President would like comments from the public.

Councilperson Di Mondri stated that using the zip code plus four defines the address.

Business from the Floor:

Victor Bryson of Clark Street asked the Council to follow their heart regarding the needs of the Little League. He wants the land to continue to be used for recreational purposes. Mr. Bryson doesn't understand why they can't stop the apartment complexes. There are few riverfront properties left between Buttonwood and Dobbinsville. He asked how to make it legally go away if the residents don't want it.

President Ratchford asked the City Solicitor and City Planner to explain the Comprehensive Plan process.

City Planner Rogers stated that every municipality that has zoning authority is required by State Law to have a Comprehensive Plan. It is a policy document that sets forth vision and strategies for the future. Zoning and capital improvements are based on the content of the document. The process has legal requirements that include public hearings and other forms of outreach. There are a wide range of public input mechanisms. Once adopted, the City has 18 months to rezone to align with the Comprehensive Plan. It is reviewed every five years and a report is sent to the State. Every 10 years, the Plan must be updated and readopted. Ordinance 508 is inconsistent with the Comprehensive Plan so an amendment is required.

City Solicitor Losco stated that is allowed to be built is dependent upon the zoning for the parcel. Each zoning category has a list of allowed uses and building. Any requests to build structures that meet the requirements of the zoning must be approved.

Victor Bryson wants council to ask the citizens if they want apartments in their town.

Old Business

Second Reading and Motion, Discussion and Vote on Ordinance 508 to amend the City of New Castle Comprehensive Plan and to rezone parcel 21-013.00-001 (portion of Little League fields on Route 273) from I (Industrial) to the Residential (R-1) zoning classification.

The first reading was completed at the last meeting and the ordinance was posted on the web site meeting the requirements of public notice.

The **Motion** to consider Ordinance 508 was made by Councilperson DiMondi and seconded by Councilperson Megginson.

Councilperson Megginson was in favor of the ordinance to try to bring the Trustees to the table, but he will vote against it. He doesn't want to see the property developed as R1. He suggested that everyone in the room knows someone on the Trustees and suggested that the people of New Castle contact the Trustees to let them know how you feel. His vote is not a vote against the Little League but against the designation as R1.

Councilperson Petty will vote against the ordinance. She hasn't seen any proof that the Trustees plan to do anything with the land. Councilperson Petty agrees with Councilperson Megginson that they should be able to get together and talk about it and asked that everyone work harder to end the animosity. Secondly, there are good people on both sides and they can sit down and talk.

Councilperson Di Mondì stated they have been trying to talk for ten months. Everyone has to make hard choices.

Councilperson Petty thinks the parents should get together to talk to the Trustees.

President Ratchford will vote against the resolution. The land has a history of family use for recreation and wants to see it continue. The Little League is in a contractual relationship with

Trust. The President doesn't want the land zoned as R1. She believed it should be addressed in the Comprehensive Plan update to find a way to zone it for recreational use.

Ordinance 508 failed:

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

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

President Ratchford reviewed the process to date and the policies of other Delaware towns. She pointed out to fulfill the requirement to have five people on the Board of Elections, there is a need for five members on Council.

The President asked if there would be any consideration by Council to move forward. She has previously suggested using the vote count from the last election. Someone volunteered to fulfill the term and not run for election.

Councilperson Megginson declined to make any further comment.

Councilperson Di Mondì doesn't want to appoint anyone. Anyone appointed is not accountable to anyone but those that appoint them. There will be an election in a couple of months. Let people decide.

Councilperson Petty asked if it is legal not to appoint a replacement. The City Solicitor indicated that City Charter states that Council must appoint a replacement but there is no deadline.

Councilperson Petty nominated Sally Denton but there was no second. Councilperson Petty suggested waiting for the election.

New Business

Motion, Discussion and Vote on Resolution 2016-54 to approve disposing of surplus city property.

The **Motion** to consider Resolution No. 2016-54 was made by Councilperson Petty and seconded by Councilperson Megginson.

