

City of New Castle, Delaware
Regular City Council Meeting at Town Hall
201 Delaware Street – New Castle
Tuesday, January 9, 2018 – 7:30 p.m.

Roll Call: 7:00pm

Councilperson Valarie Leary
Councilperson Michael Quaranta
Council President Linda Ratchford
Councilperson Michael 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

Council President Ratchford thanked the city employees and office staff for their hard work during the very cold and icy days.

Council President Ratchford also advised that calendars would be coming to peoples' mailboxes soon, and thanked the photographer, Bruce Burk. The City Council and the audience members gave Mr. Burk a round applause.

Minutes: 12/12/17 Regular Meeting Minutes

City Clerk's Correction - Councilperson John Di Mondì stated that he advocated for the citizens of Dobbinsville for 45 minutes at the last month's meeting.

After a motion and second, the minutes of the 12/12/2017 were unanimously approved, as amended.

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

Approval of Treasurer's Report

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

City Treasurer Janet Carlin reported for a total of \$4,183,077.82 unaudited as of 12/31/2018.

Approval of Treasurer's Report

In response to an inquiry from Councilperson Quaranta, Ms. Carlin stated that she is comfortable that the city is on par, in terms of cash in accounts. She has reviewed the current and previous two years' reports. She recommended that the Council attend the meeting scheduled for the following Tuesday, when the 2017 audit will be presented.

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

Report from the City Administrator & Staff

City Administrator Barthel provided the following updates:

- A property went to Sheriff's sale on 1/9/2018. The sale was stayed by the mortgage company, but the City did collect \$9,783. He could not recall the specific address of the property.
- DelDOT will be holding a workshop on 1/29/2018, 4:00-7:00 PM, at the Senior Center, concerning the results of a truck traffic study on Route 9 in Dobbinsville. They will be taking public comments on the collected data, and proposed recommendations of the study.

Jeff Bergstrom reported on the Penn Street survey, regarding the parking that Councilperson Di Mondì discussed previously. The right-of-way has been confirmed. The topic of parking in the area will need to be added to a future meeting agenda.

Police Chief Rogers reported that the Police Department lighting project is 95% completed.

He reported the following:

- In December of 2017, there were 74 criminal arrests, 135 traffic tickets, 59 traffic warnings, 15 crime prevention checks, 156 crime reports taken.
- In 2017, the Police Department had 5,745 calls for service, an increase of 285 over 2016.

In response to an inquiry from Councilperson Quaranta, regarding how the trendlines are looking from the Police Department perspective, Police Chief Rogers reported that drug abuse is up. There is an uptick in downtown crime, including thefts of cell phones and thefts from vehicles. Transient crime is also up. Police Chief Rogers referred the Council members to a report that he had previously provided, for more information.

Councilperson Di Mondì expressed his hope that the city might purchase some traffic speed control signs.

Councilperson Quaranta requested that Police Chief Rogers report, at the next City Council meeting, on where he would post the traffic speed control signs mentioned by Councilperson Di Mondì, and how many would be the ideal number to purchase.

The Police Chief already has that information, and advised that he would like to see them posted:

- South of Dobbinsville, for traffic heading north into Dobbinsville.

- Two on Washington Street.
- Frenchtown Road, as you come by the ballfield, where the speed limit drops from 50 to 35.

Four of them would fulfill the city's needs, according to the Police Chief.

Councilperson Di Mondri stated that he believes that only one is needed on Washington Street.

Council Communications - No

There was no report from Mayor Gambacorta.

Business from the Council President

Council President Ratchford thanked Senator Poore for her assistance in procuring a pre-commitment of \$100,000 toward the 3rd Street drainage project, dependent upon the final estimate of the project costs. The most recent estimated cost is \$175,000. City Administrator Barthel advised that the Conservation District's estimate, which is required on drainage projects, is also still pending. If the accepted bid for the project exceeds the Conservation District's estimate, the City will be required to pay the difference.

Business from the Floor (concerning agenda items only)

Council President Ratchford reviewed the agenda of the meeting.

Dorsey Fiske, 26 East 3rd Street, commented that some of the signs being considered under proposed Ordinance 513 are not, in fact, obstructions, such as an 8"x11" sheet of paper, and asked whether there was an explanation from the City Council.

Council President Ratchford stated that the looks of signs are included in the intent of the Ordinance, and requested comment from City Solicitor Losco.

Mr. Losco advised that beautification of the city could be included in the Ordinance.

Ms. Fiske responded that it would be wise to do so, in her opinion. She also advised that she assumes that the City Administrator would normally approve the posting of notices of civic organizations' meetings.

Second 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: 1/2/2018.)

A second 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, was dispensed with, as it was posted 1/2/2018 by Council President Ratchford. It was moved and seconded that the ordinance be discussed.

Mr. Losco recommended that it be stated, for the record, that part of the purpose of the ordinance is beautification. While Mr. Losco worked on wording to that effect, other changes were brought up for discussion.

It was moved and seconded that the wording in the proposed subsection L, “right of ways controlled by the city” be changed to “right of ways within the city.” The wording change was approved unanimously.

