

City Council Regular Meeting_March12, 2019

**City of New Castle Delaware
Regular City Council Meeting at Town Hall
201 Delaware Street – New Castle
Tuesday, March 12, 2019– 7:00 p.m.**

Call to order: 7:00 p. m.

Roll Call:

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
Richard McCabe, Chief of Police
Jeff Bergstrom, Building Official and Fire Marshal
Janet Carlin, City Treasurer

Minutes

After a motion and second, the February 12, 2019 Regular Meeting Minutes were approved unanimously.

Treasurer's Report

The unaudited Treasurer's report was presented by Janet Carlin, City Treasurer; as of February 28, 2019, \$3,592,748.79 in unrestricted finds, and \$2,462,897.17 in restricted funds, for a total of \$6,055,645.96 total cash in accounts.

Total long-term debt is \$2,022,127.00. \$1,756,403 is the money that will be paid back by the Trust. The street sweeper and the cars that are outstanding to be paid total \$265,724.00.

In response to a question from Councilperson Quaranta, Ms. Carlin stated that in the report that Council has received, there are a couple of items that are a little over, percentage-wise, but they all can be explained and are beneficial. So, we are right on target, as far as budget is concerned, versus income.

Ms. Carlin mentioned that at the February 2019 meeting, Councilperson Di Mondì had asked about the city's outstanding debt, and that she didn't have that information for last year. It was \$93,660.

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

Business from the Mayor

Mayor Gambacorta reported that progress has been made in eliminating the signs around the city, mostly “We Buy Houses” signs.

The Mayor also reported that he has been working with George O’Neal, Furio Casale and Bill Barthel, and Mr. O’Neal reports that he has installed ten new stop signs around the city, as well as 14 pole replacements. They will continue to work on this project and expect to have it completed in the next couple of months.

Report from the City Administrator and Staff

City Administrator William Barthel was not present at the meeting.

Jeff Bergstrom reported they are gearing up for the Public Works projects. Also, there has been a lot of business license activity, and a lot of building permit activity.

Police Chief McCabe reported:

- Last month, several search warrants were served on area residences, and a significant amount of heroin was recovered at a Washington Park house. Marijuana and two handguns were also recovered. The investigation continues. These stem from quality of life calls made to the Police Department, as well as monitoring by the Department, due to complaints they have received. Chief McCabe encourages residents to continue to call in, when they see issues.
- A stolen vehicle was recovered last month. Both occupants were wanted. The car was stolen out of Maryland.
- Last month, there were four DUI arrests made, 57 criminal arrests, close to 300 traffic arrests, 15 crime prevention checks, and 175 field service reports. 95 crime reports were generated, and 113 traffic reports.
- On March 11, officers were sent to the Boothurst area due to somebody pulling on car door handles. All of the car doors were locked, and officers saw the perpetrators, but they escaped. The Chief reminded residents to keep their car doors locked, and to call if they see issues that concern them.
- Quality of life complaints are down.

In response to a question from Councilperson Quaranta, Chief McCabe defined field service reports as a report that doesn’t require a crime report or a crash report, but it documents a call for service.

Councilperson Leary asked about the meaning of items highlighted in yellow, in the report of quality of life calls provided to Council. Chief McCabe explained that those are self-initiated, meaning they are not called in by residents, but rather issues that officers identify.

Council Communications

Councilperson Leary brought up the summer concerts, which will be starting in June, and mentioned sponsors (so far) St. Gabe’s, St. Anthony’s, the Fusco Foundation, Trans Plus (through the New Castle Sponsorship Program), the Farmers Market, Jessop’s, The Garrison and the Castagno family. There will be seven concerts, as well as an additional one on the final Wednesday of the month, in conjunction with the Kalmar Nyckel being in port.

Ms. Leary also reminded residents that not picking up their dog's waste is a violation of city code. She is working on a dog waste station project.

Council President Ratchford reminded residents of a DelDOT open house on Monday 3/18, at the New Castle Elementary School, where people can learn about proposed plans from DelDOT related to improvements at the railroad crossing and 273.

Business from the Floor (concerning agenda items only)

Regarding the agenda item related to the first reading of **Ordinance 518**, An Ordinance to impose a nine month Moratorium on the issuance of building permits and other land use approvals associated with the construction of new, multi-family development projects involving more than ten dwellings units in all zoning districts of the City (**Councilperson Di Mondì- posted 02/19/2019.**) City Solicitor Losco advised that the ordinance's moratorium would be city-wide, the idea being to give Council time to study and determine whether additional ordinance provisions should be adopted that would further control the growth of larger multi-family properties. If the first reading of the ordinance proceeds at this meeting, it would next go the Planning Commission for a hearing, and then back to Council for a second reading and vote.

