

City of New Castle Delaware
Regular City Council Meeting at Town Hall
201 Delaware Street – New Castle
Tuesday, April 9, 2019– 7:00 p.m.

Call to order: 7:00 p.m.

Roll Call

Councilperson Valarie W. Leary
Councilperson Michael Quaranta - Absent
Council President Linda Ratchford
Councilperson Michael Platt
Councilperson John A. Di Mondì (7:10 P.M.)

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

Council President Ratchford noted that this is the last regular City Council meeting before the election on Saturday, 4/13/2019. She also thanked and recognized Councilperson Valarie Leary, Councilperson Michael Quaranta and Councilperson John Di Mondì.

Council President Ratchford thanked Mayor Jimmy Gambacorta for his service to the city.

Staff Reports

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

Treasurer's Report

The unaudited Treasurer's report was presented by Janet Carlin, City Treasurer; as of March 31, 2019, reported \$3,518,427.11 in unrestricted finds, and \$2,461,087.41 in restricted funds, for a total of \$5,979,514.63 total cash in accounts.

Total long-term debt is \$2,042,224. Of that, \$1,742,904 will be paid back by the Trust, leaving \$299,320, which includes the financed vehicles.

In response to a question from Council President Ratchford, Ms. Carlin stated that the city is very much on target, in terms of budget. 78% of income has been realized, versus 80% at this time last year.

Council President Ratchford noted that she had checked back to 2015, and the city had come in under budget in all of that time.

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

Reports from the City Administrator and Staff

City Administrator Barthel reported that the property at 615 Clymer Street had gone to Sheriff's sale on the date of this meeting. The property was not sold, so the city will be taking possession of that within 90 days or so. City Solicitor Losco stated that the exemption period is 60 days, and he can then file a motion with the Court. Mr. Barthel stated that in the meantime, they will try to sell the agreement.

Mr. Barthel also reported:

- DelDOT has advised that the traffic light at Delaware and 6th should be completed in fiscal year 2021.
- Street sweeping will begin on May 6th. An updated schedule will be published in the New Castle Weekly, this week. It will also be posted in Cobblestones, and schedules will be available to be picked up at Town Hall. Signs will be posted when closer to the start date.
- He has been told by Dave Athey, with AECOM, that the bids for Delaware Street should be ready mid- to end of May. They are currently engaged in some pre-work with MSC.
- Goodwill is buying a new ambulance, and Tim Moore is optimistic that the city would purchase an Opticom infrared system to be installed on the front of the ambulance. This system coordinates traffic lights as the ambulance approaches traffic signals. The cost is \$1,320. Mr. Barthel was able to identify that amount out of the Police vehicle budget. In response to a question from Mr. Platt, Mr. Barthel confirmed that this system would be just for the new ambulance. After a motion and second, the funding request for the Opticom infrared system was approved unanimously.

Building Official Jeff Bergstrom reported:

- Milling on Gray Street will begin on 4/10/2019, to begin the paving project. They will then move on to Centerpointe and Johnson Way.
- There was a meeting on 4/9/2019 regarding the Delaware Street project. The sewer rebuilding between Second and The Strand will begin on 4/16/2019. The lining project for the pipe between The Strand and the river is being worked out.
- There was a meeting with DNREC to discuss sea level rise and flood protection. The sea level is rising, and a strategy is being worked on to deal with this, using the best science available. There is a wide variety of options available.
 - Council President Ratchford commented that a \$30,000 grant had been received from DNREC, to do some modeling related to flood protection options.

Police Chief McCabe reported:

- The seasonal application process closes Friday 4/12/2019. They are hoping to fill two spots, and to have them in service by the end of May.

