

City Council of the City of New Castle
Special Meeting at Town Hall
201 Delaware Street – New Castle
Wednesday, September 27, 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:

William Barthel, City Administrator
Dan Losco, City Solicitor

Agenda item “A Resolution to allow Resident Handicapped Parking at 45 W. Fourth Street” is postponed to the October meeting. A homeowner cannot be at this, who wants to attend.

It was moved and seconded to consider Resolution 2017-33; A Resolution to add two new members to the Task Force to Develop and Propose a Formal Code of Ethics For Elected Officials, Board and Commission members and Non-Union Employees in the City Of New Castle.

Council President Ratchford read the Resolution, the full text of which was posted on September 19, 2017 by Councilperson Quaranta.

Councilperson Quaranta advised that two people who wish to be considered for the Task Force, but were not present and available for questions at the previous meeting, are present at this meeting, and available for questions. He requested that these two people be considered for the Task Force.

Council President Ratchford moved, and it was seconded that the title of the Resolution be changed to A Resolution to add two new members to a temporary Committee to Develop and Propose a Formal Code of Ethics for Elected Officials, Board and Commission members and Non-Union Employees in the City Of New Castle. The vote was 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
Councilperson Michael M. Platt - Yes
Councilperson John A. Di Mondì - No

Councilperson Di Mondì expressed that the State Code of Ethics would take priority over a local Code of Ethics, and that any adopted local Code of Ethics would need to be more stringent than the State Code of Ethics. City Solicitor Losco confirmed this, and expressed that several other municipalities have a Code of Ethics.

Council President Ratchford expressed her understanding that this will be part of the Committee's charge, to review and discuss such information as this, as well as the difference between a Code of Conduct and a Code of Ethics.

Resolution 2017-33 was passed by a vote of 4 to 1.

Councilperson Valarie W. Leary - Yes
Councilperson Michael J. Quaranta - Yes
Council President Linda Ratchford - Yes
Councilperson Michael M. Platt - Yes
Councilperson John A. Di Mondì - No

Council President Ratchford presented the next agenda item, Public Input, and Council Discussion, on Proposed City Charter Changes.

Council President Ratchford called for any public comment on limited scope charter changes, particularly officers, vacancies, Code of Conduct, Code of Ethics.

Comments from the floor:

Marty Wright: stated that a referendum might be a waste of taxpayers' money, unless it were in regard to filling vacancies where the remaining term were at least two years.

Council President Ratchford: stated that no vacancy would ever be filled by appointment of more than two years.

Councilperson Quaranta: asked City Administrator Barthel what would be the cost of a special election. Mr. Barthel responded that it would be between \$3,000 and \$3,500.

Councilperson Quaranta: asked how many days in advance of a special election an announcement must be made to the public. Response: 60 days.

Dorsey Fiske stated her preference related to action in the event of a tie, and that a special election be held to fill any vacancy of six months or more. She also stated that a person, to be considered for any vacancy, should be current on City, County and school taxes.

Councilperson Di Mondì commented on the difference in goals of appointees versus elected officials.

Rick Pennell discussed costs, in the past, of special elections that had taken place. He also brought up the length of time that would take to conduct such a special election, and the required notice beforehand. He also commented on the concern about low voter turnout to special elections.

There was discussion about how various government levels across the country approach the filling of vacancies in many different ways.

Karen Whalen expressed her support for elections versus appointments.

Sandy Beale stated that a provision to provide citizens with a voice, is critical. She asked how such a provision might be addressed in a potential charter change.

Binney Beale expressed support for a referendum to be used for charter changes.

City Solicitor Losco advised that state law provides for charter changes by legislative action of the state assembly, or by referendum.

Kathy Dunn expressed support for the referendum option.

Paul Hannum brought up that council members' absences from past City Council meetings have created delays and impacted decisions.

Councilperson Platt requested clarification from City Solicitor Losco, of his earlier statements regarding State law provisions on the topic of referendums.

Council President Ratchford brought up a comment from the public, that a special election take place in the event of a tie vote, when filling vacancies.

Councilperson Platt asked whether, if there were to be a special election, whether there would be a 60-day delay in completing the runoff election.

Councilperson Quaranta expressed preference to have the City Solicitor further research the categories, issues and options, related to elections, vacancies, attendance, processes, referendums, etc.

Council President Ratchford stated that topics for that research and future discussion are the purpose of the current discussion, and that no final decisions, nor votes, on those topics will be made in this meeting.

On the topic of meeting attendance, Council President Ratchford stated that if a Councilperson fails to attend more than one third of the regular Council meetings in any one consecutive 12-month period, then Council could take action, and declare the seat vacant. There is no such mechanism for the Mayor. The appointment and duties of the City Clerk position is another potential topic of future discussion. Another potential topic would be related to the earlier comment that candidates should be current on taxes. Another is the status of getting the computer system online.

City Administrator Barthel advised that we are close to being able to view, online, whether taxes have been paid. The ability to take credit card payments is also being worked on, and the fees will not be discounted.

Council President Ratchford asked for comment on a "resign to run" clause.

Councilperson Di Mondì expressed disapproval of such a clause.

Councilperson Platt stated that such a clause is something that many people in the city have asked about.

Council President Ratchford brought up the topic of the duties of the Mayor, including whether there is need for both a Mayor and a Council President, as another potential topic of future discussion, along with the topic of a potential Mayor's Court.

Council President Ratchford brought up potential oath of office as another potential topic.

The City Solicitor was asked to complete additional research on the topics of handling vacancies, including how they would be declared, as well as the other topics brought up in this meeting.

There was a comment on the topics of vacancies and absences from meetings, and asked whether there are ADA laws that need to be taken into account.

Councilperson Quaranta requested that City Solicitor Losco also research how absences are handled by other municipalities, and whether there is a self-executing process.

An audience member brought up many issues, including the potential structure of the charter change committee, be assigned to the Task Force.

Council President Ratchford clarified that there is no actual charter change committee, and that those duties fall on the City Council. The temporary Task Force that has been discussed is for the specific purpose of making recommendations related to a Code of Ethics or Code of Conduct.

Marty Wright commented that there should be a definition/sunset provision to the term "temporary," related to the temporary Task Force. He also reminded those present that the public does not generally perceive a difference between a special election and a referendum, and expressed objection to "everything" going to referendum.

Dorsey Fiske asked whether members of the public may send emails to Council members, with additional comments and questions. Council President Ratchford responded that such emails are welcome and encouraged.

Meeting adjourned at 8:23 p.m.

Respectfully submitted,

Brian G. Whitaker
City Clerk of New Castle, Delaware