Dave Baldini 419 South Street commented on the reading of **Ordinance 518**, mentioning that the detail of the ordinance discussed the quality of life. Mr. Baldini requested that Council give more consideration to the infrastructure issues, telecommunications issues and other elements that go into this type of project. He also asked whether it is budgeted, to the extent as to whether it can be done sooner, rather than later, because in nine months is about the time that the 2019 Comprehensive Plan update is going to be passed through the state. He would like the report to be included as input to the Comprehensive Plan.

New Business

After a motion and second to consider **Resolution 2019-06**, A Resolution making a Council appointment to the Board of Elections (**Councilperson Quaranta – posted 02/19/2019**), Council President Ratchford read the resolution into the record. The Resolution was passed unanimously, appointing Richard Schiller to the Board of Elections.

Councilperson Di Mondì commented to Richard Schiller there has been funny election results.

After a motion and second to consider **Resolution 2019-07**, A Resolution making a Council appointment to the Historic Area Commission (**Councilperson Leary – posted 03/04/2019**), Council President Ratchford read the resolution into the record.

In response to a question from Councilperson Di Mondì, candidate Mark Chaump commented that he would like to see more transparency in the HAC process, to ensure that a candidate fully understands the process, from start to finish. He would also like to see the community be more aware of what is being presented before HAC, as well as ensuring that applicants are treated fairly and equally.

Councilperson Quaranta commented that the history of the Historic Area Commission has been inconsistent in the past.

Resolution 2019-07 was passed unanimously, appointing Mark Chaump to the Historic Area Commission.

Related to the agenda item regarding a discussion on a resident's request for a reserved Handicapped parking space in a no parking zone on E. 12th Street (at the corner of E. 12th Street and Baldt Avenue), Councilperson Platt advised that six months prior, the east side of East 12th Street was made no parking. During the construction on Baldt Avenue, a resident had a hard time getting into her driveway, so a handicapped parking spot was put in the middle of the no parking section on East 12th Street, to accommodate that resident. The parking spot was removed when the construction was completed. Mr. Platt would like to table this discussion, pending further conversations with the resident.

Councilperson Di Mondì provided historical background on handicap space. Councilperson Platt had made his remarks about Councilperson Di Mondì thoughts and vice versa.

After a motion and second, Council President Ratchford read into the record **Resolution 2019-08**, A Resolution to Approve a Minor Sub-Division at 46 East Third Street: **Parcel # 21-015.10-120 (Council President Ratchford – posted 02/19/2019)**.

Mark Ziegler of McBride and Ziegler confirmed that their firm prepared the plan, and received unanimous approval from the Historic Area Commission and the Planning Commission. The plan is to make the parcel, which has two dwellings on it, into two parcels, each with one dwelling.

Councilperson Di Mondì commented that Council does not have the right to not approve the resolution. City Solicitor Losco stated that in order for Council President Ratchford to sign the plan, so that it can be recorded, Council approval is required.

Resolution 2019-08 was passed unanimously.

After a motion and second, Council President Ratchford read into the record **Resolution 2019-09**, A Resolution to approve a replacement **Zoning Map per §230-3** of the Zoning Code to account for rezonings that have occurred since February 10, 2004 (**Council President Ratchford – posted 02/19/2019**).

Building Official Jeff Bergstrom commented that the purpose of the replacement map is to provide a cleaner, easier to read map.

Councilperson Quaranta asked City Solicitor Losco what would happen if something were wrong with the new zoning map. Mr. Losco responded that another amendment would be needed, to correct such a mistake.

Councilperson Di Mondì commented that he expects every dark red part of the new zoning map to be high-rise apartments, in the future.

Resolution 2019-09 was passed unanimously.

After a motion and second, Council President Ratchford completed the first reading of **Ordinance 518**, An Ordinance to impose a nine month Moratorium on the issuance of building permits and other land use approvals associated with the construction of new, multi-family development projects involving more than ten dwellings units in all zoning districts of the City (**Councilperson Di Mondì- posted 02/19/2019**).

Public Comments

Victor Bryson of 600 Clark Street congratulated the Police Chief on a job well done. He also commented about a piece of property outside of Dobbinsville, where apartments are supposed to go, and expressed concern about Councilperson Di Mondì's earlier comment that zoning changes do not need to come to City Council for approval. Mr. Bryson understands that multiple people had no idea that that was a superfund hazardous waste area, when the building was approved to be built there. Contaminants in the ground will start to move if the area is disturbed. He wanted to know how that was approved. He stated that the Southern Gateway is being pushed too fast, and will disturb contaminants that are currently dormant in the ground. He would like no more permits to be issued for the area, until residents know what happened there, and is concerned about potential problems with the drinking water.