It was moved and seconded to change the wording in the proposed subsection L, regarding the length of time for removal of political candidates’ signs erected in connection with a pending election, to be changed to within ten days following the election, rather than the 30 days currently proposed. The wording change was approved unanimously.

It was moved and seconded to insert one additional clause into the proposed subsection L, “whereas excessive signage on public property detracts from the appearance of the city.”

The wording change was passed, as follows **(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.

It was moved and seconded to add exception statement F to the proposed subsection L; “temporary detached signs advertising retail establishments, placed on sidewalks directly in front of the establishment, provided they are removed daily and do not obstruct pedestrian traffic.”

The wording change was approved unanimously.

Discussion followed, related to the wording in the proposed subsection L, related to the fines, and whether there should be a minimum fine. A motion was made, but not seconded, so no change was made to the wording related to fines.

Ordinance 513 was passed, as amended, by a vote of four to one.

The wording change was passed, as follows **(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 voted No.

Motion, Discussion and Vote on Resolution 2018-01; A Resolution to approve declaring the Dobbinsville Police Station surplus property. (Council President Ratchford – Posted: 1/2/2018.)

It was moved and seconded to discuss **Resolution 2018-01**, A Resolution to approve declaring the Dobbinsville Police Station surplus property, which was then read into the record by Council President Ratchford.

City Solicitor Losco reviewed the process of what is done with surplus property. When the Council declares the property as surplus, it is then appraised, and offered for sale to the MSC and to the City Trustees. If they decline, the City is then free to market and sell the property as it sees fit. Any sale must meet City Council approval, and the city may put stipulations on the sale.

In response to a question from Councilperson Quaranta, City Solicitor Losco advised that passing **Resolution 2018-01** does not then disallow the city from deciding not to sell the property, as any sale would have to receive City Council approval before proceeding.

In response to a question from Councilperson Di Mondì, City Solicitor Losco advised that the City Council is not bound to offer the property to MSC and the Trustees at the appraised value; they may decrease or increase the price as they collectively see fit. In response to a question from Councilperson Quaranta, City Solicitor Losco reiterated that the city is not compelled to offer the property to MSC and the Trustees at the appraised value, nor to sell the property at all, nor to accept the appraised value, if they decide to sell the property.

Councilperson Di Mondì stated that, in his opinion, there is a moral responsibility to not leave the property in disrepair.

City Administrator Barthel discussed his findings, referring to a handout previously provided to the Council members:

- At Council's request, Mr. Barthel had a Realtor provide a market appraisal (as opposed to an appraisal provided by a licensed Real Estate Appraiser). The Realtor estimated the value of the property at \$8,000 to \$10,000, as is. He estimated the value of the property, when renovated, at \$40,000 to \$45,000, possibly as high as \$50,000.
- Two repair estimates obtained since the last City Council meeting came in at \$39,000 and \$18,000, to replace the roof and repair the floor.
- An estimate to raze the building came in at \$6,000.

Mr. Barthel advised that Council can choose to require that the purchaser of the property complete repairs within a certain time frame. There is also the option of razing the building, and then either selling or keeping the lot.

In response to a question from Council President Ratchford, City Administrator Barthel advised that the Realtor's estimated value of the property mentioned earlier is based on full renovations having been completed, not just with a repaired roof and floor, and that the estimated repair costs are not necessarily for all improvements that the Council might choose to have completed, such as kitchen renovations and completion of a full bathroom, for example, which would be required in order to make the property into a residence.

Councilperson Di Mondì requested to view the \$39,000 bid for repairs. He then offered to purchase the property for \$8,000.

Council President Ratchford stated that the purpose of the resolution is to declare the property surplus. All other considerations related to what might happen to the property are dependent on the City either passing or not passing the resolution.

Councilperson Platt asked whether a purchaser could raze the building. City Solicitor Losco advised that the City Council has the option to have a say in what is done with the property, if/when sold.

Victor Bryson asked what Cirillo Brothers has to do with the building.

City Administrator Barthel responded that there was a requirement to get a bid for the work, but that additional bids can be requested.

Victor Bryson stated that he does not want MSC nor the Trustees to be given the first option to purchase the property.

City Solicitor Losco advised that offering the property to MSC and the Trustees first is required by the City code.

Victor Bryson advised that he would like the property to be used for the children of Dobbinsville. He also expressed doubt that there is flooding on Third Street that justifies the planned drainage tie-in work.

Councilperson Quaranta expressed concern that once the property is sold, there is no control over its use.

Councilperson Di Mondì stated that he does not believe the property should be demolished.

In response to a question from Councilperson Quaranta, City Solicitor Losco advised that the purpose behind declaring a property surplus is generally to get rid of the property. If the City Council would rather improve the property than sell it, it does not make sense to declare it surplus.

Councilperson Platt stated that the City Council should not be in the business of flipping properties.

Council President Ratchford stated that renovating properties is not the skillset of the City Council.

Councilperson Di Mondì stated that the property should not be declared surplus, in his opinion.

