

City of New Castle Delaware
Regular City Council Meeting at Town Hall
201 Delaware Street – New Castle
Tuesday, September 12, 2017 – 7:00 p.m.

Roll Call: 6:59 pm

Councilperson Valarie W. Leary
Councilperson Michael J. Quaranta
Council President Linda Ratchford
Councilperson Michael M. Platt
Councilperson John A. Di Mondì

Also present:

Janet Carlin, City Treasurer
Jamie Rogers, Police Chief
Mayor Jimmy Gambacorta
Building Official Jeff Bergstrom

Absent:

William Barthel, City Administrator

The following item was removed from the meeting agenda, due to a typographical error when posted: Motion, Discussion and Vote on Resolution 2017-32; A Resolution to allow Resident Handicapped Parking at 45 W. Fourth Street. This will be added to a future meeting agenda.

Minutes:

6/8/17 Special Meeting/Budget Workshop, Minutes approved as amended.
7/31/17 Public Hearing, Minutes approved as amended.
7/31/17 Special Meeting, Minutes approved as amended.

Council President Ratchford advised, on behalf of City Administrator Barthel, that resurfacing and general road maintenance will result in a full 24/7 closure of Delaware Street and Ferry Cutoff, beginning at 5:00 AM Monday 9/18, to be completed no later than 5:00 AM Wednesday 9/27.

Tim Moore, of Goodwill Fire Company advised that the city will be assisting in the purchasing process of an ATV.

Council President Ratchford advised, on behalf of City Administrator Barthel, that the summer youth program was a success, and passed along Mr. Barthel's thanks to the Council, for their assistance.

Staff Reports:

Police Chief Rogers provided a summary of Police Department incidents in August, including 36 criminal arrests, 145 traffic tickets and 71 traffic warnings.

City Treasurer Janet Carlin reported for a total of \$5,066,043.20 in cash accounts (unaudited as of 8/31/2017). 84% of property tax bills have been paid, compared to 80%, at the same time the previous year.

The Treasurer's report was approved by Council.

Council Communications:

Councilperson Quaranta requested a future update on the DeIDOT work, related to the traffic light at 6th and Delaware Streets. He also reported on conversations related to Resolution 2017-32, on the topic of designated handicapped parking spots versus undesignated. Also, he requested fiscal year mid-point reports from recipients of funds granted by City Council. He also provided an update on former Councilperson Joe DiAngelo.

Councilperson Di Mondì provided additional information related to the designated handicapped spots, related to Resolution 2017-32.

Mayor Gambacorta reported that he has been meeting with various department heads, getting familiar with the departments, and working on clarification of his duties. The topic of signage in the community is something that he intends to work on. As he is still learning about the departments of the city, and duties of the Mayor's office, he intends to have a full report at the next Council meeting.

Councilperson Leary reported that the previous weekend was very successful and exciting, with the grand opening of the pier, the visit by the Kalmar Nyckel, and increased foot traffic at the New Castle Court House Museum.

Council President Ratchford reported on the Resiliency Workshop that she and Councilperson Platt attended, related to vulnerabilities to flooding, in the city. There will be a future workshop, focusing on preparedness and possible solutions.

Council President Ratchford provided an update on the upcoming bike race and family festival.

Business from the Floor (concerning agenda items only): no comments.

Motion, Discussion and Vote on Resolution 2017-31; A Resolution to Establish a Task Force to Develop and Propose a Formal Code of Ethics For Elected Officials and Non-Union Employees in the City Of New Castle.

A motion was made and seconded, to discuss and vote on **Resolution 2017-31;** A Resolution to Establish a Task Force to Develop and Propose a Formal Code of Ethics for Elected Officials and Non-Union Employees in the City Of New Castle.

Councilperson Quaranta expressed his hope that the task force would meet a couple of times, then bring their recommendations to the Council, for consideration.

Council President Ratchford read the full Resolution, which was posted by Councilperson Quaranta on 09/05/2017.

Councilperson Quaranta asked City Solicitor Losco whether boards and commissions should be included in potential issues and individuals that might be brought up by the task force. Mr. Losco responded in the affirmative. Councilperson Quaranta advised that he would seek to amend the Resolution to include boards and commissions. He also advised that, if the task force were created, only prospective policies and issues would be considered; no past matters. Lastly, he recommended that all members of the task force be mindful of all citizens' First Amendment rights.