- Regarding a recent initiative related to trash on the way in to the city, eight or nine officers will be coming in on Saturday 4/20, to assist. They will be putting out an announcement, to get as many volunteers as possible to help.
- On May 25, an outreach project will be started, involving the National Association for Mental Illness, to help residents who are struggling with mental health and/or addiction issues. This is in conjunction with Goodwill. The three tiers of the outreach program are; what to expect from first responders, what to expect from the Police Department, and what kind of programs are in place after the fact. The location of the May 25 project start is yet to be determined, and will be announced.
- Regarding some incidences of graffiti, they have reached out to Crime Stoppers, and will be offering a reward. Video surveillance options will be reviewed. Citizens are encouraged to contact the Police Department about issues related to graffiti.
- In March, there were a couple of drug arrests from car stops. One came from a public disturbance call.
- A robbery at the Shell Station on Hares Corner was investigated. Two arrests were made.
- There was an assault in Washington Park. Both the suspect and the victim were identified due to vehicle stops.

Council Communications

Councilperson Leary thanked the city staff for the assistance they have provided to her over the last couple of years, as a Councilperson.

Councilperson Di Mondri read a letter from Dorsey Fiske (former Trustee and current Trustee candidate). In the letter, Ms. Fiske expressed concern about the amount of money that has been provided to the city by the Trustees, and the fact that the city has not been raising revenue. She stated that a resolution is needed to avoid operating fund oversights of more than 5% of any fiscal year budget, except in case of emergency. She requested that Council discuss this.

Council President Ratchford advised that the example given by Ms. Fiske was from 15 years ago, and Ms. Ratchford is unable to speak to the situation at that time. However, the city is now in good financial standing, and is managing its money.

Councilperson Di Mondri disagreed with Ms. Ratchford's comments, and does not think that the city is in good financial shape.

Business from the Mayor

Mayor Gambacorta introduced Jackie Metz, the most recent appointment to the Board of Health.

Business from the Council President

A visitor stopped into the city office recently, to thank the city for the handicapped curbs.

Several people have inquired about bicycle directional signage, especially coming off of the end of the Markell trail, into the city. DelDOT will be putting up signage by the end of the month.

Council President Ratchford and Councilperson Leary attended a meeting a few weeks ago, about the Downtown Development District Plan that was approved by Council in October of 2018. The state has reopened the application process to apply for the status, with a deadline of May 15th. Benefits of the status include spurring capital investment in the business district and other neighborhoods, and helping to build a stable community of long-term residents. Private construction projects could receive a rebate of up to 20% of the hard costs. There is the possibility also of improvements to residential properties, such as vacant homes. Assistance from AECOM will be needed, to complete the application. They have submitted a bid of not to exceed \$4,000 for this.

City Administrator Barthel reported that the \$4,000 is available in the Administrative Expenses budget line item.

There was a motion and second to approve the \$4,000 allocation.

Councilperson Di Mondì expressed that this should have been on the agenda, and publicized seven days in advance. City Solicitor Losco stated that the budget and plan had been approved previously. Councilperson Di Mondì stated that he formally objects to the funds allocation being voted on in this meeting.

The expenditure of the \$4,000 for the purpose of making an application for the Downtown Development Plan, which must then be approved by resolution, before submittal to the state, was approved:

Motion for \$4,000.00 Allocation was passed by a vote of 3 to 1.

The Motion passed, with the Council votes recorded as follows:

Councilperson Valarie Leary - Yes
Councilperson Michael Quaranta (Absent)
Council President Linda Ratchford – Yes
Councilperson Michael Platt – Yes
Councilperson John A. Di Mondì – No

Business from the Floor (concerning agenda items only)

Roderick Gillespie asked whether the vehicles included in Resolution 2019-15 are truly surplus. City Administrator Barthel responded that yes, they are surplus, and they are not being used. Mr. Gillespie asked for confirmation that designating them as surplus will not leave workers without machines or vehicles to work with. Mr. Barthel confirmed this.

Mr. Gillespie commented that the city of Newark allows five minutes for public comment, and that New Castle County allows three minutes. He feels that three minutes is a bit restrictive, and would prefer five.

