

**City of New Castle Delaware
Regular City Council Meeting
201 Delaware Street – New Castle
Tuesday, December 11, 2018-7:00 pm**

Council President Ratchford thanked all involved in the successful New Castle Spirit of Christmas and a Dickens Experience, and the tree-lighting ceremony.

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
Daniel Losco, City Solicitor
Richard McCabe, Chief of Police
Jeff Bergstrom, Building Official and Fire Marshal
Dave Athey, City Engineer
Chris Rogers, City Planner

Jake Thompson, from WILMAPCO, presented on the 2050 update to the Regional Transportation Plan, providing slides for the meeting attendees:

- The Regional Transportation Plan (“RTP”) identifies long-term goals and major transportation projects, over the next 20 years. It is updated every four years.
- The Transportation Improvement Program is a short-term plan, which is updated every year.
- The projects that come out of the RTP work toward long-term goals that can then be programmed for implementation through the Transportation Improvement Program.
- The current update of the RTP is due in March.
- Goals, objectives and actions developed as part of the RTP remain largely unchanged from the last RTP update.
- The RTP process includes outreach with partner organizations, civic organizations, municipalities and public outreach, including public workshops and an online survey.
- A draft of the RTP update should be available in mid-January. The hope is to have the plan adopted in March.
- A performance-based Regional Progress Report is used to track progress of the RTP, with actions given a red light, yellow light or green light.
- 21% of actions receive a red light, and 50% get a green light.

- The public opinion survey is a scientific telephone survey of 600 residents in the region.
- The three main goals of the RTP (each of equal importance) are; support sustainable economic development, efficiently transport people, and improve quality of life. Each of these goals has objectives within them, which Mr. Thompson reviewed, providing some examples.
- Some results of the public opinion survey were provided.
- Transportation Improvement Areas were reviewed, which are categories of land use patterns.
- A draft map was provided, of all of the Transportation Investment Areas in the region.
- RTP projects are organized into two categories; constrained (funding expected) and aspirational (funding not available). Maps of some of the constrained projects were provided.
- The full public comment period on the proposed RTP will begin on January 15.

Council President Ratchford requested that Mr. Thompson describe the two Route 9 projects. One is in the River Road area, with changes to prevent flooding. The other involves a reduction to one lane in each direction, in some areas between Wilmington and the city of New Castle, as well as changes to some intersections, including roundabouts.

Representatives of Century Engineering provided an update on the Ferry Cut Off/Delaware Street Railroad Crossing Plans. Handouts were provided. Highlights of the presentation included:

- This presentation is on behalf of DelDOT.
- This project has been being worked on for several years, including a couple of projects that have taken place at the railroad crossing, already.
- A safety analysis by DelDOT's traffic section found that there had been some accidents. Working with the railroad company, they have come up with some projects and recommendations to improve safety at the crossing, that will be discussed at this meeting. An open public workshop will take place in February.
- Gates are recommended to be added at the crossing, as well as moving the railroad crossing lights. This would require closing part of the end of 8th Street.
- Safe ADA-compliant sidewalk crossings, on both sides of the street, are part of the recommended project.
- Replacement of the current traffic and railroad crossing signals, with updated equipment, is included in the project. The railroad company will pay for the decorative mast arms that are proposed.
- Improved pedestrian access (sidewalks and crosswalks) are also included, in the Ferry Cut Off area. Parking spaces in the area will not be impacted. There may be some property impact, for the signal placement. This is yet to be determined.
- The entire roadway in the area will be repaved. Replacement of the pipes is recommended.
- A description of the detour that would be part of the work was described, and included in the handout. Public notice will be provided, as well as a greater Police presence. There are some options to the planned detour route.

- Final plans are expected to be completed in September 2019, with construction July of 2020. Three weeks of full closure is expected. 24-hour work is a possibility.

Councilperson Di Mondì stated that closing 8th Street will impact waiting times at Delaware Street and 6th Street. He also asked whether leaving a right turn allowed on 8th Street was considered. The response was that it had been considered, but it would require leaving an opening that might be used for unsafe purposes.

Councilperson Quaranta requested clarification of the proposed detour. He also expressed concern that detoured drivers will come into town.

Police Chief McCabe agreed with Mr. Quaranta's concerns, and advised that public outreach and signage would be very important.

