

City of New Castle Delaware
Regular City Council Meeting at Town Hall
201 Delaware Street – New Castle
Tuesday, August 14, 2018– 7:00 p.m.

Roll Call: 7: 00 pm

Councilperson Valarie W. Leary

Councilperson Michael J. Quaranta

Council President Linda Ratchford

Councilperson Michael P. Platt

Councilperson John A. Di Mondì

Also present:

Jimmy Gambacorta, Mayor

William Barthel, City Administrator

Daniel Losco, City Solicitor

Richard McCabe, Chief of Police

Jeff Bergstrom, Building Official and Fire Marshal

David Athey, City Engineer

Council President Ratchford advised that the agenda will be changed, in that the proclamation from the Mayor will be moved to the Business from the Mayor portion of the meeting.

Minutes: 07/10/2018 Regular Council Meeting

After a motion and second, the minutes were approved as amended.

Staff Reports

After a motion and second, the Staff Reports were approved as presented.

Approval of Treasurer's Report

City Treasurer Janet Carlin being absent, Council President Ratchford presented a summary report from Ms. Carlin. As of July 31, 2018, total cash in accounts is \$5,866,352.00. This is a change of \$381,459.00.

Per Councilperson Di Mondì's request that the city's debt be identified, current indebtedness is \$1.9 million. 3% of that is for vehicles. The other 97%, \$1.85 million, is the PNC General Obligation Bond that is basically being repaid by the Trust.

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

Report from the City Administrator & Staff

City Administrator Barthel reported:

- The speed hump that was approved for 8th Street has been ordered, and is expected to arrive within the next two weeks or so. It will be installed as soon as it arrives.
- Representative J. J. Johnson has authorized the ordering of two radar signs for Washington Street, through his Community Transportation funds. A quote has been provided to Representative Johnson, and the city is now waiting for the necessary paperwork from DelDOT, for the signs to be ordered. It is hoped that they will be received within the next four to six weeks.
- Regarding Separation Day, a final invoice is pending payment, and a final sponsorship is pending receipt. Based on those two items, in a worst case scenario, the city expects to make about \$2,300 from the day. Best case scenario would be roughly \$3,700. This is after the city had its Separation Day budget from the state cut by 20%. \$16,000 was received from New Castle charities, i.e. the barbecue, which helped to make the day successful. Funds received will go toward next year's Separation Day event.
- DelDOT has been evaluating and surveying the railroad crossing at 8th and Delaware Streets, planning to make the crossing safer. They will be sharing their findings and recommendations at the November or December Council meeting.
- Mr. Barthel had sent two previously approved resolutions to DelDOT; one related to the stoplight at Delaware Street, and the other related to eliminating truck traffic through Dobbinsville between 9:00 PM and 6:00 AM. DelDOT responded to the resolution related to the truck traffic through Dobbinsville. They determined that they would not be proceeding with eliminating truck traffic at night, based on the following factors:
 - Route 9 is a state-numbered route, with a functional classification of Minor Arterial.
 - There are no significant crash trends related to trucks.
 - The roadway has no structural deficiencies.
 - The roadway has no significant maintenance issues.
 - Based on feedback from the January 29, 2018 public workshop, the strict truck restrictions would be expected to have a significant economic impact to area businesses.
- Since DelDOT did not respond to the resolution related to the stoplight at Delaware Street, Mr. Barthel assumes that the request has been placed into a queue, to be completed.
- DelDOT did respond favorably to installing the directional signs, related to truck traffic through Dobbinsville.

Mr. Bergstrom provided an update on the road projects, stating that they are proceeding well:

- The Trustee-funded curb ramp projects have been completed for this year. The concrete work portion of the Centerpoint project has been completed, and it is ready for paving. This has been delayed slightly, pending installation of 60 feet of water main.
- The grant from DelDOT has been received, for the 3rd Street project.
- The Baldt Avenue project starts next week, on Monday.

- The Gray Street project is now ready to proceed, after a slight delay due to issues found by the city's water department, which have now been resolved.