Karen Whalen 17 W 3rd Street she wants to know why the Council makes up rules as government business continues and she agrees with Councilperson Di Mondì on that note. She discussed the motion of the allocation about the fact that she agrees with Councilperson Di

Mondi, that the allocation of the \$4,000 from the budget, for the purpose of making an application for the Downtown Development District Plan, should have been on the agenda, and asked why it was not on the agenda. She requested that the minutes include her comment that this was either ignorant, unprepared or very sneaky, and asked why a violation of the rules was allowed.

Council President responded that it was not a violation of the rules. Council will have to approve the application. The motion was to approve an allocation of resources.

Kathleen Makowski spoke regarding the agenda item related to commercial diesel vehicles. She stated that the noise and smoke from the diesel trucks at Muldoon's, which is located next door to her residence, create serious quality of life and health issues for herself and her family.

Arleen Harris thanked Council for their service. She asked whether the fund balances reported by the City Treasurer include the money owed to the Trust. Councilperson Leary responded that the City does not owe money to the Trust. City Treasurer Janet Carlin explained the restricted funds. Mrs. Harris asked when budget meetings will begin. Council President Ratchford responded that it would probably be May, and the meetings will be posted.

Phillip Gross asked whether, if the Downtown Development District Plan application is approved, Council has to disclose what is involved to get the grant, and whether Council could then spend whatever might need to be spent, once approved. Council President Ratchford responded that the funds approved were for the application to be completed. If the application is approved, Council will have to review and make decisions about any expenses going forward. She explained that an amount of no more than \$4,000 was approved, to have the application completed.

Gail Levinson 318 South Street asked what the deadline is, for the Downtown Development District Plan application to be submitted. Council President Ratchford responded that May 15 is the deadline, and that a special Council meeting will need to be held, to discuss the application.

Ms. Levinson commented that a lot of dirt is being moved behind the Senior Center again, and it looks like a big pipe is coming up. She asked what the purpose of the work being done there is.

Jeff Bergstrom commented that the project is a simple fill project. The pipe is for land drainage. Council President Ratchford stated that there is no application currently, to build. If they want to build, they will have to go through more permitting. Councilperson Di Mondì stated that they could provide a conceptual plan, to be able to build.

A disagreement ensued among several attendees, related to what would be required, if anything, if and/or when the property owner might want to build on the property.

After a motion and second, Council President Ratchford read **Resolution 2019-10, A Resolution Honoring the Life of John J. Gaworski, Jr. (Council President Ratchford – posted 04/02/2019)** into the record. The resolution was passed unanimously. Mr. Gaworski's family came forward for a photograph with the City Council.

Old Business

After a motion and second, Council President Ratchford read into the record **Resolution 2019-11**, A Resolution Re-Appointing a Council Appointment to the Tree Advisory Commission. (**Council President Ratchford – posted 04/02/2019.**) Proposed appointee: Tom Maddux – April 9, 2019 – April 9, 2022 – Council Appointment. **The resolution was passed unanimously.**

The appointee stated that he did not have anything to say.

New Business

After a motion and second, Council President Ratchford completed the first reading of **Ordinance 519, An Ordinance to amend Section 58-2 A** of the Code of the City of New Castle to change the titles of the Planning Commission Chairman to “Chairperson” and the Planning Commission Secretary to “Vice-Chairperson”. (**Council President Ratchford – posted 04/02/2019.**)

After a motion and second, Council President read into the record **Resolution 2019-12, A Resolution Re-Appointing an AIA Architect** to the Historic Area Commission. (**Council President Ratchford – posted 04/02/2019.**) Proposed appointee: Leila Hamroun – Term: April 9, 2019 – April 9, 2022.

Councilperson Di Mondì expressed concern about HAC leaning toward alternate materials, rather than natural and historic materials.

Resolution 2019-12 was passed unanimously.

After a motion and second, Council President Ratchford read into the record **Resolution 2019-13**, A Resolution Confirming the Mayor’s Appointment to the Board of Health. (**Council President Ratchford – posted 04/02/2019.**) Proposed appointee: Jackie Metz – Term: April 9, 2019 – April 9, 2021. The resolution was passed unanimously.