President Ratchford read the resolution to dispose of the property listed below:

- 2007 Chevy Tahoe 1GNFK13027J141783
- 2011 Chevy Tahoe 1GNSK2E05BR254400
- 2003 Harley Motor Cycle 1HD1FHW113Y714824
- Office Furniture and Fixtures

The City Administrator stated that the two vehicles were discussed at a special meeting. The Police Department is purchasing new vehicles and wants to trade in the old vehicles. The Chief recommended that department only needs one motorcycle and has two. The Harley will be advertised to other police departments. The excess furniture will be sold in a spring sale.

Resolution No. 2016-54 passed unanimously.

Motion, Discussion and Vote on Resolution 2016-55 to approve the Mayor's re-appointment of Gail Seitz to the Planning Commission for a term ending December 13, 2019.

The **Motion** to consider Resolution No. 2016-55 was made by Councilperson Petty and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Resolution No. 2016-55 passed with three yes votes..

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

Motion, Discussion and Vote on Resolution No. 2016-56 to provide a lump-sum pension benefit to one retiree of the City of New Castle.

The **Motion** to consider Resolution No. 2016-56 was made by Councilperson Megginson and seconded by Councilperson Di Mondì.

President Ratchford read the resolution.

Resolution No. 2016-56 passed three yes votes.

Councilperson Megginson – yes
Council President Ratchford – yes
Councilperson Petty – abstain
Councilperson Di Mondì – yes

Proposed City of New Castle Code of Conduct:

City Solicitor Losco stated that the City has ability to have a code of conduct. If one is created, it must be stricter than the State's Code. Generally, it should address specific areas and typically have disclosure requirements. The Code must establish an ethics commission, state how the commission members are determined and establish rules and processes.

President Ratchford asked if the City falls under the State Law that addresses financial interests.

City Solicitor Losco reported that Delaware City has a Code to address the behavior of elected officials. Elected Officials can be held to a higher standard than the general public. Currently, the Charter allows removal of Council members for failing to attend one quarter of the regular meetings and for any felony violations.

Councilperson Petty asked if there is a provision for illness or death. The City Solicitor indicated that there is not.

President Ratchford asked the City solicitor how to move forward. He responded that some items would require charter change and others would not.

Councilperson Di Mondì suggests that if there will be a Charter Change, there should be a referendum.

Solicitor Losco recommended a committee to address the topic.

Comments from the floor

Dorsey Fiske of E 3rd street believes there are flaws in new City Charter. She agrees with Councilperson Di Mondì that there should be a referendum for Charter Changes. Democracy means that people can vote.

Roger Clark of W 4th Street had a Christmas wish for Council regarding the proposed parking behind M+T Bank. He asked Council to have the Solicitor study to determine the legality of the Trustees putting in a parking lot and also check the State Code.

Binnie Biehl of the Strand suggested a parking study from a professional. President Ratchford has been looking into the possibility and needs to identify funding. Councilperson Di Mondì asked Mr. Biehl for his ideas. It's a political issue. Mr. Biehl relayed an incident when someone was parked in front of his house.

Victor Bryson of Clark Street referred to an article in the paper regarding Mr. Meek looking for a dog park. Mr. Bryson suggested that there's a field at the foot of Chestnut Street that would be perfect. He doesn't want the park to be in Dobbinsville. President Ratchford referred Mr. Bryson to talk to the Trustees, because it is Trustee land.

Sandy Biehl of The Strand wants the Council to address the dog waste in the park. Carry-in/Carry-out and works nicely in big parks. Carry-in/Carry-out doesn't work for dog excrement. There were dispensers with dog waste bags at the park entrances. In other parks, there is a trash can on the same post with the bag dispensers. This is a health issue.

The **Motion to adjourn** was made by Councilperson Megginson, seconded by Councilperson Petty and **passed unanimously**. Council adjourned at 8:30 pm.

Respectfully submitted,

Janet Wurtzel
Clerk of the City of New Castle