

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

**Roll Call:** 7:00 pm

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  
Richard McCabe, Chief of Police  
Jeff Bergstrom, Building Official and Fire Marshal

**Minutes**

After a motion and second, the minutes of the 10/09/2018 Public Hearing and the 10/09/2018 regular City Council meeting were approved as amended, unanimously.

**Treasurer's Report**

The unaudited Treasurer's report was presented by Janet Carlin, City Treasurer; as of October 31, 2018 City Treasurer Janet Carlin reported \$4,689,648.39 in unrestricted funds, and in \$2,395,584.66 restricted funds, \$7,085,233.05 for a total of total cash in accounts.

Capital indebtedness total is \$46,820. In addition, there is a total of \$1,810,680, which is the amount that the Trust will be paying back. This brings the total to \$1,857,510.

Councilperson Quaranta requested that after the first of the year, Ms. Carlin include the city's bond/credit rating in her report, compared to a couple of years prior.

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

**Staff Reports**

William Barthel, City Administrator, requested that Jeff Bergstrom, Building Official and Fire Marshal, report on the status of the current road projects.

Mr. Bergstrom reported:

- The following day, 11/14/2018, repairs and repaving of the catch basin at the corner of 6<sup>th</sup> and Delaware will begin. That crew will then go to 12<sup>th</sup> and Baldt, to finish the valley gutter there, and then Baldt is ready for pavement.
- On this date, 11/13/2018, the valley gutter work was finished, at the corner of 11<sup>th</sup> and Gray, and that is ready to pave.
- Centerpoint is awaiting design of a trench drain, as pipes will not solve the problem, due to unique topography issues. The trench drain at the end of Johnson Way has failed, and needs to be replaced. The redesign is expected to be completed the week of 11/12/2018.
  - In response to a question from Councilperson Quaranta, Mr. Bergstrom advised that the responsibility for the costs associated with the repair, after the redesign, will be discussed.
  - In response to a question from Councilperson Di Mondì, as to how many major industrial parks have had their roads dedicated to the city, Mr. Bergstrom reported that Riveredge Industrial Park has been dedicated to the city, but has not been accepted for maintenance. Johnson Way and Centerpoint were dedicated to the city as public roads prior to 1991.

Police Chief McCabe reported:

- The Police Department assisted the County Police with a few drug search warrants, in and outside of the city. Approximately 11.5 ounces of marijuana and \$5,000 in cash were seized.
- Calls to the Police Department related to drug concerns have been helpful. One example is a recent arrest, where the suspect reported that they had stopped bringing in their drug dealer, due to police activity.
- The first Narcan training for civilians will be on Thursday 11/15/2018.
- There will be a fraud seminar at the Senior Center on Monday 11/19/2018, at 10:00 AM.
- The Police Department has received approval for funding for a bike patrol, as well as funding for overtime, related to drug patrols. This bike patrol will be separate and distinct from the summer bike program. It can be expanded beyond the bike trails.

Councilperson Quaranta commented that drug and criminal activity should be of the highest concern to all citizens, and expressed appreciation for the increased police intervention over the last couple of years.

Police Chief McCabe commented that the community meeting that the Police Department hosted on the previous Monday had and will have a positive impact. He provided some history of concerns by citizens related to activity at Pat's Tavern, and reported that he had received a letter from the attorney involved. The letter listed steps that would be taken, including hiring a doorman two nights a week. The Chief has not yet responded to the letter. He advised that there are additional steps available that could be taken, including involving the state Attorney General's office. Zero tolerance is another option being considered. This topic will be discussed further later, after Chief McCabe discusses it with the City Administrator and others.

Councilperson Quaranta encouraged Chief McCabe to have additional conversations with the management of the tavern, related to their responsibilities for more than just the inside of the tavern, when patrons are present.

Mr. Quaranta also asked how an existing noise ordinance might apply in this case. Chief McCabe responded that he continues to review the noise ordinance, and believes that a nuisance abatement ordinance would be more effective.

