

**City of New Castle Delaware
City Council Meeting
Virtual Meeting via Zoom
Tuesday, June 9, 2020 – 7:00 p.m.**

Call to Order: 7:00 PM

Roll Call

Present: Council President Linda Ratchford
Councilperson Suzanne M. Souder
Councilperson Valarie W. Leary
Councilperson Russell P. Smith
Councilperson Michael M. Platt

Also present: Mayor Michael J. Quaranta
William Barthel, City Administrator
Daniel Losco, Esquire, City Solicitor
Richard P. McCabe, Chief of Police
Janet Carlin, City Treasurer
Jeff Bergstrom, City Building Official
Brian Whittaker, City Clerk

Council President Ratchford called the June 2020 Regular City Council meeting to order and introduced the Council and attendees.

Council President Ratchford reported on the recent actions taken in regard to COVID-19: The City State of Emergency lapsed on May 31; the state economy is reopening per the Governor's order and will move to Phase II on June 15th bringing occupancy to 60%, allowing outdoor gatherings up to 250; and indoor gatherings up to 50. The community should continue to comply with all of the Governor's and the CDC's guidelines.

Council President Ratchford made a statement regarding the death of Mr. George Floyd, stating that Council and all elected officials should lead by example, have an inclusive community where justice prevails and all individuals are treated with equality and respect , and ensure that all voices are heard.

Approval of the Minutes by Date:

A Motion to approve the Minutes of the May 12, 2020 City Council Meeting and the May 15, 2020, Budget Workshop as amended, and the May 29, 2020 Special City Council Meeting a presented was made, seconded and unanimously approved.

Approval of the Treasurer's Report

Ms. Carlin presented the unaudited Treasurer's Report as of May 31, 2020:

Total unrestricted funds	\$3,245,777.83
Total restricted funds	\$2,279,096.53

Fire Code Occupancy – Most of the public buildings in the City do not have a fire code occupancy sign. Mr. Bergstrom stated that with the exception of certain occupancies, the Code does not provide for the City to set occupancy limits; and if an organization wishes to obtain and display its occupancy limit, the City can direct them to a Design Professional who will take responsibility for the occupancy calculation.

Councilperson Smith had several comments:

COVID-19 Reporting – Councilperson Smith repeated that New Castle did not have the highest rate of COVID-19 in the 19720 zip code, which was made clear when the State began reporting per capita vs population.

Preferred Postal Address – Councilperson Smith offered “Historic New Castle” as the preferred address for the City of New Castle.

Business from the Mayor

Mayor Quaranta read a statement regarding community that he posted online. The Mayor thanked Chief McCabe and his Officers for their training, professionalism and their measured view of the current circumstances.

Movie Night – The New Castle Arts Council is exploring hosting Monday Night at the Movies in Battery Park. Representatives from the New Castle Arts Council, Council President Ratchford, City Administrator Barthel, and Representatives from the MSC and others met to see a demonstration from Premier Outdoor Movies. It is hoped that Movie Night will begin as early as July 6th.

Tree Advisory Commission– Mayor Quaranta placed in nomination Mr. Scot Savitch to serve on the Tree Advisory Commission.

Grant Requests – It is important to ensure that grant resources are used for one-time events and not for operating expenses. He suggested that if organizations apply to both the City and the Trustees documentation could be streamlined so only one set of documents is submitted to both.

Battery Park – The Mayor stated the decision to close Battery Park to non-residents was based on a combination of factors that led to the limitation and that he feels limiting visitors to Battery Park was the appropriate step to take.

Downtown Development District –Downtown Development resources exist to aid with infrastructure repairs, updates, or structural development for both residential and commercial properties within the Downtown Development District

Security Cameras/Donations/Licenses – The Mayor is still developing ideas and would appreciate Council involvement regarding security camera usage in the City, holiday tree donation, and greater accountability for residential rental property license holders.

Miscellaneous – The Mayor wished a Happy Birthday to Ms. Carlin, and it was noted that Councilperson Leary’s birthday is June 12th.

Building Official’s Report – The Mayor stated that he hoped the City will consider painting yellow stripes on asphalt on Delaware Street when the project is completed before painting the granite.

Blanche Yon – The Mayor conveyed his condolences to the family of Ms. Blanche Yon who passed away on April 30, 2020. He noted that Ms. Yon was a quiet yet vital and active community neighbor who “just got things done” and never sought the spotlight for her efforts.

Miscellaneous

Ecosystem Grant – The Ecosystem No-Match Grant Resolution that was recently passed has been approved. The City will find out what the elevations are and will proceed to analyze the future course of action. Wetlands and marshes will be looked at to see if they can be used as protection for the City.

