

**City of New Castle Delaware
Regular City Council Meeting at Town Hall
201 Delaware Street – New Castle
Tuesday, November 14, 2017 – 7:00 p.m.**

Meeting Minutes

Council President Ratchford announced the following:

- There was a deletion from the agenda, which is the first reading of Ordinance 513; An Ordinance to amend Section 230-37 of the City Code to add a new subsection L, prohibiting certain signage and other obstructions in public rights of way. This will be moved to a later meeting.
- There will be an Executive Session this evening.
- Requested that anyone who speaks, to please come to the microphone, so that they may be heard by the City Clerk, as well as on the recording.
- Changes have been made to the microphones, to improve sound in the back. Please advise if anyone is not able to hear.

Roll Call:

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

Also present:

Jimmy Gambacorta, Mayor
Janet Carlin, City Treasurer
William Barthel, City Administrator
Daniel Losco, City Solicitor
Jamie Rogers, Chief of Police

After a motion and second, the minutes of the September 5, 2017 Public Hearing and the September 5, 2017 Special Meeting were **unanimously approved**.

Staff Reports

After a motion and second, the staff reports, as presented, were **unanimously approved**.

Approval of Treasurer's Report

The Treasurer's report was presented by Janet Carlin, City Treasurer, unaudited, as of October 31, 2017, as follows:

City Treasurer Janet Carlin reported on the balances of the City's accounts as of October 31, 2017. The total cash on hand in all accounts is \$5,052,067.07.

In response to a question from Councilperson Quaranta, Ms. Carlin advised that, being at the 6-month point, we are on par financially, except for last year, because of the transfer tax. The budget will be revisited in December.

After a motion and second, the Treasurer's report was unanimously approved, as presented and unaudited.

Report from the City Administrator & Staff

William Barthel, City Administrator, reported that DeIDOT had advised him that they are ready to move forward with scheduling a public information meeting, to present the findings of the truck study through Dobbinsville, that they have been working on. They expect the meeting to be in January, possibly at New Castle Elementary School. They will advise Council with date and time information as soon as it is available.

There is no update from DeIDOT on the traffic study that they are working on.

Police Chief Jamie Rogers reported the following statistics from October:

53 criminal arrests, 95 traffic tickets, 47 traffic warnings, 16 crime prevention checks, 122 crime reports.

Crime report highlights from October:

- Two subjects who were breaking into vehicles were apprehended.
- Three heroin overdoses, resulting in two deaths.
- Road rage incident, involving a handgun, resulted in arrest.
- Trespassing call resulted in recovery of a missing person.
- Ongoing investigation of a large-scale burglary, involving a large quantity of copper wiring.
- 40 vehicle accidents in October.

In response to a question from Councilperson Quaranta, the Chief advised that the two heroin overdose deaths occurred in Dobbinsville and in the industrial park across from the Police Station. The non-death was Shawtown.

Regarding the body that washed up, it appears that it may have been a jumper from about three weeks before the discovery of the body. There was no blunt force trauma; however, the person appears to have been deceased before hitting the water. Currently there is no indication that the person was murdered in the city of New Castle.

The Chief stressed the importance of reporting a crime immediately, via calling 911. He also requested that the Police Department be advised any time that surveillance cameras are installed.

Council Communications

Councilperson Leary reported that the New Castle Community Partnership had approved funding for a wayside exhibit, to be mounted at the wharf, on the north side of the fence. The date of installation has not yet been determined.

Councilperson Platt requested that Moores Lane also be taken a look at, as part of the traffic study. Perhaps DelDOT might consider additional signage. Mr. Barthel advised that a second sign had been received, and would be installed. Mr. Barthel also reported that DelDOT has looked into the Moores Lane situation, and is still deciding what is to be done.

Council President Ratchford asked Mr. Barthel whether DelDOT could plan to discuss Moores Lane at the January meeting that they are currently planning. Mr. Barthel suggested that the topic should be brought up when DelDOT comes to Council, to discuss the traffic light.

Councilperson Quaranta asked whether Chief Rogers is aware of what the cost is for some other traffic signs and speed deterrents, such as red-light cameras. Chief Rogers is not aware of what the cost would be, and will look into both the costs and feasibility.

Business from the Mayor

Mayor Gambacorta advised that he has nothing to report under Business from the Mayor.