Chief McCabe reported:

- The open house is still scheduled for Saturday 8/18, 11:00 AM to 2:00 PM. Many donations have been received.
- He met with the Director of Connections, which is a link to law enforcement, and the New Castle Police Department has agreed in principle to join the Angel program, which is related to obtaining treatment for those with drug addiction issues. Two ways that this program works are:
 - People with addiction issues may directly request help from the police, for their problem. Contact information related to treatment is then provided to the person, and some assistance is provided, such as transportation.
 - When in the midst of an arrest situation, officers will have discretion to offer the same information and assistance to a person who is interested in treatment. This will only apply in cases of victimless crimes, or if a victim is interested in seeing the offender get treatment.

Chief McCabe reiterated that the agreement to take part in the program is in principle, and more information will be forthcoming. He advised that the program will be publicized. The treatment center is located in Harrington.

Chief McCabe provided the following report from July 2018:

- There were 85 criminal arrests, up 100% from July 2017; 97 traffic arrests, down 8% from July 2017; 36 traffic warnings, down 39% from July 2017; 44 crime prevention checks, up 91% from July 2017; crime reports were up 63%, from 94 to 153; there were 253 field service reports. Year to date, criminal arrests are up 113%, traffic arrests are up 34%, traffic warnings are up 9%, crime prevention checks are up 18%, crime reports are up 44%.
- Chief McCabe pointed out that year to date statistics had been added to the report to Council, and explained that criminal activity is generally broken into three parts. Part One offenses are serious offenses and felonies. Part Two and Part Three offenses are "quality of life" offenses.
- Part One offenses are just about even from last year. Part Two offenses are up significantly. The Chief provided some examples of each of the different categories of offenses.
- Chief McCabe stated that the increase in Part Two offenses is largely due to increased reporting, as any area-related trends have already been addressed.
- The Chief explained the breakdown of the city into three parts, in the report and maps that have been provided to Council.
- A good portion of the calls for service were self-initiated, and a lot of the arrests that were made were self-initiated. A couple of traffic stops led to drug arrests. There have

been a lot of shoplifting arrests. These are reasons why some of these numbers are higher than we are used to seeing.

- The Chief addressed the trend related to thefts of motor vehicles. In June and July, there were at least 23 thefts of motor vehicles. They looked into the curfew that is currently on the books, but are not finding that this trend is related to juveniles. The Police Department has identified everybody who is responsible for this, and some arrests have been made. One responsible party that has been identified has been charged with burglary, rather than just theft. A warrant has been issued for an identified perpetrator who is the only one whose M.O. is smashing the car window to enter, whereas the others were stolen by opening unlocked doors. This person is wanted throughout the county.
- Chief McCabe encourages all citizens to call 911 if they hear or see something suspicious.
- Councilperson Leary requested that the Chief also let citizens know the non-emergency number that can be used outside of office hours, if a person did not want to call 911.
- Councilperson Quaranta recommends that the importance of not hesitating to call 911 be in one of the Chief's first Facebook posts.
- Councilperson Quaranta stated that raw numbers are more meaningful to report than percentages.
- A new Police Officer has been sworn in to the Police Department, Dominick Mills.

Council Communications

Councilperson Di Mondì read a letter that he had received from Mr. Wilson, President of the Trustees, in response to Mr. Di Mondì's two FOIA requests for information related to two leases and/or arrangements entered into by themselves, for the use of the Trust's properties.

Councilperson Di Mondì's request was denied in the letter, which stated that the Trust does not have access to all of the information requested, and where they do have the access; the Trust is not subject to FOIA.

Councilperson Di Mondì stated his disappointment with Mr. Wilson's response, and read a portion of the Attorney General's opinion, stating that the Trust is a public body, which is subject to FOIA.

Councilperson Quaranta alerted attendees that they will probably be hearing about the 2020 census, in the upcoming months. He believes that it will be conducted electronically, and pointed out the importance of the census when it comes to funding for the city and the state.

Councilperson Quaranta stated that a couple of reports might be helpful at future Council meetings; one being a report from local real estate experts on the status of the real estate market in New Castle, including commercial, residential and rental. Another helpful report might be a business review from some of the business segment representatives in the city.

Council President Ratchford suggested that Councilperson. Quaranta put together such a project, and mentioned that MSC will be coming to the Council meeting in September, as well as Verizon, hopefully. In October, Goodwill and WILMAPCO will be coming.

Business from the Mayor

Mayor Gambacorta read a proclamation in support of the Ovarian Cancer Foundation's "Turn the Towns Teal" awareness campaign (posted 8/7/2018 by Mayor Gambacorta), proclaiming the month of September as Ovarian Cancer Awareness month.

