

**City of New Castle Delaware
Regular City Council Meeting at Town Hall
201 Delaware Street – New Castle
Tuesday, March 13, 2018– 7:00 p.m.**

Roll Call: **7:02**

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
Daniel Losco, City Solicitor
Jamie Rogers, Chief of Police
Jeff Bergstrom, Building Official and Fire Marshal
Kathy Walls, City Finance Coordinator

After a motion and second, the minutes of the 1/9/2018 public hearing, the 1/9/2018 regular meeting, and the 2/13/2018 regular meeting were approved unanimously, as well as the staff reports.

The unaudited Treasurer’s report was presented by Janet Carlin, City Treasurer, as of February 28, 2018:

City Treasurer Janet Carlin reported for a total of \$4,364,016.24 unaudited \$3,860,595.33 as of 02/30/2018

Councilperson Quaranta asked Ms. Carlin, related to an anticipated future question related to a pension payout approval request, whether Ms. Carlin was in agreement with that. (Ms. Carlin’s response was inaudible. However, Councilperson Quaranta’s response indicated that Ms. Carlin had responded in the affirmative.)

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

Staff Reports

The City Administrator not being present at this meeting, Council President Ratchford reported that Patty Isaacs Hanson is leading a group of volunteers called New Castle Green, focusing on environmental issues. She (Patty) suggested to City Administrator Barthel that recycling bins be placed next to trash cans in the public arena. This will be considered as part of the budget process.

Police Chief Rogers made the following report from February:

- In February of 2018, there were 48 criminal arrests, 165 traffic tickets, 70 traffic warnings, 20 crime prevention checks, 131 crime reports taken.
- Patrol had recovered stolen vehicles in the parking lot of the Farmer's Market, stolen from the City of Wilmington.
- Two gun thefts are being investigated. One was stolen from a car in the parking lot of the Farmer's Market, and one was stolen during a home burglary in Van Dyke Village. The one stolen from Van Dyke Village was used in a recent homicide in New York.
- A reported carjacking is being investigated, which occurred at Laughton Lane and Frenchtown Road.
- Theft of copper from a construction site on West 7th Street is being investigated.
- A Collins Park man, who may be a suspect in the New York homicide, was arrested for a robbery that occurred in September.
- Officers responded to five heroin overdoses in February.
- 20 accidents were handled by officers in February.

In response to an inquiry from Council President Ratchford, about the increasing crime trend in the city, Chief Rogers reported:

- There were 96 criminal arrests year-to-date 2018; there were 46 criminal arrests year-to-date 2017.
- There were 353 crime reports taken year-to-date 2018; there were 192 crime reports taken year-to-date 2017.
- The Chief believes that the uptick in crime is related to people coming in from out of town.

Councilperson Quaranta asked Chief Rogers whether the Police Department has been in all of the public and private schools in the city, and whether there is adequate training and familiarity with the structures. Chief Rogers responded that one private school is a little bit resistant to their presence. Otherwise, they have completed training and walk-throughs related to all of the public schools. In addition, all Police Officers in the State of Delaware have completed trainings related to potential active shooter situations.

Council President Ratchford passed along an inquiry she had received, related to the speed limit on 273, Frenchtown Road, between the 141 intersection and 13. Chief Rogers responded that the speed goes from 50 to 35 near the ballfield. DelDOT has responsibility for the speed limits here. Council President Ratchford requested that Chief Rogers initiate an inquiry to DelDOT on this topic.

Mr. Bergstrom had no report.

Council Communications

Councilperson Quaranta reported that he had heard from neighbors related to a special Pokémon Go event organized by the Niantic Corporation, scheduled for March 25. Councilperson Quaranta confirmed with City Administrator Barthel that Niantic had been in communication

with City Administrator Barthel. Councilperson Quaranta has discussed with City Solicitor Losco that it be requested of Niantic that such events be limited.

Council President Ratchford advised that the event is part of an international event and that patrol is aware.

