

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

Roll Call: 7:00pm

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
Jeff Bergstrom, Building Official and Fire Marshal

Business from the Floor (concerning agenda items only)

After a motion and second, the minutes of the following meetings were unanimously approved, as amended: 9/12/2017, 10/10/2017, 11/14/2017 (Regular Meetings) 9/27/2017, 11/16/2017 Special Meetings.

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

Approval of Treasurer's Report

City Treasurer Janet Carlin reported for a total of \$4,732,379.89 unaudited as of 11/30/2017

In response to an inquiry from Councilperson Quaranta, Ms. Carlin stated that we are on cycle, in terms of cash in accounts, in her view. Comparing last year to this year, we are right on target.

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

Report from the City Administrator & Staff

City Administrator Barthel provided the following updates:

- The \$12,865 cost to replace the old and inefficient lighting at the police station, with energy efficient LED lighting, will be almost fully paid for by MSC funds. This conversion will result in a projected savings in electricity costs to the City, of approximately \$3800.
- The process of putting together bids is moving forward for the street projects at Delaware Street, Centerpoint Blvd., Johnson Way, Baldt Avenue and Third Street. The hope is to

have the request for bids completed by the end of December, with bids back by the end of January.

- Regarding the Third Street drainage project, projected at \$175,000, it appears that Senator Poore's office may be able to come up with about \$150,000 of that cost. Mr. Barthel is confident that those funds will come through.
- As per Council's request, Mr. Barthel has learned that the cost to replace the floor and roof of the Dobbinsville Police Station would be approximately \$16,000 or \$17,000.
- Mr. Barthel will be submitting a request to the trustees for \$5,000, on behalf of the Separation Day committee.
- An \$8,000 grant has been received from the 2017 Delaware Bicycle Council's Cycling Innovation Infrastructure Fund grant, to complete a feasibility study for a trail at School Lane and Farm.
- The \$367,000 zero interest loan that the Council had applied for, as discussed at the November special meeting, was not approved. Mr. Barthel understands that the entire \$5 million was awarded to Sussex County.
- Louise Eliason, from Eliason Associates, has been hired to be the City's Marketing and Development Director.

In response to an inquiry from Councilperson Di Mondì, Council President Ratchford advised that the reason for getting bids for the street projects mentioned by Mr. Barthel, is to determine the accuracy of the cost estimates previously provided.

Councilperson Quaranta advised as to the various considerations that are taken into account in determining road project needs.

There was a discussion about a list of street projects that were taken out of consideration. Council President Ratchford suggested the topic be tabled, to be discussed further at a later meeting.

Police Chief Rogers submitted the following from the month of November 2017:

- 54 criminal arrests, 186 traffic tickets, 73 traffic warnings, 25 crime prevention checks, 148 reports of written reports.
- Officers issued 26 doses of Narcan in 2017 (for opiate overdoses).
- 33 traffic accidents were handled by police officers in November 2017.
- 17 Tickets were issued for shoulder driving along RT 273
- One drug arrest yielded over 600 grams of marijuana.
- There were four DUIs in November 2017.
- One city officer and one county officer were injured in an accident where an ATV crashed into a police vehicle, resulting in an arrest.

Police Chief Rogers clarified that Narcan was issued to officers at the end of 2016, so a comparison with the previous year cannot be made.

He advised that there has been an increase in accidents, with the Route 141 bridge being down.

Councilperson Quaranta requested that Mr. Casale provide a one or two sentence definition of the property hot list.

Mr. Barthel advised that he had recommended that Mr. Casale be more succinct in his next report.

Councilperson Platt commented that the traffic signals at Moores Lane have been installed, and the paving has started, on 12th Street.

Police Chief Rogers advised that speed cameras are illegal in the State of Delaware.

Council Communications

Councilperson Leary commented that the Spirit of Christmas was very successful, as well as the Fox 29 program.

Councilperson Di Mondì commented on a letter of complaint received from Mr. Whitaker (**City Clerk.**)

Business from the Mayor

There was no report from Mayor Gambacorta.

Business from the Council President

Council President Ratchford reported that Channel 10 had come in the previous week, to tape some segments.

Council President Ratchford reported that the Markell Trail (Wilmington to New Castle) is expected to be opened in summer of 2018, and a celebration event will be organized. Please let her know if you would like more information about the celebration.

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. (Council President Ratchford – posted 12/05/2017.)

The Mayor of New Castle expressed his concerns about signage throughout the City that might be deemed as obstructions.

It was moved and seconded to have 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. Council President Ratchford read the Ordinance, which was posted on 12/05/2017, into the record, for consideration at a future meeting.

It was requested that the City Solicitor provide a presentation or memorandum on the topic of those items included in Ordinance 513, when the ordinance is discussed at a public hearing.

Motion, Discussion and Vote on Resolution 2017-40; A Resolution to approve declaring the Dobbinsville Police Station surplus property. (Council President Ratchford – posted 12/05/2017)

It was moved and seconded to discuss and consider **Resolution 2017-40**, A Resolution to approve declaring the Dobbinsville Police Station surplus property, which was posted on 12/05/2017. Council President Ratchford read the Resolution into the record.

