

City of New Castle Delaware
Regular City Council Meeting at Town Hall
201 Delaware Street – New Castle
Tuesday, September 11, 2018– 7:00 p.m.

Council President Ratchford announced that today is the 17th anniversary of the terrorist attack on our nation, on September 11, 2001, and that we remember the 3,000 people who were lost that day, and those that continue to suffer, and that we pay tribute to the first responders who risked their lives and thank those that fight for our safety and freedom, every day. Those present then observed the anniversary with a moment of silence.

Roll Call: 7:00 pm

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

Also present:

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

Staff Reports

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

Treasurer's Report

The unaudited Treasurer's report was presented by Janet Carlin, City Treasurer, as of August 31st, 2018: City Treasurer Janet Carlin reported \$5,236,927.48 in unrestricted finds, and \$2,369,916.87 in restricted funds totaling a total of \$7,606,844.35 total cash in accounts.

Ms. Carlin noted that at this point, 96% of property taxes have been collected. At this point last year, 84% of property taxes had been collected, with 80% the previous year.

Capital debts are \$1,896,616.00, of which the PNC general obligation bond is \$1,837,406.00.

In response to a question from Council President Ratchford, Ms. Carlin stated that she does not know why property tax payments are coming in faster this year, than in previous years.

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

Report from the City Administrator and Staff

William Barthel, City Administrator, reported:

- On the topic of parking kiosks, which were discussed at last month's meeting, he learned from the City Manager of Rehoboth that they have about 1,600 parking spots. 99 of those are with Parkeon, which Mr. Barthel and Council President Ratchford had met with, in the spring. Parkeon's meters are very high-tech, with the ability to pay by phone, etc. The remainder of Rehoboth's meters are post meters, which are handled by coins.

About \$5 million in revenue is generated by Rehoboth's parking meter system. They pay Parkeon for their meters, at about \$7,000 to \$9,000 per meter, plus a monthly cost of \$45 to \$57 per month, per kiosk. Rehoboth brings in about 300 seasonal workers during the summer, for parking enforcement.

If Council wishes to pursue the subject further, Mr. Barthel suggests that they bring in Parkeon reps for consultation, as well as reps from other parking companies, such as T2, which Rehoboth is working with, also.

(Councilperson Di Mondì stated that he would like to pursue such a consultation with three or four companies.)

- Regarding road projects, Baldt Avenue is in progress. The Third Street project will follow, which should be completed by the end of the month, dependent upon weather.
- Regarding the street sweepers, a Schwarze sweeper was brought in for a demonstration. An Elgin sweeper will be demo'd next week.
- The speed humps have been installed on Eighth Street.
- There will be a meeting with MSC on 9/12/2018, to discuss preparations for upcoming weather.

Police Chief McCabe reported:

- Recently, a group of young kids came into Van Dyke Village in stolen cars. They stole two cars that had keys in them. The perpetrators are not local, and the Police Department is working on the case.
- The Department will continue to post on the Facebook page, the importance of locking vehicles and reporting any suspicious activity.
- The Department, in cooperation with the Prosecutor, has begun charging those who steal motor vehicles with burglary, rather than theft. Burglary is a felony. Theft may be a misdemeanor, depending on the value.
- The Chief cannot confirm the rumor that the car thieves in the Van Dyke area were using a master fob.
- In August, there were 70 criminal arrests, 201 traffic arrests, 88 traffic warnings, 25 crime prevention checks. 143 crime reports and 228 field service reports were written.
- Year-to-date: Part one crimes are up a little, 178 versus 170. Part two crimes are up, 1170 versus 1086. Part three offenses are just about the same, 2343, down from 2389.
- The importance of not driving through flooded areas was emphasized.

- Drug-related crime is being tracked, but no particularly pattern has yet been determined.
- There seem to be fewer homeless people sleeping around the city.
- In response to a concern expressed by Councilperson Quaranta, related to people parking in the lot across from the tennis courts after hours, the Chief requested that people continue to report it, when it happens.