WILMAPCO –WILMAPCO has issued a Request for Proposal for a consultant to update the Transportation Plan. It is currently with the Planning Commission and they will provide comments to WILMAPCO.

Public Comments

Council President Ratchford reminded attendees that comments would be limited to three minutes.

Philip Gross – Mr. Gross had a number of comments:

- There is a problem with his street and a stormwater drain at Bryglon and 13th Street.
- There should have been some inclusiveness with the residents regarding the construction work being done in Centerpoint Business Park.
- Mr. Gross stated racial issues do not always have to be color issues.
- Mr. Gross expressed his feelings regarding the manner in which his comments were concluded at the previous council meeting.
- Mr. Gross suggested that Council do some work with making special accommodations for City businesses and restaurants.

Council President Ratchford stated that the storm drainage issue would be investigated by City Staff and they would update Mr. Gross.

Brian Whitaker – Mr. Whitaker made a number of comments:

- Vegetables grown at the Veteran’s Community Garden are available to New Castle residents.

- Mr. Whitaker is working toward his Certified Municipal Clerk certification.
- There has been rioting and COVID-19 cases have increased, and some people continue to engage in risky behaviors.
- Mr. Whitaker stated that he has been advised that people are being paid to riot and cause problems.
- Mr. Whitaker cautioned residents not to take masks from strangers or people they do not know.
- The Medical Board should be reconvened to review medical receipts pertaining to COVID-19 expenses and other COVID-related items.
- Mr. Whitaker commented on businesses reopening in New Castle.

Rod Miller – Mr. Miller recommended that parking spaces be painted on the streets to alleviate some of the parking issues.

Council President Ratchford read an email received from Mr. John DiMondi regarding the proposed Ordinance in which he opined that the First Reading of Ordinance 2020-257 was made without sufficient notice or information to the public into the Record.

Old Business

General Fund and Grant Fund Budget – A Budget meeting scheduled for June 15th at 3:00 pm.

New Business

Brylgon Avenue Park – Resident Catherine Peterson requested that Council consider putting a small park on land the City owns on Brylgon Avenue. The suggested area is a connector street that is not developed but it does have a main County sewer line beneath it. Attorney Losco stated that the Council has the authority to authorize funds for some playground equipment and park benches. If the underground utilities require repair or replacement the playground could be disrupted.

During discussion it was suggested that there may be a civic group that may be interested in taking on the project and it was agreed that the request would be referred to the Planning Commission for review and comment.

Motion, Discussion and Vote on Resolution 2020-16

A Resolution Approving the Mayor's Appointment of Scot Savitch to the Tree Advisory Commission to fulfil the unexpired term of John Lloyd. (Council President Ratchford – posted 06/02/2020.)

Scot Savitch – Term Ending November 13, 2021

Council President Ratchford called for a Motion on the Resolution. Councilperson Leary made the Motion. Councilperson Platt seconded the Motion. Council President read the Resolution.

Mr. Savitch introduced himself and noted that he has six years of very strong experience in the field and stated that he learned from a young age to give back to the community.

Council President Ratchford called for a vote on Resolution 2020-16. On vote, the Resolution was unanimously approved.

Council Discussion

Revisions to Chapter 28 of the Code of the City of New Castle regarding States of Emergency.
(Councilperson Smith- Posted 06/02/2020.)

Councilperson Smith volunteered to draft an update and asked for input from Council members.

The following recommendations were made:

- Include natural disaster protocols for flooding from serious storms.
- Clearly define leadership. It was suggested that it is the Mayor's role to declare a State of Emergency.
- Review the County Plan to mitigate the cost of updating the Code.
- Increase the term of a State of Emergency. It was noted that seven days is too short.
- Determine if, from a legal standpoint, Council can step away from the meeting notice requirement to act swiftly. During discussion, Mr. Losco noted that the normal FOIA seven-day notice can be bypassed in a State of Emergency; but the 24 hour notice is still required.
- Include checks and balances within City Government.
- Give City Council the authority to end a State of Emergency if it is in place for an excessive period of time.
- Expand the ordinance to include pandemic protocols.
- Include the public health committee in decisions.
- Provide for other Boards and Commissions to continue to operate remotely if possible.

City fines are minimal and are more about the ability for the Police Department to intervene rather than the imposition of a fine. The Police Department does not need to trigger a State of Emergency. It was suggested that after the Mayor declares a State of Emergency the City Council should be involved as the State of Emergency moves forward, and should have the authority to bring a State of Emergency to an end.

Economic Recovery and Operational Issues Related to COVID-19. (Council President Ratchford – posted 06/02/2020.)

Meetings – Distancing rules are still in place and an electronic option to attend meetings must be provided; however, the City does not have the technology to conduct a blended physical and remote meeting.