Business from the Council President

Council President Ratchford advised that Council will be discussing the Dobbinsville Police Station building at the December meeting, so to please let them know of any questions.

In December or January, Council will be reviewing vendor policy.

Council President requested comments from the floor, related to agenda items. There will be time for public input, related to limited scope charter changes, at the time that it comes up for discussion by Council.

There were no public comments related to agenda items.

Proclamation from the Mayor

Mayor Gambacorta read a proclamation in honor of Veterans Day, urging all citizens of New Castle to pay tribute, throughout the year, to those who have served in the military.

Attendees of the meeting recognized military veterans that were in attendance at the meeting.

Motion, Discussion and Vote on Resolution 2017-35; A Resolution approving annual license fees for telecommunications facilities.

Regarding **Resolution 2017-35**, a resolution approving annual license fees for telecommunications facilities. City Solicitor Losco reported that he had reached out to Mr. Tracy, the attorney for Cellco, that they be based on the number of carriers, at each location involved.

After a motion and second to amend the Resolution to be per carrier, per location, **the amendment was passed unanimously.**

After discussion and comment, **Resolution 2017-35**, as amended, **was passed unanimously.**

Delaware Municipality Charter Research and Proposed Limited Scope Charter Changes: Council Discussion and Public Input.

The topic of Delaware Municipality Charter Research and Proposed Limited Scope Charter Changes was brought up for Council discussion and public input. Council President Ratchford provided some background on previous meetings, and discussions on this topic. Council had requested that the City Solicitor conduct some related research. It had also been requested that there be something specific, for people to react to, and to discuss it at a Council meeting, which is happening at this meeting.

Regarding the research requests, City Solicitor Losco advised that he had surveyed a number of Delaware municipalities regarding how their charters have handled these matters; including how vacancies are handled, whether taxes due to the city should be required to be paid by those running for office, whether those running for office should be required to resign from current public office, how the City Clerk position is filled, how tie votes are handled, whether amendments and other matters are handled by referendum. His findings were:

- On the topic of filling vacancies, a variety of approaches were found. In Delaware City, vacancies are filled by Council appointment, until the next election. Dover handles vacancies in a similar manner, unless the vacancy is for fewer than six months (until the next election), the seat remains vacant. If more than six months, vacancies are handled by a special election, within 60 days. Newark is similar to Dover in how they handle vacancies; a special election takes place within 60 days, if the vacancy is for more than six months. Otherwise, the seat remains vacant until the next election. Newport's Vice-Mayor would automatically replace the Mayor, in the event of a vacancy. Vacancies on their Commission (equivalent to Council), are handled by appointment, until the next election. Middletown also uses appointment to handle vacancies, until the next election. Milford has a special election, but only if the vacancy will be over 12 months, before the next election. If the vacancy is to be filled by appointment, it must be within 45 days.
- On the topic of requiring a candidate for office to have all taxes due to the city be paid, none of the surveyed cities have a charter provision related to that.
- On the topic of requiring a candidate for office to resign his or her current office, none of the surveyed cities have a charter provision related to that. Two of the cities require that a Council member who is elected Mayor must resign his or her Council seat.
- Regarding the City Clerk position (sometimes called City Secretary), all surveyed municipalities handle that position via Council or Mayor appointment.
- Several of the charters do not address tie votes at all. Dover requires a special election, within 30 days of the tie vote. Newport requires the tied candidates to draw lots from a box. Milford requires a special election, within 30 days. City Solicitor Losco noted that,

according to the Department of Elections, it takes at least 30 days – preferably 45 or 60 – to orchestrate an election.

- On the topic of charter amendments by referendum, Delaware City and Newport both expressly mention this, basically referencing state law, which permits charter amendments via referendum.
- On the separate topic of whether city charters permit other issues to be brought up via referendum, Delaware City permits that. 25% of the electorate must sign a petition in support of the referendum item. Newport requires that 50% of voters sign a petition, before the referendum can be brought to a vote. The other charters either don't address the issue, or they address it in oblique and unclear ways.
- On the topic of oaths of office, many charters do include an oath of office, but not all. Those that do, handle the topic differently.