Police Chief Rogers reported that five, six, or seven years ago, the property had been used as a place for children to go, to do homework and study. It has not been used for close to 12 months. It was sealed up about six months ago, for safety reasons. It was only a handful of children who were using it, and they have since graduated from high school. There have been a couple of instances where citizens have expected to find a manned police station there, as it is advertised as a police station. There was a person who was using the building on Sundays, but that stopped about two years ago, for unknown reason(s). The safety issues include a floor that is caving in, and the bathroom floor has caved in already.

In response to a question from Councilperson Quaranta, Mr. Bergstrom stated that he believes the property is currently worth less, with the building, than it would be without the building. He guesses that the repair cost estimate of \$17,000 would be correct, and a professional appraisal and/or market analysis would be in order.

Discussion followed on the topic of whether money should be invested into the building, to increase the market value.

Councilperson Quaranta asked Robert Thomas, from Dobbinsville about his assessment of the Dobbinsville Police Station. Robert Thomas spoke against the island that is in front of the Dobbinsville Police Station, and against the neglect that caused the building to fall into disrepair.

It was moved and seconded, and approved unanimously, to postpone discussion of 2017-40, until more information is obtained, such as repair cost bids from contractors, and market value data. The City Administrator, City Solicitor and Building Official will advise Council when that information is available.

Limited Scope Charter Change–Council Discussion (Council President Ratchford – posted 12/05/2017.)

There was discussion about a limited scope charter change that would delineate when, how and/or whether a vacancy on the City Council is to be declared, including whether the currently-proposed three sequential meetings missed requirement should be changed to four months within a 12-month period. There was no general support for such a change, and the discussion was concluded.

This was followed by discussion about a limited scope charter change that would delineate how and when such a vacancy is to be filled, once it is declared, including when and whether Council should appoint a person to fill the vacancy, and at what point a special election should or would take place, if at all. The currently-proposed language, allowing for a special election only in the event of a vacancy taking place further than six months out from the next regular election, was not changed.

City Treasurer Janet Carlin explained how she was originally appointed as City Treasurer, and stated her preference that the position be elected, rather than appointed.

City Clerk Brian Whitaker explained how he was originally elected to the City Clerk position, and stated his preference that the position be elected, rather than appointed.

Discussion followed, on the topic of the City Clerk and City Treasurer positions, and whether they should be appointed by Council or elected.

Discussion followed, on whether a “resign to run” clause should be incorporated into the City Charter. It was requested that the City Solicitor draft such a clause.

Discussion followed, on whether there should be a mechanism in the City Charter, for a citizen referendum.

New Business

First Reading of Ordinance 514; An Ordinance to amend the **City Code Chapter 209, Street and Sidewalks, Article I**, clarifying the duty of property owners and occupants to maintain sidewalks adjacent to their premises. (Council President Ratchford – posted 12/05/2017.)

Under New Business, **Ordinance 514;** An Ordinance to amend the **City Code Chapter 209, Street and Sidewalks, Article I**, clarifying the duty of property owners and occupants to maintain sidewalks adjacent to their premises was discussed, including the proposed time frames and fines that are part of the Ordinance, as well as potential scenarios where property owners might be held liable for disrepair that is not their fault.

It was moved and seconded that the first reading of **Ordinance 514** proceed. Council President Ratchford and City Solicitor Losco read the Ordinance, which was posted on 12/05/2017, into the record.

Discussion of vendor approval process, including designated locations at wharf. (Council President Ratchford – posted 12/05/2017.)

The vendor approval process, including designated locations at the wharf, which was posted on 12/05/2017, was discussed. The discussion included at what point City Council should take part in the vendor approval process, as well as whether current fees are appropriate. Council President Ratchford will forward copies of a report by Russ Smith, to all Council members.

The topic will be discussed further in January, after Council members have had an opportunity to think about the various considerations. In light of the topic still being open, City Administrator Barthel was asked to postpone any vendor approvals for the time being, which is essentially status quo, as vendor permit approvals are not currently open.

Comments from the floor.

An Audience member spoke in support of requiring that trees that are removed, due to sidewalk disrepair that they are causing, also be required to be replaced by the homeowner. He also spoke in support of a matching funds opportunity, to help waylay associated costs to affected homeowners.

Phillip Gross spoke in support of a City Charter mechanism for citizen referendums. He also spoke in support of the City Clerk and City Treasurer positions being elected, rather than appointed. Additionally, he spoke in support of getting an appraisal on the Dobbinsville Police Station property, as well as a large number of repair cost estimates. He favors bringing the building up to some usable condition, whether or not it is put up for sale. He spoke in favor of allowing businesses to have signage on sidewalks, as long as they do not pose any hazard.

City Clerk Brian Whitaker spoke in favor of the City Treasurer and City Clerk positions being elected, as opposed to appointed, and brought up the possibility of adding certain qualifications to the positions. He also spoke about the community garden, and his hope that it might bring the citizens of the community together. He also spoke in support of turning the Dobbinsville Police Station into a community center.

It was moved and seconded to adjourn the meeting.

Meeting adjourned at 10:02 p.m.

Respectfully Submitted,

Brian G. Whitaker

City Clerk of New Castle, Delaware