After a motion and second, Council President Ratchford read into the record **Resolution 2019-14, A Resolution Approving a Minor Subdivision** at 108 Brylgon Avenue (**Parcel # 21-004.00-025**) (**Council President Ratchford – posted 04/02/2019.**) **The resolution was passed unanimously.**

After a motion and second, Council President Ratchford read into the record **Resolution 2019-15**, A Resolution to Designate Six (6) Vehicles and Four (4) Pieces of Equipment owned by the City as Surplus Property and Authorizing Disposal of said Surplus Property. (**Council President Ratchford – posted 04/02/2019.**)

Councilperson Di Mondì objected to **Resolution 2019-15**, stating that the property in question is public property which should be sold at public auction.

City Administrator Barthel commented that the list of vehicles and equipment was provided to him by the Public Works Supervisor and the Chief of Police. His understanding is that some of the vehicles will be attempted to be traded in on a new Police Department vehicle. Any that cannot be traded in would be listed in various publications, in an attempt to sell them. He stated that this is the process that has been followed in the past.

Councilperson Di Mondì stated that the law requires that because the property is public, it must be sold at public auction.

City Solicitor Losco advised that the law does not require that the property be sold at public auction, there would be costs involved in auctioning the items, and that typically an auction does not result in the best price.

Resolution 2019-15 was passed by a vote of 3 to 1.

The Resolution passed, with the Council votes recorded as follows:

Councilperson Valarie Leary - Yes
Councilperson Michael Quaranta (Absent)
Council President Linda Ratchford- Yes
Councilperson Michael Platt – Yes
Councilperson John A. Di Mondì – No

Councilperson Di Mondì began the discussion concerning possible City regulation of commercial diesel vehicles parked on private property adjacent to neighboring residential properties. **(Councilperson Di Mondì – posted 04/02/2019).**

He stated that diesel trucks have been being backed up to within a few feet of a resident's house. Their fumes are much more toxic than gasoline. They have killed her garden and grass, and there is soot in her home. Councilperson Di Mondì would like the trucks to pull into their parking lot, rather than backing in.

Councilperson Leary asked whether Jeff Bergstrom has approached the business about the problem. He responded in the affirmative and stated that nothing has been done to improve the situation. He cannot find a law that allows him to enforce the way they park their vehicles.

City Solicitor Losco stated that there is no current law that restricts how people can park their vehicles on privately owned property. Theoretically, Council could adopt an ordinance that requires front-in parking, if the commercial property is adjacent to a residential property. Also, theoretically, Council could require, via ordinance, that diesel vehicles adjacent to residential properties cannot be left running for a certain amount of time. Mr. Losco suggested that the potential consequences of any ordinance adopted to resolve this issue be researched as to how it might impact other commercial properties located next to residential properties.

In response to Council President Ratchford's question about enforcement of a possible idling ordinance, Mr. Losco advised that enforcement would be via the resident calling 911, so that a citation would be issued.

Councilperson Platt asked about the possibility of a citywide idling time limitation ordinance.

Councilperson Di Mondì suggested that front-in parking be required at commercial properties located adjacent to a residential property. He stated that the problem has been going on for three years.

Councilpersons Platt and Leary advised that they have never received the complaint nor photos.

The discussion was concluded, and more research into possible solutions will be required.

Public Comments

Dorsey Fiske thanked Council for having the wisdom to appoint Jimmy Gambacorta as Mayor, and thanked Mayor Gambacorta.

Ms. Fiske 26 E. 3rd Street commented on a letter from Councilperson Platt, that was published in the Weekly. She stated that the information in his letter is incorrect and libelous. Councilperson Platt wrote The letter was about he said that is the way they win elections and they tell lies about the good people that want to serve and how she was giving out flyers for her campaign and how she never called Mr. Wilson and the Trustees corrupt which is a disgrace that Councilperson Platt would say that.