Council Communications

Councilperson Quaranta would like to see a review of incorporating some areas into the city, as part of the 2019 Comprehensive Review. An example would be the area near the Lions Club sign.

Councilperson Quaranta explained that an earlier discussion related to a traffic circle was simply a “spaghetti on the wall” discussion, and that no resources are available to address something like that.

Councilperson Di Mondì read a letter from Ms. Fiske, to the City Council, on the correct process for reconsideration of the topic of special exemption requested by the Trustees, to be bestowed on the Bowling Alley lot on West Third Street. Ms. Fiske emphasized the importance of following correct procedure on items such as this. Because the Commission previously voted against the application, the process must be started again, with application to the Planning Commission for review, and does not belong on the agenda, under Old Business, of an Historic Area Commission meeting.

Councilperson Di Mondì expressed his agreement with Ms. Fiske. Council President Ratchford explained that this is not an issue for City Council, and these concerns should be brought up to the Historic Area Commission by anyone wishing to pursue the subject.

Business from the Mayor

Nothing to report.

Business from the Council President

Council President Ratchford advised that she and the City Administrator met with some individuals from DNREC, to consider opportunities for a grant application, related to investigating such things as the level of the dikes, shoreline protection, storm water protection, etc. There will be additional research on this.

The Wilmington to New Castle bicycle trail has opened. On September 22nd, there will be a Trailfest in Wilmington. Riders will be riding into New Castle from Wilmington. Some will be going on to Michael Castle trail. Two weeks after that, there will be the River Towns Festival, which will include a recreation ride at 11:00.

Business from the Floor (concerning agenda items only)

No items.

Mayor Gambacorta read a Proclamation into the record, to recognize September as “National Suicide Prevention Month” in the City of New Castle. The proclamation was posted by Mayor Gambacorta on 09/04/2018. All residents are encouraged to inquire as to the wellbeing of their friends, family and neighbors, and provide whatever affirmation they deem appropriate, to help those in need realize that suicide is not the answer.

After a motion and second, Council President Ratchford read **Resolution 2018-23**; Recognizing the many years of service to the City of New Castle by Joseph J. DiAngelo, into the record. The Resolution was posted by Councilperson Quaranta on 09/04/2018. After discussion, **Resolution 2018-23** was passed unanimously.

Municipal Services Commission General Manager Pam Patone provided a presentation (posted by Council President Ratchford on 09/04/2018). Jay Guyer, Water Utility Manager, was also present, as well as Scott Blomquist, Electric Utility Manager. The presentation included the following notes:

- In 1999, the name of the commission was changed from the Board of Water and Light (“BOWL”) to the Municipal Services Commission (“MSC”).
- The three current Commissioners are Dr. Roy Sippel, President, appointed by the Mayor; Dan Knox, appointed by the City Council; Dr. Allen Hansen, appointed by the Trustees of New Castle Common.
- Regarding water quality, New Castle’s water meets or exceeds all of the standards of the state’s Department of Drinking Water, as well as those of the EPA.
- The Electric Department follows the National Electric Code.
- Ms. Patone presented an organizational chart. There are 20 full-time employees.
- MSC does not generate electricity, but rather sells and distributes electricity that is purchased from the Delaware Municipal Electric Corporation.
- Of the 2,751 electric meters, 336 are commercial. 74% of the revenue comes from commercial customers.
- Total electricity revenue over the last fiscal year was \$9.3 million.
- MSC pumps water from four wells, treats the water, then sells and distributes it.
- There are 2,126 water meters. 45% of the revenue comes from commercial customers.
- Total water usage revenue over the last fiscal year was \$1.6 million.
- MSC contributed over \$665,000 to the city’s general fund last year.
- The city’s residential electric rates have consistently been either the lowest in the state of Delaware, or second to lowest. Higher commercial rates help support the lower residential rates. Adjustments are being made over the upcoming years, to balance this out.
- An average household, over the year, uses 750 kilowatt hours of electricity per month, which equates to \$95.20.
- An average household uses about 4,000 gallons of water per month, which equates to \$41.25.
- There are two substations, for reliability and redundancy.