Council President Ratchford reported that there will be a Resilient Community workshop at Carrie Downie School at 4:30 p.m. on March 14, to discuss management and action plans related to sea level rise.

Councilperson Quaranta reported that he will be working on a resolution or proclamation, whichever is appropriate, related to recognition of former Councilperson Joe DiAngelo.

Councilperson Di Mondì expressed his wish that he had had more notice related to the workshop at Carrie Downie School. He would have liked to have seen pictures of the filling in of the ten acres of watershed on the other side of Route 9 and would like to hear an explanation for the permits having been issued.

Council President Ratchford advised that planning for the future will be discussed at the workshop.

Business from the Mayor

Mayor Gambacorta reported on a Board of Adjustment meeting related to an area behind two houses on Second Street, which had been designated by City Building Official Bergstrom as a street. At the meeting, there was discussion about changing it to an alley. City Solicitor Losco had abstained from the vote, due to a conflict of interest. There was no resolution to the matter, and the meeting was closed.

Mayor Gambacorta then read a proclamation, recognizing Friday, April 27, 2018 as Arbor Day in the City of New Castle, Delaware. The proclamation was posted by the Mayor on 3/6/2018.

Business from the Floor

Mr. Roger Clark spoke regarding the prior month's meeting and changes to the City Charter. He asked whether the changes will be publicized. Council President Ratchford responded in the affirmative, and advised that the changes are currently with the Legislators.

Mr. Roger Clark then asked about the oath of office discussion from the prior month's meeting, expressing his understanding that there was already an oath of office. Council President Ratchford responded that the city had been using the State's Oath of Office, but that the city had not had their own. The new oath was modified to reference the city of New Castle and their Charter and Laws.

Mr. Roger Clark mentioned that he had not realized that it was ready to go to the state legislature, and that it caught him by surprise.

Councilperson Quaranta responded that his understanding is that sufficient notice was provided, but he will check into that.

City Solicitor Losco advised that this is the procedure that had been discussed at various meetings, and the fact that it was going to Dover for approval was part of the Resolution.

Mr. Roger Clark asked if the charter changes could be changed. Councilperson Quaranta responded that several months had been spent on the Resolution. Councilperson Quaranta advised that the topic of a provision that would create an initiative and referendum on any topic may be developed and that it is a very complicated process. He stated that there should be consideration of the following:

- Outside business interests coming in and using that initiative and referendum process. Should they be required to disclose resource information?
- What percentage of the registered voters in the city should be required to add an initiative or referendum to a ballot?

Councilperson Quaranta stated that he is happy to work on this with interested citizens but reiterated the importance of careful, thoughtful consideration of the details.

Council President Ratchford stated that the charter changes from the previous meeting were for the purposes of resolving problems and issues that had been raised.

Mrs. Beale asked what the genesis of the charter change was related to the creation of appointed offices, and what problem that change was intended to solve. Councilperson Quaranta responded that the city has had almost three decades of elections where no one has run for City Treasurer or City Clerk. When the terms for those positions are complete, applications for those posts will be requested before filling them.

Council President Ratchford also mentioned that other cities appoint those positions, as well.

Ms. Kathy Dunn asked for examples of what the appointed positions will be responsible for. City Solicitor Losco responded that these positions would be needed to cover the duties of existing positions, if the people in those positions were not available to perform their duties. Mrs. Beale suggested that the wording is vague, and should be more specific. Councilperson Quaranta responded that he would be willing to discuss this further with Ms. Dunn.

Ms. Kathy Dunn stated that the referendum referred to as the Citizens' Referendum would be supported. She expressed discomfort with items in the charter changes, and that she would appreciate the opportunity to vote for them. She also asked whether changes would be able to be voted on individually.

City Solicitor Losco responded that generally, with some exceptions (such as interdependence of proposed changes), they could be voted on individually.

Roderick Gillespie commented on **Resolution 2018-04** as it relates to **Resolution 2018-08**, expressing concern that there are so many charter changes/resolutions. Specifically related to the change to the City Clerk and City Treasurer becoming appointed positions; he expressed that voters are being stripped of their rights.