Mayor Gambacorta reported that in April of 2018, all six members' terms on the Board of Health expired. Joseph Day (Chairperson), Marie Gatter and William Hentkowski wish to be reappointed. Jeffery Davis and Faythe Waterloo do not wish to be reappointed. There are two seats to be filled.

Business from the Council President

Council President Ratchford reported that the tall ship A.J. Meerwald was here recently. There was great media coverage. Council President Ratchford thanked Eliason Associates, David Finney Inn and John and Beverly Wik for their assistance.

Council President Ratchford reported that the Markell Bicycle Trail will be opening probably in early September. The celebration will be on September 22nd, at the riverfront. This is being sponsored by Delaware Greenways and Bike Delaware.

Two weeks after Trailfest (the 9/22 bicycle trail celebration) will be River Towns Ride and Festival. New Castle will be focusing on the festival portion. There will not be a competitive ride this year, due to some safety concerns. The Ride and Festival will be celebrated in both Delaware City and New Castle. Proceeds from the event go toward the cost of a visitor's booklet, with ads that promote the city and businesses.

Business from the Floor (concerning agenda items only)

Mr. Peter Toner, who is a constituent, asked Councilperson Di Mondì which two properties he was asking the Trustees for information about. Council President Ratchford advised that this is not City Council business.

Presentation on Delaware Street Paving Project by City Engineer David Athey

Printed copies of Mr. Athey's presentation were provided to Council. Highlights mentioned in the presentation:

- If Council wants any changes made to the current plan, now is the time to bring those up.
- New manholes have been placed, and an additional one will be placed, as part of the effort to assess the combined storm/sanitary sewer that Jeff Bergstrom mentioned earlier in the meeting. New Castle County is also involved in this evaluation effort.
- Pictures were shown, as evidence of the need for new paving, as well as curb replacements.
- Consistency in handicapped access ramps will be accomplished, as part of this project.
- Pedestrian access will be improved (crosswalks).
- Road and vehicle controls, where missing, will be addressed.
- Ponding in areas will be addressed.

- Options to address uncontrolled areas were discussed, including; addressing via crosswalks and other visual enhancements; a traffic circle; and extending out of some of the curbs. Mr. Athey's recommendation is to use crosswalk and other visual enhancements to accentuate the crosswalk, such as stamping, crosswalk elevation, and islands, for example.
- Addressing water runoff will need to be considered, related to regulations that must be met in order for the city to maintain its permit to discharge its storm water.
- They are hoping that "lining" can be used to address the combined storm/sanitary sewer, but all options can't be considered until it is fully assessed, which should be in about four weeks.
- The likelihood is good, of doing the paving in the spring.
- Mr. Athey agreed with Councilperson Quaranta's assertion that this would be the time to discuss underground utilities in the area.
- Councilperson Quaranta expressed concern that the city's National Park status and/or historical designations might be affected by the planned improvements.
- Mr. Athey does not believe that the city's compliance with EPA requirements related to water runoff will be affected by any planned improvements.
- Council President Ratchford reported that MSC has stated that they do not have the resources to pursue underground utilities in the area. As it stands currently, the city of New Castle would be responsible for any and all costs involved, if this were to be pursued. There are currently a fair number of obstacles to pursuing underground utilities as part of the road improvements project.

Phil Gross asked whether there are any other changes that will hold up completion of the project. Mr. Athey responded that burying the utilities would be one. How quickly Council provides direction on the project could impact the timeline.

Mr. Gross asked if benches or surface planters could be added without bumping out the sidewalks. Mr. Athey advised that very wide sections could probably accommodate these.

Marco Boyce asked what the budget is for the Delaware Street paving project. Mr. Athey responded that the budget is currently approximately \$1.3 million, and he could see a cost of about \$200,000 for the bumping out of the sidewalks, etc. Mr. Boyce asked about working with the Trustees to possibly increase the parking and green space in that area, to make up for any parking that might be lost. He also expressed a preference that brick be used for the crosswalks, and stated that his preference of the three options given would be the roundabout that is not like a suburban traffic circle, but more like a plaza circle.

Dennis Young expressed concern about 18-wheelers that he has seen in the area that is being discussed, and the potential for property damage.