- The monthly Green Energy Fund charge is used for such things as a solar array which has been installed.
- A three-year project will be started this fall, to move electric utilities in Van Dyke Village underground, and to install street lights.
- The current water meter system is approaching its end of life, and new “smart” meters will be installed over the next years.
- A software conversion was completed recently, to replace five different software systems with one.
- Recent contract expirations for natural gas purchases through DEMEC allowed for lower electric rates, which were passed along to customers.
- DEMEC works to ensure that MSC meets the requirements of the state mandate to have 25% of their portfolio to be in renewables, by 2025.

Councilperson Di Mondri stated that he would like to see a motion to discuss the formation of a task force, to try to resolve the River Bend issues.

Mr. Jim Workman asked Ms. Patone whether MSC anticipates expanding into public Wi-Fi in the city. Ms. Patone responded that they would be willing to research the possibility, if instructed to do so by Council.

Councilperson Quaranta expressed his approval of having MSC assess the viability of public Wi-Fi. Council President Ratchford asked Ms. Patone to work with the City Administrator to proceed with the assessment, and provide a high-level report to Council.

Mr. Workman requested clarification of any restrictions, by MSC, for individual residents to install solar panels. Ms. Patone advised that no such restrictions exist by MSC, although the Historic Commission may have restrictions.

Mr. Workman asked about the possibility of selling power back to MSC. Ms. Patone explained that there are restrictions to the amount of electricity that can be generated and sold to MSC (110% of usage). “Net metering” would be required to accomplish this, which involves a more detailed breakdown of charges than MSC currently provides.

Mr. Workman inquired as to Ms. Patone’s thoughts on the idea of burning trash, to put to energy use. Ms. Patone responded that she is not qualified to answer that question, but that she would research the topic, and get back to him.

Councilperson Quaranta suggested that Mr. Workman request a consultation from HAC, on the topic of installation of solar panels.

Ms. Dorsey Fiske expressed her appreciation for the MSC.

New Business

After a motion and second, Council President Ratchford read Resolution 2018-24; A Resolution Approving the Mayor’s Appointment to the Planning Commission of Jonathan Justice into the

record. (Council President Ratchford – posted 09/04/2018.) The Resolution was passed unanimously.

After a motion and second, Council President Ratchford read Resolution 2018-25, A Resolution Approving the Mayor’s Appointment to the Board of Health of Joseph Day, Marie Gatter, William Hentkowski, Joanna Viola, Eileen Burk, and Eleanor Green into the record. (Council President Ratchford – posted 09/04/2018.)

Councilperson Quaranta asked why the terms of the members of the Board of Health are not staggered. City Solicitor Losco responded that he does not know the answer to Councilperson Quaranta’s question, and that a code amendment would be needed, in order to stagger the terms. Councilperson Quaranta advised that he would like Council to pursue such an amendment.

Candidate Joseph Day expressed appreciation for outgoing members Jeff David and Faith Waterloo.

After a motion, second, and unanimous vote of approval, Resolution 2018-25 was amended, striking the names William Hentkowski and Joanna Viola, as they were not present at the meeting, which is required in order for them to be appointed.

Resolution 2018-25 was passed unanimously, as amended.

City Solicitor Losco spoke on the topic of Ordinance 517. The intent of the Ordinance is to require an additional level of scrutiny at the Board of Adjustment level, for an application for a tourist home in the Historic Residence District (not the Historic Commercial District).

After a motion and second, Council President completed the first reading of **Ordinance 517**, An Ordinance requiring a special exception from the Board of Adjustment to permit tourist homes in the Historic Residential zoning districts, into the record. (Councilperson Di Mondri- posted 09/04/2018). A public hearing and vote will be scheduled at a later date.