Mr. Quaranta expressed his hope that the representatives from Century Engineering would consult with their colleagues within other divisions of the company (related to the detour). He also asked whether reimagining the entire intersection and corridor had been looked at. He was advised that DelDOT had dropped the project from about ten years ago, of reimagining the intersection, and that the current proposed plan does not preclude any future changes. Mr. Quaranta expressed that he would like to see the entire area reviewed for improvement.

Councilperson Di Mondì asked about the status of the request for pylons to be installed at the portion where people are passing on the right, creating a danger to pedestrians. The request is currently being studied by DelDOT.

Council President Ratchford expressed that pedestrian safety is a big concern.

Councilperson Leary expressed her hope that they will work with the Police Department, regarding the proposed detour.

Councilperson Platt stated that money spent toward pedestrian safety might be better spent on Delaware Street, rather than 8th Street.

A representative from DelDOT reiterated that the money allotted toward this project is railroad company money, and for railroad improvement only. He also pointed out that adding work to the project requires adding duration to the project.

Minutes

After a motion and second, the minutes of the 11/13/2018 Public Hearing and the 11/13/2018 regular City Council meeting were approved unanimously, as presented.

Staff Reports

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

Treasurer's Report

The unaudited Treasurer's report was presented by Janet Carlin, City Treasurer, as of November 30, 2018:

The unaudited Treasurer's report was presented by Janet Carlin, City Treasurer; as of November 30, 2018 City Treasurer Janet Carlin reported \$4,451,067.34 in unrestricted finds, and \$2,396,571.88 in restricted funds, for a total of \$6,847,639.22 total cash in accounts.

Total long-term debt is \$46,830. Total indebtedness is \$1,843,820.00. The obligation from the Trustees is \$1,796,990.00.

Ms. Carlin reported that the city has no bond or credit rating, that has been established. A line of credit had been established several years prior. This line of credit had never been used, so the city has no history yet, for establishing a rating.

Councilperson Quaranta asked what the criteria is, to have a bond rating, as well as the up side and down side to having one. He also asked whether the city is offered favorable rates, if/when an institution is approached about loans, or whether the city is considered to be any sort of risk.

Mr. Barthel advised that information on how to get a bond rating will be provided at a future meeting.

Ms. Carlin reported that the city is on track for second quarter. Taxes are at 99% collected. Nothing jumps out as non-standard.

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

Report from the City Administrator and Staff

City Administrator William Barthel reported:

- They are currently in discussions with Event Allies, in preparation for Separation Day programs. This will be the first year that the barbecue is fully integrated into the event.
- They are also currently in discussions with Event Allies, about a Tall Ships program. This would involve promoting and marketing to Tall Ships, on behalf of the city.
- Both of these events would be funded by Event Allies, who are compensated through sponsorships that they pursue. The city does sign contracts that include some commitments, but works with Event Allies and the City Solicitor, to limit that exposure.
- The new street sweeper has been delivered.

In response to a question from Councilperson Di Mondì, as to whether city or public funding is used to bring the ships into port, Mr. Barthel advised that there had been minimal expenses the prior year for advertising the new ships that were coming in. He estimates those at approximate \$3,500 per ship. No money is currently budgeted, nor are any additional funds expected to go toward that, unless they are included in the next budget cycle.

Police Chief McCabe provided an update to previous discussions regarding delineators on Delaware Street. He has discussed with DelDOT the safety issues that the city is concerned about. Somebody from DelDOT will be joining the Police in watching the area, to gain an understanding of the concerns.

Chief McCabe also provided the following updates:

- The first Narcan meeting went well. About 15 people were trained, and were provided with Narcan.
- The Good Will Fire Company and Police Department's annual kids' Christmas celebration is scheduled for Saturday, from 11:00 to 2:00.
- A patrol officer happened upon a suspicious vehicle that was parked in the gravel lot just south of Dobbinsville. The vehicle turned out to be stolen. The vehicle operator was armed, and taken into custody.
- A gun violation had been reported near Dobbinsville, in the woods. People from outside of the area were firing a rifle. An arrest was made.
- An officer happened upon a vehicle that was stopped in the roadway, blocking traffic. The operator was unconscious, due to an overdose. He regained consciousness, fled, and was apprehended. The vehicle had been stolen.
- Officers handled six DUIs in November, and 28 accidents. There were 75 criminal arrests, 240 traffic arrests, 106 warnings, 18 crime prevention checks, 131 crime reports, and 213 field service reports.
- Chief McCabe reviewed additional details that were provided in the meeting packet.
- Regarding developments related to the concerns about Pat's Tavern, the bar owner is trying to get out of his lease. The concerns have been pushed to the AG's office.