Council President Ratchford explained that the subject of charter changes is for the purpose of this point forward. A working document, or draft, was provided, to facilitate discussion, with the understanding that none of the items in the working document will necessarily be included in any final document.

Council President Ratchford asked that the City Solicitor read a proposal, related to handling vacancies within the Charter, to be followed by discussion and comments from the public. The City Solicitor read the proposed revised Section 9 of the existing City Charter, which is included in the provided working document.

Councilperson Quaranta requested clarification as to whether this change, depending on the timing of the declaration of the vacancy, could conceivably result in a special election for the purpose of filling a seat for only 90 days or so. City Solicitor Losco responded that that is correct. Councilperson Quaranta reiterated his preference for special elections over appointments in general; however, intends to consider this carefully, and encourages the other Council members and public to do that same, and looks forward to hearing feedback on this. Councilperson Di Mondì asked whether mechanisms for exceptions are found in other charters. The City Solicitor advised that one of the surveyed charters includes the possibility of a viable excuse, acceptable to the Council.

Council President Ratchford clarified that the new wording calls for self-executing action, rather than discretionary.

After additional Council discussion, particularly as to the desirability of allowing for some discretion in the case of missed meetings for medical reasons, Council President Ratchford requested public comment.

Paul Hannah asked about the alternative of bringing forward the person who received the most votes at an election, but didn't win the seat, and appointing that person. This option was discussed back and forth, with the Council.

Judy Baldini spoke in support of not allowing discretion in the case of missed meetings for medical reasons.

Councilperson Platt expressed concern about having the issue be determined by whether or not meetings are attended.

Further discussion followed, with Councilperson Di Mondì suggesting that a person be allowed one exception to the three meetings rule, upon Council approval (via vote).

Bill Shuster pointed out the fact that a Councilperson's non-attendance at a meeting can result in a vote going differently than it might have otherwise.

Councilperson Di Mondì stated that most votes end up with a clear majority, so that might not be a concern.

Phil Gross suggested adding "or 90 days" to the three meetings statement, and clarified he meant "three meetings or 90 days, whichever is greater."

Council President Ratchford brought up the topic of the oath of office, and requested that the City Solicitor read the applicable section from the working document.

The City Solicitor read the proposed revised **Section 7** of the existing **City Charter**, which is included in the provided working document.

Including an oath to the city in the oath of office was discussed by Council.

Councilperson Di Mondì pointed out that the majority of the surveyed municipalities do not include an oath to the City in their Charter.

There was no public comment regarding the oath of office.

Council President Ratchford brought up the topic of the clarification of the duties of the City Clerk, and requested that the City Solicitor read the applicable section from the provided working document.

The City Solicitor read the proposed revised Section 4 of the existing City Charter, which is included in the provided working document.

Council President Ratchford reiterated that this proposed change to the City Charter, as well as the other changes discussed, have no bearing on the current City Clerk nor Council. Rather, these changes would have bearing on the future.

Councilperson Di Mondì requested clarification as to whether this proposed change would in fact change the duties of the City Clerk. Councilperson Di Mondì questioned the amount of pay that the future City Clerk would make compared to the current City Clerk. He felt as though that the current City Clerk should be paid more. The City Council President stated that this is not a personal matter, but the changes are to improve.

The City Solicitor advised that the duties are not currently spelled out in the Charter.

There was discussion and disagreement as to the reason for the proposed change.

Judy Baldini spoke in support of there being no changes to the current duties and manner of appointment/election to the City Clerk position.

Judy Baldini requested an explanation of the public service aspect of the duties of the City Clerk.

Council President Ratchford explained that the City Clerk role is basically administrative.

Discussion of potential changes to the City Charter was completed, for this meeting.

Councilperson Quaranta reported that the Ethics Committee Task Force has met twice, and has been discussing whether there are ethics-related items that are not covered by state law, that need to be taken into consideration. There are now six members; one of the original seven has resigned. The work continues.

Motion, Discussion and Vote on Resolution 2017-37; A Resolution approving the Mayors Appointment to the Planning Commission of Pete Toner.

It was moved and seconded that **Resolution 2017-37** be considered, A resolution approving the Mayor's Appointment to the Planning Commission, of Pete Toner. Council President Ratchford read the Resolution, which was posted 11/07/2017 by Council President Ratchford, into the record.