Public Comments

Councilperson Quaranta requested City Solicitor Losco’s opinion on the letter from Ms. Fiske, which Councilperson Di Mondri read earlier in the meeting. Mr. Losco advised that he has not reviewed the minutes of the meeting in question. He also stated that he sits on the Board of Adjustment, which would ultimately have to hear the issue. He agreed with Council President Ratchford’s comment that, when there is a procedural issue, the Board that is involved needs to make the decision. There is the opportunity for appeal of such a decision. He is not aware of whether or not HAC has a procedural rule that requires tabling or not tabling, to reconsider an application. He is also not familiar with whether there has been a common practice at HAC, regarding these situations.

Councilperson Quaranta asked Ms. Fiske to speak on the matter. Ms. Fiske stated that she had reviewed the code, and her understanding is that it is Council’s responsibility to interpret and enforce an Ordinance that they have passed. She then summarized the steps that are required to be followed, including the fact that after HAC rejects an application, the petitioner has the right

to start the process again with a new application, from the beginning, but not to continue to have HAC reconsider the rejected application.

Ms. Karen Whalen spoke in support of Ms. Fiske's concerns. She also asked why the Trustees are the applicants, in the specific case about which Ms. Fiske wrote to Council. Council President Ratchford responded that the Trustees own the property in question. Ms. Whalen then asked what the City Council's role is, in this situation. Council President Ratchford advised that the City Council is independent from Planning, the Historic Area Commission, and the Board of Adjustment. The Council passes legislation and makes policy but does not get involved in individual property decisions.

Councilperson Quaranta asked City Solicitor Losco for clarification of the HAC procedural rules related to tabling issues, and when/whether applications can be brought back to HAC. Mr. Losco advised that he is not sure whether such procedural rules exist for HAC, nor does he know how such matters have been handled in the past. He has not reviewed the particular HAC hearing in question, so is not aware of the details of what transpired. He stated that there is a process available to appeal a HAC decision on substantive and/or procedural grounds, and that it would not be appropriate for the City Council to inject itself into the operations of a particular Board or Commission, before it has completed its task.

Councilperson Quaranta asked Ms. Fiske whether she has seen the application in question, and whether it is materially different from the original application. Ms. Fiske advised that she has not seen the application. Ms. Fiske then reiterated that her concern is that the procedure be correctly followed.

Ms. Karen Whalen spoke, advising that the minutes of the meeting at which Ordinance 510 was approved include the statement that City Solicitor Losco confirmed that denial of the application at any stage, except Planning Commission review, would end the process. She also stated that, according to the deed records, the City of New Castle owns the property in question. Council President Ratchford advised that that is an error that she thought had been corrected, and that the property is in fact owned by the Trust. Ms. Karen Whalen then reported that the property in question is not included in the list of properties owned by the Trust. Council President Ratchford stated that the ownership records are in error, and the Trust does own the property.

Jim Workman spoke against the concept of a parking lot next to the back entrance to the bank, in Battery Park. He also stated that he has not had parking problems in New Castle, other than when there is a big event. He also expressed concern about trash left behind in the neighborhood.

Bennie Beale spoke in favor of the City Council preserving the city of New Castle's historic nature and would like Ordinance 510 rescinded.

Paul Hanna asked why there are more Doctors on the utilities than there are on the Board of Health. Councilperson Quaranta explained that the Doctors in question are Ph.D.'s., not M. D's.

Mark Stallard stated that every resident of Rehoboth has two to four off-street parking spaces, and that New Castle residents have zero. He expressed disapproval of parking meters in the city,

and stated that he has never had a problem with parking in the city. He also expressed disapproval of the parking lot on Third Street.

Roderick Gillespie stated that he had attended the HAC meeting discussed earlier, and that the parking lot was voted down at that meeting. He also commented on the statement within Ordinance 510, that there is a shortage of parking spaces. He would like to see the study that indicates the shortage of parking spaces. Council President Ratchford referred Mr. Gillespie to the Planning Commission's website for that information.

Ervin Thatcher spoke against a traffic circle being placed in the front of the Town Hall, and stated that some of the road repairs that have taken place in the past have been inadequate.

After a motion and second, the meeting was adjourned at 9:09 pm

Respectfully Submitted,

Brian G. Whitaker

City Clerk of New Castle, Delaware

Next Regular Meeting Date: October 9, 2018