Bill Emory of Baldt Avenue spoke about the earlier discussion related to the diesel vehicles parking next to a residence. He stated that ordinances are needed in this situation, as well as a situation in Baldton, and it is Council's responsibility to take care of it. The Baldton situation is related to a junkyard in a residential area. He stated that there is also a problem of commercial tractor-trailers parking in residential areas, noting Baldton and Washington Park as examples. In some cases, these vehicles are being worked on in residential driveways.

Councilperson Platt responded that there had been a similar problem in a different neighborhood in the past. It was resolved rather quickly after residents contacted the Police Department, and the Police Department contacted the owners.

Bill Emory also commented on a problem in Baldton with vehicles parked the wrong way, on the street, and that he would like to see this addressed. He also commented on an issue with vehicles parking on corners, particularly in Old New Castle. He would like to see the Police address these issues.

Rod Gillespie of 24 W. 4th Street commented on the previous week's Trustees meeting, where he heard that the city would be paying for the parking lot. He asked whether that is correct. Council President Ratchford and Councilperson Platt responded that it is not correct.

Judith Baldini of 419 South Street commented on the previous City Council meeting, where there was a discussion about how the 3rd Street parking lot location was selected, and stated that he was told that one criterion was related to a WILMAPCO study. He has found, through a FOIA request, that there was not a WILMAPCO study, but rather a WILMAPCO survey. The survey was furnished to AECOM, for AECOM's study, in which they (AECOM) listed recommended criteria for creating new parking areas in the city of New Castle. He read the criteria aloud, and stated that the 3rd Street parking lot does not meet those criteria.

Phil Gross of 301 Moore Avenue commented that since deciding to run for City Council, he has been assaulted, has had 18 signs stolen, lies have been repeatedly spread, been slandered, harassed by a Trustee and a Councilman, and received an offensive text. He stated that for almost a year, he has been verbally attacked by Councilperson Platt. He stated that Councilperson Leary seemed to agree with Councilperson Platt, by saying "Yeah." Mr. Gross cited an incident where

he was assaulted and Councilperson Platt was a witness and he told the police that it never happened.

Councilperson Di Mondì stated that Councilperson Platt should be censored.

Judy Baldini of 419 S. Street asked about the status of installing a stop sign on Delaware Street at Third, which had been discussed at an earlier Council meeting. She has experienced some near-misses in that area.

Council President Ratchford advised that that is part of the Delaware Street re-design for safety, and they are awaiting information from Engineering.

Bennie Beale of 26 The Strand commented on an issue with erosion on Delaware Street, between 3rd and 4th Streets. There is also a huge pothole on Harmony Street. He asked about the status of Councilperson Leary's project related to people not cleaning up after their dogs.

Councilperson Leary responded that she sent out an email on the topic. Making the purchase of dog waste stations will be part of the budget process, and if she is not re-elected, she will have to pass the project along to somebody else.

Mr. Beale of 26 The Strand commented that there continue to be problems with Pokémon, including vehicle accidents and a pedestrian near-accident. They are working with the Read House, to have it removed from the Pokémon program. He would like Council to look into dealing with the Pokémon problem in the city.

Police Chief McCabe responded that they are dealing with it by arresting people who are driving while using their cell phone, running stop signs and double parking. He encourages citizens to call when they see these issues. Their intention is to stay in front of the big surges.

Sandy Beale of 26 The Strand commented that she and residents of The Strand have seen Second Street clogged in the evenings, because of people playing the Pokémon game. She asked Police Chief McCabe what they, as residents, can do. The Chief said that they have zero tolerance for the activity, and to constantly call for service. They can use that data to approach the company about the problem.

Council President Ratchford stated that she understands that the issues with the Read House location have to be submitted to the company, by the Read House.

Karen Whalen of 17 W. 3rd Street commented that the city should not have to put up with the issues of the Pokémon game. She wants the game turned off in the city, and asked Council President Ratchford why the game is not turned off. Council President Ratchford responded that it is complicated, that they can't just call the company and have it turned off in the city.

After a motion and second, the meeting was adjourned at 8:54 pm.

Respectfully submitted,

Brian Whitaker Clerk of the City of New Castle

Next Regular Meeting Date: May 14, 2019