Councilperson Quaranta responded that there had been elections without any candidate for City Clerk. Roderick Gillespie stated his preference that voters always be given preference, and asked what the cost of referendums in the past have been. Council President Ratchford stated that she understands approximately \$3,000.

Judy Baldini spoke regarding **Ordinance 512** stating her preference that MSC be involved, as the experts, and that this is a safety and health issue. On the topic of the charter changes, she said that charters are always being updated.

City Clerk Brian Whitaker spoke regarding the city charter change, stating that across Delaware, Maryland and Virginia, the City Clerk position is elected in some cases, in some cases not. His opinion is that there is interest in the position, and that the public is being disenfranchised by making the position appointed. He spoke against the resign to run charter change.

Victor Bryson asked about the purpose behind Ordinance 512, as he was not present at the earlier part of the meeting and requested clarification.

Councilperson Leary introduced Laura Fontana, President of the New Castle Community Partnership, which received money from both the city and the state, to put together a branding project.

City Branding Presentation – To be presented by Laura Fontana. (Councilperson Leary – posted 03/06/2018.)

Laura Fontana presented a summary of the branding project, for which each Council member has received a 38-page summary document. She presented some of the proposed logos and slogans that had been presented at the reveal in October as well as some of the results of the project. Logos were presented that would represent both the city government and the town, the town logo being more for the purpose of merchandising.

Ms. Fontana spoke on the value of community branding and summarized the process that the steering committee had gone through since May 2017. The steering committee consisted of a diverse group of individuals, including small business owners, residents at large, City Council members, the Director of the New Castle Historical Society, and Cindy Snyder representing the courthouse.

Public forums and workshops were held, as part of the process, with good participation and community enthusiasm. 60 people attended the reveal in October 2017. Various logos and slogans were presented for consideration over the course of the process. A town logo and slogan have been adopted, including various iterations of the logo. The branding guide will be provided to those who are interested in incorporating the logo and/or slogan into their branding documents and products.

Ms. Fontana provided some examples of merchandise with the logo and/or slogan incorporated. T-shirts will be the initial product to be implemented. A request has been submitted to the Trustees for a grant for flags, as part of the branding project for various parts of the city and town, to be included in marketing materials.

Kinks are being worked out of the project, details are still being worked on, and input is welcome from all. There is a link to the results of the project, on the city website.

The selected slogan is “Historic New Castle, Distinctively American.”

Old Business

1. Second 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 Commission. (Council President Ratchford – posted 03/06/2018.)

The second 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 Commission, was dispensed with, as it has been posted.

2. Motion, Discussion and Vote on 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 Commission. (Council President Ratchford – posted 03/06/2018.)

A motion was made and seconded, to consider **Ordinance 512**.

Councilperson Di Mondì moved, related to **Ordinance 512**, that any decision by MSC be appealable to either the Board of Adjustment or the City Council, to allow relief to be sought by any petitioner that has been denied by MSC. The motion was seconded.

Councilperson Leary expressed concern about the motion presented by Councilperson Di Mondì, due to the lack of related expertise by the Board of Adjustment and the City Council.

Discussion followed, related to whether the Ordinance gives MSC any decision-making authority related to installation of wells. Additional discussion involved the history of requests for wells in the city of New Castle, as well as whether the purpose of the Ordinance is to protect the water supply or MSC.

Councilperson Di Mondì requested that the Ordinance be amended to allow for an exception to the prohibition, unless approved by either the City Council or the Board of Adjustment.

City Solicitor Losco recommended that the discussion be tabled while he drafts the amended Ordinance, to be brought back to Council for approval.

Councilperson Di Mondì withdrew his earlier motion, and moved that the language be updated as per City Solicitor. Losco’s clarification, with City Council as the approving party. There was no second to the motion.

Councilperson Quaranta moved that the wording at the end of Section 4 of Ordinance 512 be changed as follows:

- Strike the period after the word “passage,” and insert the words “thereof”, and “sunset on March 13, 2020.”