The Senior Center has been deemed the best option for City Council Meetings from a space perspective.

Distancing rules will continue to apply for the foreseeable future and it is still undetermined when the State will move to Phase III. The City Administrator recommended that the City wait until Phase III has been implemented before considering going to a full public meeting.

Outdoor Gatherings/Masks – According to the Department of Justice (DOJ) and as outlined in the 20th modification of the Governor’s State of Emergency for an outdoor event of 250 people, the requirement is that participants must enter wearing a mask, they must leave wearing a mask, and if they move around in the venue they must wear a mask; however, when they are stationary, they can remove the mask. The DOJ also suggests that event coordinators provide masks for patrons who present themselves without a mask. Singers must wear a mask within 13 feet of the audience, or they must have their back to the audience.

If the City purchases masks for the benefit of public health to be distributed at outdoor events the cost would qualify for reimbursement under the CARES Act. It was recommended that wearing a mask be a requirement to enter the event. The Trustees have approved the summer concerts; however, the sponsoring organization would be responsible for conveying social distancing and mask rules and providing signage and hand sanitizer.

Restaurants – Nora Lee’s French Quarter Bistro has applied to the ABC for a temporary outdoor site that would be authorized from June 1 to July 31. The City waived any permits and gave them the latitude to set up without having to go to HAC, with the understanding that it is a temporary site and is based on the Governor’s guidelines and the ABC. Nora Lee’s is the only restaurant that has applied for a temporary outdoor facility.

City Operations – City offices will continue to be manned by only one employee. Ms. Leila Hamroun is assisting with a plan moving forward when the offices can be opened to more employees. In Phase III City Offices may open to residents by appointment.

First Reading: Ordinance No. 2020-527

An Ordinance to amend and restate the following chapters of the Code of the City of New Castle: Chapters 102 (Building Construction), Chapter 103 (One- and Two-Family Dwellings), Chapter 162 (Mechanical Standards), Chapter 163 (Fuel Gas Standards), Chapter 181 (Plumbing Code), Chapter 185 (Property Maintenance Code); and to establish new Chapters 164 (Existing Building Code) and 165 (Swimming Pool and Spa Code) to the Code of the City of New Castle. (Council President Ratchford – posted 06/02/2020.)

Updating the Code is mandatory. Mr. Losco explained that the Ordinance stating that, with very few exceptions, the City Code will mirror the New Castle County adopted Code, which will

make it easier for contractors to work inter-jurisdictionally. In order to keep its Insurance Rating, the City Code must be within three Code Cycles. Mr. Bergstrom offered to meet with Council members to review all changes section-by-section.

City Administrator Barthel explained the rationale for fast-tracking the Ordinance and noted that Council will have adequate time to review the changes and have its questions answered.

In discussion of funding, it was noted that funds from the 2020 Budget cannot be carried over to the next fiscal year and legal expenses already accrued for work on the Code are in the 2020 Budget.

It was clarified that the decision before Council is whether or not to approve the First Reading to introduce the Ordinance and move the process to a Public Hearing.

A Motion to introduce Ordinance 2020-527 was made by Councilperson Leary and seconded by Councilperson Souder.

Mr. Losco read the Chapters to be updated per Ordinance 2020-527. Council President Ratchford stated that the First Reading was concluded and the matter would move to schedule a Public Hearing.

Council President Ratchford recognized Mr. Brian Whitaker.

Mr. Whitaker noted several comments:

- Mr. Whitaker made a suggestions for declaring and removing a State of Emergency in the future.
- Mr. Whitaker expressed his feelings regarding the appointment of the Deputy Treasurer and Deputy City Clerk.
- When the City moves into Phase II, at-risk behaviors may cause the City to move backward.
- Mr. Whitaker opined that as City Clerk he should transcribe City Council Meeting Minutes.

Councilperson Leary made a Motion to adjourn the meeting. Councilperson Platt seconded the Motion.

Mr. Losco raised a point of order noting Council had not voted on the Motion on the floor to introduce Ordinance 2020-527.

Councilperson Leary withdrew her Motion to adjourn.

City Council of New Castle
June 9, 2020

Council President Ratchford called for a vote on the Motion to introduce Ordinance 2020-527. On vote, the Motion was unanimously approved.

There being no further business to discuss and no additional public comment, Council President Ratchford called for a Motion to Adjourn.

Councilperson Platt made a Motion to adjourn. Councilperson Leary seconded the Motion. On vote, the Motion was unanimously approved and the meeting was adjourned at 9:09 pm.

Respectfully submitted,

Kathleen Weirich
Stenographer

Next Regular Meeting Date: June 14, 2020 Posted: 06/02/2020