Mr. Toner introduced himself to the Council and to the public, and provided some background information about himself. Mayor Gambacorta spoke in favor of appointing Mr. Toner to the Planning Commission.

Mr. Toner was appointed to the Planning Commission, **by unanimous vote.**

Motion, Discussion and Vote on Resolution 2017-38;

It was moved and seconded to postpone consideration of **Resolution 2017-38**, A Resolution petitioning the City's State Senator and Representatives to intervene with DelDOT on the proposed elimination of the traffic signal at Delaware Street and 6th Street, until such time as DelDOT attends a future Council meeting.

Councilperson Di Mondì advised that the purpose of the resolution is preemptive, rather than waiting until DelDOT comes to a meeting with a final decision. Councilperson Platt explained that the wait is for the result of DelDOT's studies, not for a final decision.

After additional Council discussion, Council voted against postponing consideration of the resolution, as follows **(4 to 3):**

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

It was moved and seconded to consider **Resolution 2017-38**, A Resolution petitioning the City's State Senator and Representatives to intervene with DelDOT on the proposed elimination of the traffic signal at Delaware Street and 6th Street.

Council President Linda Ratchford read the resolution, which was posted on 11/07/2017 by Councilperson John Di Mondì, into the record.

Councilperson Quaranta moved that the resolution be amended to exclude the phrase "for the indefinite future." The motion was seconded, and unanimously passed (to amend the resolution wording).

Resolution 2017-38, as amended, was passed by a vote of 4 to 1.

Vote on Resolution 2017-38 (4 to 1):

Councilperson Valarie W. Leary voted Yes.

Councilperson Michael J. Quaranta voted Yes.

Council President Linda Ratchford voted Yes.

Councilperson Michael M. Platt voted No.

Councilperson John A. Di Mondì voted Yes.

Approval of the 2019 Separation Day Grant-In-Aid local service application

The City Administrator requested that the Council approve the 2019 Separation Day Grant-in-Aid application. \$43,400 is being requested from the state this year. Additional funds were obtained in years past from sponsorships, contributions and fees, and such sources will be pursued again.

There was discussion about ways that sponsors can be given exposure, that would encourage their contributions.

After a motion and second, approval of the 2019 Separation Day Grant-in-Aid application was passed unanimously.

Ben Beale spoke against comments made by Councilperson Leary at a previous meeting. He requested a public apology from Councilperson Leary for the remarks. Councilperson Leary stated that she will not apologize based upon audience member's request.

Ervin Thatcher expressed concern about DelDOT's intentions, related to the traffic light at 6th Street. He stated that he had been told that DelDOT will be blocking off Delaware Street at 8th Street, which would result in additional traffic on 7th Street, that cannot be adequately handled on 7th Street. He recommended that the right people at DelDOT be reached out to, to express citizens' concerns.

There was further Council discussion as to their understanding of DelDOT's intentions in that area. Council President Ratchford stated her understanding that DelDOT will hold public meetings beforehand.

Kathy Dunn asked when the issue of the referendums is going to be discussed with the public. Council President Ratchford advised that it was not included in the working document. Ms. Dunn asked how the citizens can get referendums added to the City Charter. Council President Ratchford advised that a Councilperson would have to submit such a change.

Dorsey Fiske commented that she considers it very important that anybody holding elective office be required to have paid their taxes, regardless of whether other municipalities have that requirement. She also pointed out that the Charter change in 2012 was not by referendum, and that many citizens were unhappy.

Rod Miller voiced concern about traffic issues in the area of Three Countries Pizza, and advised that shortly before this night's meeting, traffic was very harrowing. He was passed on the shoulder by a fast-moving car, and traffic in general is speeding in that area, to the point that he will consider traffic before making that trip again, due to very heavy traffic. The owner of the pizza parlor would like a traffic light there.

The location of his area of concern was clarified.

Police Chief Rogers responded that a traffic study by DelDOT would be required.

Mr. Miller asked whether it would be useful for local residents to petition state officials for assistance.

Phil Gross expressed agreement with Mr. Miller.

After a motion and second, the meeting was adjourned to a five-minute break, before executive session.

Motion made and seconded to adjourn to Executive Session.

Adjournment motion carried at 9:11pm

Respectfully submitted,

Brian G. Whitaker

Clerk of the City of New Castle, Delaware