Jeff Bergstrom reported the work on the River Walk is moving toward completion, and the Battery Park revitalization project is well under way. Most of the street projects are completed. The trench drain work across Johnson Way remains. It will have to be replaced. Third Street and Baldt Avenue are expected to be paved this year, as well as possibly Gray Street. Centerpointe and Johnson Road are expected to be delayed to next year.

Councilperson Leary requested that Mr. Barthel or Mr. Bergstrom address the city's limitations, when it comes to vacant properties, whether historic or not, her specific concern being 400 Delaware Street. Mr. Losco and Mr. Barthel explained that as long as the property owner is paying the taxes and vacant building registration fee, as well as maintaining the property in general, there is no law broken, unless the building is deemed unsafe.

Councilperson Quaranta requested that, at the next meeting, Council be told when was the last time the property owner was onsite, whether the property is to code, and whether the property owner has additional work to do, to meet code standards.

Councilperson Platt commented that the report of properties subject to fines does not change.

Mr. Losco advised that the city's authority in these cases starts and stops with whether the property has a condition that is considered dangerous. He pointed out that there is a risk to putting the property up for a Sheriff's sale, in that the city may end up owning the property, which is then off of the tax base. It then becomes the city's responsibility to repair and/or maintain, or it is sold to a developer who may or may not renovate the property.

Mr. Platt suggested that Council might want to discuss setting aside money in the budget to buy some of these properties and fix them up for sale.

Mr. Di Mondì brought up the possibility of the Trustees assisting low-income property owners with needed repairs, to be repaid upon sale of the property. Mr. Quaranta suggested that a Housing Authority could serve that purpose.

Council Communications

Councilperson Platt reported that he attended the Narcan class that Chief McCabe mentioned earlier, and they did an excellent job.

Business from the Council President

No items.

Business from the Floor (concerning agenda items only)

Teri Gormley, of the New Castle Weekly, asked whether fines are steeper for homes on the Historic Register (related to the earlier conversation about vacant properties and those in disrepair). The answer was no, per Mr. Quaranta. Ms. Gormley then asked whether there are steeper fines for any properties, and also whether there are organizations the city could go to for assistance.

Mr. Quaranta responded that homes in the Historic District may be eligible for certain tax credits, and may be eligible for certain public programs, to make repairs.

Roderick Gillespie asked whether a display would be available for review, related to agenda item #2; review, discussion, and potential decision on Delaware Street construction project. Council President Ratchford responded that there will be a presentation that will include some changes that were requested from the previous meeting, and that there would be opportunities to submit comments. Mr. Gillespie expressed that he hopes that the presentation includes discussion of any history of pedestrian-related accidents occurring in the area to be discussed. His suggestion is that the proposed peninsulas be eliminated from the plan.

Old Business

After a motion and second, Council President Ratchford read Resolution 2018-32, a Resolution making Council Appointments to the Tree Advisory Commission (posted 12/4/2018) into the record. Marco Boyce was introduced. Resolution 2018-32 was passed unanimously, and Mr. Boyce was appointed to the Tree Advisory Commission.

Councilperson Quaranta reminded Mr. Losco and Mr. Barthel to look into staggering the terms of committee and commission members.

Council President Ratchford advised that an additional Council nominee for the Tree Advisory Commission is still needed.

Dave Athey and Marco Boyce provided an update on the Delaware Street construction project.

- In response to Mr. Gillespie's earlier comments/questions, Mr. Athey advised that they had received further direction from Council at a previous meeting, and that Mr. Boyce had provided assistance. Also, everything is in the schematic phase, currently. Regarding

bump-outs and pedestrian accident history, such history is not abundant, and the bump-outs are a very common preemptive measure to improve pedestrian safety and vehicular circulation.