Councilperson Di Mondì questioned the need for the Resolution, stating that it is fairly easy to fire people in the State of Delaware, and that elected officials' rights are very protected. He also expressed concern that the listed potential members of the task force do not geographically represent the majority of the community.

Councilperson Quaranta expressed that he believes that sufficient notice was given to the community, and stated that the task force meetings would fall under the requirements of the Open Meetings laws. He suggested that delaying the Resolution, to allow additional people to request to join the task force, be considered. Additionally, he reiterated that the task force would be temporary.

Further discussion included a recommendation that there be an advertisement in the local newspaper, advising the community of the opportunity to serve on the task force. It was suggested that the names currently being considered be voted on, with the option to add members at the next month's meeting.

A motion was made and seconded to amend the Resolution to include the following candidates for consideration for the task force: Councilperson Quaranta, Dan Losco Esq., Judie Baldini, Katie McCormick, and Rev. Aaron Moore. **The amendment was passed unanimously.**

A motion was made and seconded to replace the term "task force" with the term "temporary committee," in the title of **Resolution 2017-31**. The modification was passed unanimously.

With the two modifications, **Resolution 2017-31** was passed by a vote of **4 to 1**.

Resolution No. 2017-31, passed **4 to 1**.

The Motion passed, with the Council votes recorded as follows:

Councilperson Valarie W. Leary - Yes
Councilperson Michael J. Quaranta - Yes
Council President Linda Ratchford - Yes

Council person Michael M. Platt - Yes
Councilperson John A. Di Mondì – No

First Reading of Ordinance 512; An Ordinance to amend the City Code Chapter 193. Sanitary Code, Article IV. Water Supply prohibiting private potable and non-potable water wells without approval of the Municipal Services Corporation.

Pam Patone, Secretary and Director of Municipal Services Corporation provided some background information on Ordinance 512, and offered to answer questions.

Councilperson Di Mondì questioned the purpose behind the prohibition against drilling non-potable water wells. Jay Guyer responded to Councilperson Di Mondì's questions.

After further discussion, Council President Ratchford asked if there is a motion to consider Ordinance 512, an Ordinance to amend the City Code Chapter 193. Sanitary Code, Article IV. Water Supply prohibiting private potable and non-potable water wells without approval of the Municipal Services Corporation. The motion was made and seconded.

Council President Ratchford read Ordinance 512, which was posted on 09/05/2017 by Council President Ratchford. A Public Hearing will be scheduled, for further discussion and vote.

Discussion of Proposed City Charter Changes – Scope, Process, and Schedule, which had been postponed at a previous meeting, followed.

Under Scope, Council President Ratchford listed the following possible topics, that had previously been discussed as potential City Charter changes:

- Section C4, Officers' Qualifications and Salaries; review of the role of the City Clerk.
- Section C7, the adoption of an official oath of office, and consideration of who may administer such an oath.
- Section C9, regarding filling of vacancies, and removals from office.
- Section C12, duties of the Mayor.

The topic of tie votes was added to the list.

It was recommended that any potential Charter changes be ready to go to the Legislature, for approval, very early in 2018, as any delay would lessen the chance of consideration by the Legislature.

A special meeting will be scheduled, with public input, to further discuss the topic of City Charter changes.

The meeting was opened up to comments from the floor.

Pauline Levin spoke against allowing group homes in R-1 zoned neighborhoods, and requested information on how and why this was allowed in her neighborhood.

Joyce Fuller spoke on the same topic, as well as concern about the operation of a business on 14th Street.

Additional discussion followed, regarding the legality of a specific group home, as well as police activity in the speaker's neighborhood.

Roger Clark asked whether the Kalmar Nyckel was charged a docking fee, and whether the City Council was involved in the decision. Council President Ratchford advised that no docking fee was charged, nor had Council discussed it. Mr. Clark expressed a preference that such a docking fee should be charged.

Dorsey Fiske advised that she would be happy to serve on the Ethics committee. She also stated that anybody running for office should be required to be current on their taxes.

Rod Miller commented on his understanding of what constitutes a single-family home. He asked whether there are legal occupancy limits to single-family dwellings.

Councilperson Di Mondì stated his understanding that there is a legal limit to single-family dwelling rentals, of five unrelated people.

Roger Clark questioned the lag time between meetings and approval of minutes.

The Motion to adjourn was made by Councilperson Leary, seconded by Councilperson Platt and passed unanimously. Council adjourned at 8:52 pm.

Respectfully submitted,

Brian G. Whitaker
City Clerk of New Castle, Delaware