The purpose of these wording changes would be to allow passage of the Ordinance as discussed, with a provision to review, in two years, whether there have been any issues such as those about which Councilperson Di Mondì has expressed concern.

City Solicitor Losco clarified the wording changes included in Councilperson Quaranta’s motion. He stated that this change would mean that non-potable wells could be applied for at DNREC, and MSC would have no say in whether or not the wells are approved.

There was further discussion related to Councilperson Quaranta’s motion, and whether the motion would resolve any of the issues that have been brought up. The motion was not seconded.

Councilperson Di Mondì moved that hobby wells under 500 gallons per day be excluded from Ordinance 512. This was discussed, including how the monitoring would take place, and the potential consequences of the exception. The motion was not seconded.

Councilperson Quaranta suggested that, if **Ordinance 512** were passed, that Ms. Patone return to a future Council meeting or hearing, to present to Council and the public, the services that MSC provides.

Ordinance 512 was Passed by a roll-call vote, voted, as follows (**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 Yes.
Councilperson John A. Di Mondì voted No.

New Business

1. Motion, Discussion and Vote on Resolution 2018-07; A Resolution Adopting Branding Recommendations. (Councilperson Leary – posted 03/06/2018.)

After a motion and second to consider **Resolution 2018-07, A Resolution Adopting Branding Recommendations**, Council President Ratchford read the Resolution, which was posted by Councilperson Leary on 3/6/2018, into the record. Discussion of the Resolution followed. The **Resolution was passed unanimously.**

2. Motion, Discussion and Vote on Resolution 2018-08; A Resolution to Submit Proposed Charter Changes to Citizen Referendum. (Councilperson Di Mondì – posted 03/06/2018.)

A motion was made to consider **Resolution 2018-08, A Resolution to Submit Proposed Charter Changes to Citizen Referendum**, posted by Councilperson Di Mondì on 03/06/2018. There was no second to the motion.

3. Motion, Discussion and Vote on Resolution No. 2018-09; A Resolution providing a lump-sum pension benefit to one retiree of the City of New Castle. (Council President Ratchford – posted 03/06/2018.)

After a motion and second to consider **Resolution 2018-09**, A Resolution providing a lump-sum pension benefit to one retiree of the City of New Castle, Council President Ratchford read the Resolution, which was posted by Council President Ratchford on 3/6/2018, into the record. Discussion of the Resolution followed. **The Resolution was passed unanimously.**

Public Comments

Victor Bryson asked how much the city is paying the newspaper. Councilperson Di Mondì responded \$400 per month. Victor Bryson then apologized to Councilperson Platt for prior rude comments. He then commented that he does not believe that his comments in City Council meetings are accurately reflected in the newspaper, in particular related to a question that he had asked about whether the people of New Castle would be denied parking in a parking lot that had been discussed in a previous meeting. He then requested that the City Council act on what he considers false information being included in the newspaper. He then asked why Battery Park is still flooding, now that the storm drain is in.

Phil Gross stated that there should be closer monitoring of the water and electric rates to the citizens of New Castle. Council President Ratchford responded that she would request that Ms. Patone address his concerns at her future presentation to the Council.

Ms. Kathy Dunn asked that each Councilperson speak to why Councilperson Di Mondì's referendum allowing the citizens to vote on the Charter changes was denied. Councilperson Platt responded that he voted for it after months of discussion and it was sent to Dover. Councilperson Quaranta added that many hours of deliberations on the Resolution had taken place over several months and this has now been disposed of by City Council, and sent to Dover. Council President Ratchford stated that although she was not present at the meeting when it was passed, she would have voted for it if she had been here. Councilperson Leary responded that there had been several red-lined copies discussed over months. Councilperson Di Mondì complained that his vote should be recorded as "absent" rather than "abstain" even though he was present at the time of the vote.

It was moved and seconded to adjourn the meeting.

Meeting adjourned at 9:07 p.m.

Respectfully Submitted,

Brian G. Whitaker

City Clerk of New Castle, Delaware