Mr. Quaranta suggested that the existing noise ordinance should be reviewed, and any weaknesses addressed.

Councilperson Di Mondì expressed concern that complaints against the tavern might be subjective.

In response to a question from Councilperson Platt, City Administrator Barthel advised that the tavern cannot be charged for the large number of Police service calls.

Chief McCabe advised that the letter he received from the attorney indicated that they are willing to install security cameras outside. Also, the tavern owner has hired somebody to clean the lot.

### **Council Communications**

Councilperson Platt commented that the signage intended to minimize truck traffic in the city is confusing. City Administrator Barthel will look into this.

Council President Ratchford reported that DelDOT has installed directional signage at Hamburg Road, to Route 13.

Councilperson Quaranta requested that Chief McCabe report on any communications that take place related to the Pat's Tavern issue.

### **Business from the Mayor**

No items.

### **Business from the Council President**

Council President Ratchford reminded everybody to fill out the Planning Commission's Comprehensive Plan Community Survey.

DelDOT will be at next month's Council meeting, to discuss the railroad crossing and the Ferry Cut Off area in general.

DelDOT will be installing directional signage for bicycle riders.

### **Business from the Floor (concerning agenda items only)**

No items.

Mayor Gambacorta read a Proclamation into the record, to remember Veterans Day in the city of New Castle. The proclamation was posted by Mayor Gambacorta on 11/05/2018. All citizens are urged to pay tribute throughout the year, to those who have served our country in the military.

Mayor Gambacorta read a Proclamation into the record, to recognize November 15, 2018 as “World Pancreatic Cancer Day” in the City of New Castle. The proclamation was posted by Mayor Gambacorta on 11/05/2018.

Mayor Gambacorta read a Proclamation into the record, to recognize Saturday, November 24, 2018 as “Small Business Saturday” in the City of New Castle. The proclamation was posted by Mayor Gambacorta on 11/05/2018.

### **Old Business**

Council President Ratchford dispensed with the second reading of Revised Ordinance 516, An Ordinance to amend the City of New Castle Comprehensive Plan and to rezone tax parcel 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, as it has been posted, and the first reading has already taken place.

After a motion and second, Revised Ordinance 516 was passed unanimously.

### **New Business:**

After a motion and second, Council President Ratchford read **Resolution 2018-28**, A Resolution Confirming two (2) Mayor Appointments, and making three (3) Council Appointments to the Tree Advisory Commission (Council President Ratchford – posted 11/05/2018) into the record.

After a motion and second, **Resolution 2018-28** was modified by unanimous vote, to include only appointees Dave Robinson and John Lloyd, as the other tentative appointees (John Antonio and Marco Boyce) were not present at the meeting.

Councilperson Quaranta requested that the City Administrator discuss with the City Solicitor the possibility of staggering the terms of the Tree Advisory Commission members, as well as looking into any other Committees or Commissions whose members’ terms should be staggered.

The Tree Advisory Commission Chair, Dave Robinson, was introduced and thanked by Council President Ratchford, for his service. Mr. Robinson reported that in the past three years, 510 trees have been planted by the Commission. Care is taken in choosing appropriate trees for the areas in which they are planted.

By unanimous vote, Mr. Robinson’s place on the Tree Advisory Commission was confirmed.

John Lloyd was introduced and thanked for his service to the city.

By unanimous vote, Mr. Lloyd’s place on the Tree Advisory Commission was confirmed.

After a motion and second, Council President Ratchford read Resolution 2018-29, A Resolution Approving the Purchase of a Street Sweeper (Council President Ratchford – posted 11/05/2018) into the record.

City Administrator Barthel summarized the process that had been gone through, resulting in his recommendation that the Timco street sweeper be purchased. Three manufacturers had been reviewed; the Timco, an Elgin and a Schwartz. The purchase price of the demo model, which is being considered for purchase, is significantly lower than the price of a new unit. This demo unit has very few miles on it.