Dave Baldini stated that the street should be improved in a consistent manner, along the entire length of the project, and expressed that underground utilities should be considered.

Councilperson Quaranta requested that Mr. Athey come back to a future meeting with numbers reflecting costs for the various options.

Mr. Athey will look into the status of a loan application that had been submitted, that Council President Ratchford inquired about.

Old Business

Regarding **Resolution 2018-21**; A Resolution approving proposed right of way agreement permitting Fibertech Technologies Network, L.L.C. to install telecommunications facilities in the City's rights of way (posted 8/7/2018 by Council President Ratchford)

City Solicitor Losco explained that Fibertech's request is to install telecommunications equipment, to be attached to telephone poles throughout the city. Cohen Group, a law firm out of Pittsburgh, was engaged by the city to negotiate the agreement with Fibertech. MSC has also been involved in the negotiations.

This installation will potentially benefit citizens, by way of improved internet service. Fibertech would pay \$10,000 upon execution of the agreement. To remain in compliance with federal law related to equal charges to all users of city rights of way, no annual fee is included in the agreement. The retained law firm recommends that in the future, Council consider an ordinance that would impose an assessment on all users of the city's rights of way.

After a motion and second, Council President read the Resolution into the record.

In response to Councilperson Quaranta's inquiry, City Solicitor Losco advised that the length of the agreement would be ten years. The city would not be able to change their mind in those ten years, unless Fibertech were to breach the agreement in some fashion.

Resolution 2018-21 was passed by a unanimous vote.

New Business

After a motion and second, Council President Ratchford read Resolution 2018-22; A Resolution Approving the Mayor's Appointment to the Planning Commission of Jonathan Justice, Peter Toner, and Vera Worthy (posted 08/07/2018 by Council President Ratchford) into the record.

Vera Worthy and Peter Toner spoke briefly. Jonathan Justice was not present. After a motion and second, it was unanimously approved to strike Mr. Justice's name from the resolution, as he cannot be appointed unless he is present.

Resolution 2018-22, as amended, was **passed unanimously**.

Councilperson Di Mondì spoke in favor of investigating the feasibility, cost breakdown and expected revenues from installation of parking kiosks in the Historic and Downtown areas to regulate and increase revenue to help maintain City streets. Councilperson Di Mondì would like parking stickers to be available to residents. Yearly stickers for others, such as city workers, might also be worth considering.

Councilperson Di Mondì would like the City Manager to proceed to investigate the many potential aspects and impacts of this, and provide information to Council.

Councilperson Quaranta also spoke in favor of pursuing researching this, and would like Chief McCabe to provide input related to enforcement.

Councilperson Platt expressed concern about potential costs to the city, calling out the need for an adequate number of kiosks.

Councilperson Leary asked about the feasibility of an appointed parking enforcement officer. Chief McCabe responded that this could be looked into. Councilperson Leary would also like to hear from one or more organizations that provide this technology, and also expressed concern about potential costs.

Council President Ratchford suggested having a workshop on the topic, and requested that the City Manager schedule such a workshop.

Council President Ratchford requested that City Solicitor Losco provide some background, before Council considers a First Reading of **Ordinance 516**; An Ordinance to rezone two Dobbinsville tax parcels, 21-017.00-045 (708 W. 7th Street) and tax parcel 21-017.00-046 (706 W. 7th Street) to the RC (retail commercial) zoning classification (Council President Ratchford – posted 08/07/2018).

City Solicitor Losco explained that this Ordinance is related to Council's decision to market and sell the police substation in Dobbinsville. A potential purchaser has been found, and the rezone is among the conditions they have made.

After a motion and second, Council President Ratchford completed the First Reading of **Ordinance 516**; An Ordinance to rezone two Dobbinsville **tax parcels, 21-017.00-045 (708 W. 7th Street)** and tax parcel **21-017.00-046 (706 W. 7th Street)** to the RC (retail commercial) zoning classification, into the record.

Council will wait for review by the state, before proceeding with a hearing.

Public Comments

None.

After a motion and second, the meeting was adjourned.

Adjournment motion carried at 9:44 pm

Respectfully submitted,

Brian G. Whitaker

Clerk of the City of New Castle, Delaware

Next Regular Meeting Date: September 11, 2018