Jeff Bergstrom commented that the mentioned property passed an audit, and there was no evidence of contaminants. There is heavy metals contamination all around the Dobbinsville area, from previous iron tailings, when a steel mill was active in the area. He stated that the levels of contamination at the mentioned property did not rise to the level of a phase two audit.

Dorsey Fiske of 26 East 3rd Street commented that the Trustees have recently provided millions of dollars to cover repairs for which the city is responsible. She expressed that Trust money should only be used for projects that are beyond the scope of the city government. She hopes that Council will take action to avoid operating fund overruns of more than 5% of any fiscal year budget, except in case of emergency. Ms. Fiske requested that, at the April 2019 Council meeting, a Councilperson give a report on plans to eliminate budget overruns of more than 5%.

Binnie Beale of 26 The Strand commented that the Treasurer's reports at the Council meetings should include a comparison to the budget, for that particular period of time.

Councilperson Quaranta responded that Council receives a detailed report of all of the budgeted accounts every month, seven days in advance of the Council meetings. The City Treasurer's report at the meetings is a summary of that. Citizens have access to the detailed report, which is public.

Councilperson Di Mondì commented that until two years ago, the city was not allowed to have long-term debt.

Karen Whalen of 17W Third Street spoke in support of **Ordinance 518**, and stated that she wishes that the proposed moratorium were longer than nine months. She also expressed concern over the filling of the land behind the Senior Center, expecting that it is in preparation for a planned development. She asked why the work is taking place at night.

Councilperson Di Mondì stated that he wanted the moratorium in Ordinance 518 to last for a year. City Solicitor Losco had suggested six months, and they compromised at nine months.

Roderick Gillespie of 24 W. 4th Street spoke against the Third Street parking lot, and provided some historical background on the location's selection, stating that in 2016, the City Council President recommended the location to the Trustees. He also read parts of a 2016 report from AECOM that he (Mr. Gillespie) believes the parking lot does not comply with. Mr. Gillespie was unable to finish his comments due to the three-minute time limitation for public comments.

Rod Miller of 124 E. 3rd Street commented that he had seen a Hy-Point Dairy truck make a dangerous right turn off of Sixth Street, going up onto the sidewalk, before pulling in to make a delivery to Walgreens. He asked whether somebody could report this to the company.

Councilperson Quaranta suggested to Police Chief McCabe that businesses in the area be asked to remind their suppliers to bring smaller trucks for their local deliveries.

Sandy Beale of 26 The Strand continued reading Roderick Gillespie's comments, who had earlier reached the three-minute time limit. She spoke in opposition to the Third Street parking lot, stating that it would damage the historic district, cost at least \$425,000, without landscaping, as well as lowering the value of 22 private dwellings by at least half a million dollars. She stated that parking should be added to existing parking lots, on the fringes of the historic district.

Kathleen Wooster of 108 W 3rd Street concurred with Karen Whalen's concerns over the work being done behind the Senior Center, and asked what they are doing. Various members of Council responded that they are filling in the wetlands. Councilperson Quaranta commented that there is a difference between wetlands and the flood plain, and asked that Jeff Bergstrom comment.

Mr. Bergstrom commented that the area is not a wetlands, that it is in the flood plain, and they are filling in the flood plain, to remove the property from the flood plain. The property owner has not provided information to the city as to their intentions for the property. Medori Inc. owns the property.

Ms. Wooster of 108 W. 3rd Street asked who will be moving into the high-rise apartments that will be going up, and stated her belief that the citizens who are affected by the building do not have a say in what happens in the city. Council President Ratchford encouraged Ms. Wooster to get involved in the Comprehensive Plan process.

Phil Gross of 301 Moore Avenue asked how he could get a color copy of the zoning map. Councilperson Di Mondì offered Mr. Gross his copy. Mr. Gross expressed his support for Ordinance 518. He also asked whether there is any ongoing monitoring of the land, the water and the property on the Gateway, related to possible contamination.

Council President Ratchford responded that MSC monitors water quality. Councilperson Quaranta advised that monitoring related to building permits and breaking ground would be the responsibility of state building code, DNREC and MSC, probably in that order, and any other regulated utilities that are within the footprint of the proposed plan.

The Motion to adjourn was made by Councilperson Leary, seconded by Councilperson Quaranta and passed unanimously. Council adjourned at 8: 27 pm.

Respectfully submitted,

Brian Whitaker Clerk of the City of New Castle

Next Regular Meeting Date: April 9, 2019