Referring to a financial packet that had been provided to Council, Mr. Barthel advised that a restricted budget amount of \$52,373 had been previously set aside for this purchase, with whether any, some or all of those funds would be used toward a down payment to be decided later. The financial packets include financing scenarios using \$55,000, \$45,000, \$35,000, \$25,000 and zero down. The current interest rate from PNC is 3.7%, over a seven-year payment period. Mr. Barthel reviewed the various scenarios.

Jeff Bergstrom reviewed some of the positive attributes of the Timco sweeper being considered. The engines are warranted, and there will be a service agreement.

Councilperson Leary brought up the importance of regularly scheduled street sweepings, with notifications to residents, as well as enforcement. Mr. Barthel advised that such a program would likely go into effect in the spring.

Council President Ratchford commented on the requirement for the city to have a street sweeper, as well as the benefits to the city.

Councilperson Leary commented on the need for the street sweeper, in order to meet the requirements of the MPDES and the MS-4, and to avoid the fines involved if found in violation.

Councilperson Di Mondì stated his opposition to borrowing money for the purchase of anything, unless it is an absolute necessity. His preference is that the city save money until the unit can be purchased with cash.

Councilperson Quaranta requested that City Treasurer Janet Carlin explain what the city's indebtedness picture currently looks like. Ms. Carlin reported that the city's indebtedness is at approximately \$46,000. There is also approximate \$1.8 million that the Trust will pay back. The \$46,000 debt is out of a budget of approximately \$6 million.

Mr. Quaranta commented that he would like the purchase to be made in as thrifty a manner as possible. He also stated that he would like it noted to the file that this purchase represents a down payment by the community, to comply with the MS-4 program.

In response to a question from Mr. Quaranta, Mr. Barthel advised that his understanding is that the current street sweeper may have some value as scrap, and/or the distributor may be willing to help the city with removing it.

Councilperson Platt asked about the timeline for compliance with MS-4. Mr. Barthel and Mr. Bergstrom advised that the city is due for an audit this coming spring, related to MS-4 compliance, and they have no expectation that those regulations will be rolled back. Although the new street sweeper does not necessarily guarantee compliance, not purchasing it does guarantee non-compliance.

Council President Ratchford stated her preference for the option of putting \$25,000 down, leaving about \$50,000 in reserve.

Mr. Barthel confirmed that historically, the city has not put a down payment toward equipment purchases, other than trading in police vehicles.

There was further discussion related to the various financing options.

Councilperson Platt stated his preference to put as much money down as possible, to lower the payment amount as much as possible.

Councilperson Quaranta agreed with Mr. Platt's position. He also suggested that grant sources be looked into, to help make future payments.

It was moved and seconded to create a resolution to finance the street sweeper via the option of putting \$25,000 down, and financing the amount of \$236,000. The resolution failed, by the following roll call vote:

Councilperson Valarie Leary: Yes  
Councilperson Michael Quaranta: No  
Council President Linda Ratchford: Yes  
Councilperson Michael Platt: No  
Councilperson John A. Di Mondì: No

It was moved and seconded to create a resolution to finance the street sweeper via the option of putting \$52,000 down, and financing the amount of \$209,000, with a projected annual payment of \$33,936, requiring funds of \$68,968 this year. The resolution failed, by the following roll call vote:

Councilperson Valarie Leary: No  
Councilperson Michael Quaranta: Yes  
Council President Linda Ratchford: No  
Councilperson Michael Platt: Yes  
Councilperson John A. Di Mondì: No

It was moved and seconded to create a resolution to finance the street sweeper via the option of putting \$35,000 down, and financing the amount of \$226,000, with a projected annual payment of \$36,696. The resolution passed, by the following roll call vote:

Councilperson Valarie Leary: Yes  
Councilperson Michael Quaranta: No  
Council President Linda Ratchford: Yes  
Councilperson Michael Platt: Yes  
Councilperson John A. Di Mondì: No

**Resolution 2018-29, A Resolution Approving the Purchase of a Street Sweeper (Council President Ratchford – posted 11/05/2018)** was passed, by the following roll call vote:

Councilperson Valarie Leary: Yes  
Councilperson Michael Quaranta: Yes

Council President Linda Ratchford: Yes  
Councilperson Michael Platt: Yes  
Councilperson John A. Di Mondì: No

After a motion and second, Council President Ratchford read **Resolution 2018-30**, A Resolution Approving the placement of lane delineators on the Southbound side of Route 273/Delaware Street Beginning at the Railroad Crossing and ending at the traffic island, to keep pedestrian and vehicular traffic separate (Council Person Di Mondì – posted 11/05/2018.) into the record.

Councilperson Di Mondì commented that this issue was brought to his attention by numerous people coming from the west end, toward downtown. An explanatory map/sketch was provided. Numerous people have complained to him about people using the shoulder of the road as a lane for passing on the right, when the highway is backed up, creating a danger to pedestrians. Passage of the resolution would allow for pylons to be installed, to keep people from being able to pass on the right, on the shoulder (and in some cases, the sidewalk). He would like Senator Poore's assistance in ensuring that the pylons are placed.

Police Chief McCabe advised that it is legal to pass a car that is turning left, on the right, on the shoulder, if the person wishes to do so.

It was confirmed that there would be no access issue created for the Fire Company, by passage of this resolution.

Councilperson Platt stated his preference for the white delineators.

Council President Ratchford asked whether perhaps this should wait until next month's meeting, when DelDOT is coming to discuss that intersection. Ms. Ratchford also stated her preference that DelDOT be approached about this first. Then, if needed, Senator Poore could be reached out to for assistance.

Councilperson Quaranta stated his preference that the resolution be voted on at this meeting, and that the conversation also be had with DelDOT at next month's meeting.

**Resolution 2018-30** was passed unanimously.

Council President Ratchford asked that the City Administrator provide the information to Senator Poore, as well as to the person from DelDOT who will be coming to next month's meeting.

### **Public Comments**

Related to the 10/29/2018 special City Council meeting about Delaware Street modifications, Roderick Gillespie showed a representation of the city's square from a 1962 Saturday Evening Post, and pointed out the simplicity of the representation. He expressed concern about the Terry House potentially losing parking. He also expressed concern about the cost of the modifications. He consulted the Delaware Division of Transportation Solutions Design Guidance memorandum about this, and found that the proposed modification is actually a roundabout, not a traffic circle. He also questioned why the consultant selected the most expensive option.

Council President Ratchford advised that Mr. Gillespie's comments will be provided to the City Administrator, to be shared at the meeting with DelDOT scheduled for Friday, 11/16/2018.

**Mr. Gillespie** referred to the Design Guidance memorandum's criteria for the installation of a roundabout, and expressed doubt that the area under consideration meets those criteria. He will provide copies of his documents to Council, for Friday's meeting.

Erin Sabatella asked about the timeline for the items that Chief McCabe stated that Pat's Tavern's lawyers had advised that they would be pursuing, such as hiring a doorman and putting up cameras. She stated that she has been experiencing the problems for two years now. In response to a question from Councilperson Di Mondì, she stated that these things generally happen between 10:00 p.m. and 1:00 a.m.

Rod Miller requested an update on last month's discussion about **Ordinance 517**, related to tourist homes, and requested an explanation of current law related to this.

Council President Ratchford responded that the City Solicitor is researching the laws, and then it will be going to the Planning Commission.

After a motion and second, the meeting was adjourned at 9:22 pm.

**Respectfully submitted,**

**Brian G. Whitaker**

**Clerk of the City of New Castle, Delaware**