Resolution 2018-01 was passed by a vote of three to two.

The surplus was passed, as follows **(3 to 2)**:

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

Limited Scope Charter Change–Council Discussion (Council President Ratchford – posted: 1/2/2018.)

City Solicitor Losco reported on changes made to the Limited Scope Charter Change, based on discussion at the previous City Council meeting. One change (summarized) is to make the City Treasurer position an appointed position, with duties determined by Council, same as the City Clerk.

On the topic of Resign to Run, related to the Limited Scope Charter Change discussion, City Solicitor Losco read Section 6, subsection G:

“No elected official of the city shall qualify as a candidate for a different elective office in the city, if determined that the elected official’s current position and the term of the other elective office will run concurrently for any period of time, unless the elected official submits to the city a written letter of resignation from the office he or she currently holds, at least 20 calendar days prior to the last day to file as a candidate for the office that the person intends to seek. Such resignation will take effect on the earlier of the following dates; a) the date the candidate is sworn in to his or her new office, if elected; or b) the date the elected official’s successor is sworn in to the office that the candidate resigned from. Also, shall not apply to the incumbent elected official who files for re-election to his same elective office, provided however that under no circumstances may any individual simultaneously hold two elective offices in the city.”

In response to a request from Councilperson Leary, City Solicitor Losco clarified that the noted letter of resignation would not have to take effect until the results of the election were determined. If the candidate were elected to the new position, the resignation would take effect then. If the candidate were not elected to the new position, and an opponent who might be now running for the candidate’s seat were to be elected, that is the other means by which the resignation would become effective.

In response to a question from Councilperson Di Mondì, City Solicitor Losco stated that he was unable to find any other jurisdictions in the state that have this resign to run clause.

Councilperson Di Mondì stated his opposition to the change related to resign to run. Councilpersons Quaranta and Platt expressed support for the change related to resign to run.

The topic of remote attendance at Council meetings was brought up and discussed. Councilperson Di Mondì expressed support for allowing remote attendance. Councilperson Quaranta expressed support for requiring physical attendance at Council meetings. Councilperson Platt expressed support for requiring physical attendance at Council meetings.

City Solicitor Losco advised that Council could opt to allow for remote attendance in special circumstances, to be voted on at the beginning of the affected meeting, for example.

Going back to the topic of the City Clerk and City Treasurer positions, Councilperson Platt expressed support for those positions reporting to the Council, and if they had to be replaced for any reason, a Council vote of a two thirds majority should be required. City Solicitor Losco recommended that “a minimum of four votes” be stated, rather than “two thirds.”

City Solicitor Losco will make the proposed changes to the City Charter that were discussed and send them out to the City Council for review and future discussion.

Discussion of vendor approval process, including designated locations at wharf. (Council President Ratchford – Posted: 1/2/2018)

Discussion of the vendor approval process followed. City Administrator Barthel briefly summarized the current process of vendors requesting and receiving approval, including designated locations at the wharf. He suggested that if, for example, three vendors were approved, the locations be allocated on a “first come, first served” basis. Council would determine the number of vendors and locations to be approved, and the City Administrator’s office would then follow those instructions. This would be as opposed to requiring vendors to appear before Council, for approval.

Councilperson Di Mondì suggested that existing approved vendors who have had no problems be given priority in being given future permits.

It was moved and seconded that the City Administrator be authorized to issue up to four vendor permits, three to be located at the wharf, one at the Sailing Club, such locations to be assigned on a “first come, first served” basis, on any given day. **The motion was passed unanimously.**

New Business

Motion, Discussion and Vote on Resolution 2018-02; A Resolution Approving the Placement request of Bailey’s Dawgs as a vendor operating within the City limits. (Council President Ratchford – Posted: 1/2/2018)

A representative of Bailey’s Dawgs was present at the meeting, to request a permit. Due to the motion that was just passed, he will not need to present his vendor request to Council, but rather will now need to apply for a permit with the City Administrator’s office. He stated that he would like to have the same location as last year. City Administrator Barthel advised that the location would be on a “first come, first served” basis.

The Bailey’s Dawgs representative stated that assigning permanent locations would be preferred.

Council President Ratchford advised that the current system will be tried, and can be re-visited at a later date, if necessary.

Comments from the floor.

Mr. Bryson addressed Councilperson Platt, stating that Dobbinsville residents currently have a better relationship with the Police than ever, and they will miss the Police Station.

Dorsey Fiske thanked the Mayor for his earlier vote related to antennas and stated her preference that non-resident locations should also be considered.

Phillip Gross requested clarification of the fine portion of Ordinance 513. On the topic of the bids for the Dobbinsville Police Station, he questioned the \$39,000 bid’s accuracy. He thanked

Councilperson Quaranta for his position on requiring physical attendance at City Council meetings. He asked for clarification of the parking spot designations for vendors at the wharf.

Meeting adjourned. Motion made and seconded to adjourn.

Adjournment motion carried at 9:01 pm

Respectfully submitted,

Brian G. Whitaker

Clerk of the City of New Castle, Delaware