- The plan was reviewed at the 10/29/2018 workshop. At the meeting of a couple of weeks ago, there was basic agreement with the bump-outs, crosswalks and stormwater management. There was lack of agreement on the traffic circle issue, and they were asked to come up with alternatives. There was also a decision to come up with some sort of a mockup of the changes.
- Mr. Athey reviewed some possible alternatives to the traffic circle that was in the previous proposal. One alternative (alternative #2) was reducing the radius of the circle, and eliminating the center feature, as well as a crosswalk. Another alternative (alternative #3) eliminates the circle altogether, eliminating fewer parking spaces. Another alternative (alternative #4) also eliminates the circle, and extends the brick sidewalk.
- Recalculated cost estimates were included in the slides that were presented and handouts provided. Healthy contingencies are included, due in part to unknowns such as the depth of the pavement, some of the sidewalk work that is proposed, and scheduling.
- Mr. Boyce mentioned that the bump-outs would provide some stormwater management features, shorter crossing distances for pedestrians, and slower traffic movement.

After discussion of details, as well as pros and cons of the alternatives, Council members asked questions and expressed preferences and concerns, particularly related to costs and appearance.

Roderick Gillespie commented that he considers alternative #3 the “least worst.” He does not like the bump-outs.

After a motion and second, a decision to proceed with the engineering of alternative #3 was passed by a vote of four to one (Mr. Quaranta voting no).

Council had previously tabled a discussion and vote on Ordinance 517, pending research by the City Solicitor, and review by the Planning Commission. City Solicitor Losco reported as follows:

- Full city-wide bans on tourist homes are not advisable, as they have not been successful.
- Licensing and registration requirements are fine. Some jurisdictions have imposed taxes, but the City Charter does not authorize the city to impose real estate taxes, and the lodging tax is preempted by state law.
- Regulation of the websites that advertise short-term rentals is not advised, as it is an unsettled area of the law.
- Some of the restriction attempts that were found in Mr. Losco’s research (some successful, some subject to current challenge, some unsuccessful) include; requiring liability insurance, requiring a local agent to respond in as little as 30 minutes to complaints, restrictions on short-term rentals of secondary or vacation homes (as opposed to primary residences), requiring clean linens, requiring food restrictions, sanitation requirements, limits on the number of annual short-term rentals when the owner is absent, requirements that advertising include the name of the municipality in which the short-term rental is registered.

- Inspections are required in some cases. Affidavits of compliance are accepted, in some locales.
- The previously-mentioned scenario of limits to the number of annual short-term rentals when the owner is not present, was found in one case only.
- Mr. Losco's opinion is that Ordinance 517, as written, is legal, and would not be subject to any significant legal challenge.
- The current situation of tourist homes being prohibited in certain areas of the city may be legally problematic.

Council will review and consider the information learned on this topic, to possibly discuss further in the future.

It was moved and seconded to vote on Ordinance 517, an Ordinance requiring a special exception from the Board of Adjustment to permit tourist homes in the Historic Residential Zoning Districts. (Councilperson Di Mondì- posted 12/04/2018.)

The first reading having already taken place, discussion of Ordinance 517 followed.

Ordinance 517 failed by a roll-call vote of 4 to 1 against, as follows:

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

Public Comments

Bennie Beale asked whether it is true that besides the Police Department losing the Police Chief within the past year, four officers have also left the department. If true, he would like to know whether there is an underlying reason for this.

Police Chief McCabe stated that the department is at full strength, as of the end of this month, when the latest new hire starts. Of the five people mentioned, two retired. Morale at the Police Department is fantastic, and Chief McCabe gets many inquiries from officers in other departments who would like to join the New Castle Police Department.

There are three officers (including the Chief) who could retire within the next year, but no retirements are expected.

Phil Gross commented that the Delaware Street project is very important, and he hopes that Council will stand firmly for pedestrian safety. He also reminded those present that there is an apartment complex scheduled to be built near the railroad crossing that was discussed earlier.

After a motion and second, the meeting was adjourned.

Adjournment motion carried at 9:56 pm

Respectfully submitted,

Brian G. Whitaker

Clerk of the City of New Castle, Delaware

Next Regular Meeting Date: January 08, 2019

Posted: 12/04/2018