

City of New Castle Delaware
Regular City Council Meeting
Meeting Held in Person and via Zoom
Tuesday, August 8, 2023
7:00 p.m.

Call to Order: 7:00 PM

Roll Call

Present: Council President Michael M. Platt
Councilperson Joseph F. Day
Councilperson Suzanne M. Souder
Councilperson Nermin Zubaca
Councilperson Andrew Zeltt

Also present: Max Walton, Esquire, City Solicitor
Richard P. McCabe, Chief of Police
Janet E. Carlin, City Treasurer
Christopher J. Rogers, AICP, City Planner
Valarie W. Leary, Mayor Elect

Council President Platt called the August 8, 2023, regular City Council meeting to order at 7:00 p.m. The assembly stood for the Pledge of Allegiance. Roll call followed and a quorum to conduct business was declared.

Approval of the Minutes by Date

A motion to approve the Minutes of the July 11, 2023 regular Council Meeting as amended and the August 1, 2023 special Council Meeting as presented was made, seconded, and unanimously carried.

Approval of the Treasurer's Report

Ms. Carlin presented the unaudited Treasurer's Report as of July 31, 2023:

| | |
|--------------------------|-----------------|
| Total unrestricted funds | \$ 8,567,799.41 |
| Total restricted funds | 1,938,098.56 |
| Total cash | \$10,505,897.97 |

Ms. Carlin noted that last year the City was at 9% in tax receipts at this time; however, due to a delay in receiving the file from the County, tax bills were not sent out as early as last year which she attributed to the City being at only 4% in receipts for the current year. The total received thus far is \$311,000.

A motion to approve the Unaudited Treasurer's Report as of July 31, 2023, as presented was made, seconded and unanimously carried.

Reports from the City Administrator and Staff

In Mr. Barthel's absence, Council President Platt read the Report from the City Administrator:

- The signs on Delaware Street were reworded.
- Final approval was received from DNREC for the floating pier. Some leases still need to be signed.
- Council President Platt, Trust President Toner, City Administrator Barthel and City Architect Hamroun met and marked out a location for the proposed Dog Park.
- Stage Two Manufacturing, which was recommended by the City of Wilmington, was contacted for production specs and pricing for the Bandstand. The City Administrator will meet with a local production company for consultation and direction.
- WILMAPCO was consulted regarding a traffic study for 7th Street.
- Peter Hague of DelDOT informed the City Administrator that FHA funding approval has been received for Delaware Street and 6th Street. City Staff will coordinate with Hands Off Signal Construction to schedule construction. The City Administrator will keep Council informed as schedules are available. In response to a question from Councilperson Souder, Council President Platt clarified that the work is for the traffic signs and that paving is in negotiation.
- Mr. Barthel asked to have a discussion about having 5th Street to 6th Street and up to Ferry Cut-Off paved.

Report from Chief McCabe

Chief McCabe reported on the following:

- Two juveniles were arrested in connection with a home invasion at Deemer's Landing that occurred in April 2023. The arrests were made in late July and the juveniles were transported to the Department of Corrections in lieu of bail.
- The Department joined the Community Collaboration of Delaware, a non-profit group that sponsors a local summer camp. The Department is collecting back-packs again this year and Chief McCabe suggested that back-packs be distributed to camp participants at the end of the session. Back-pack supplies will continue to be collected until August 18th. In response to a question from Council President Platt, Chief McCabe stated he would ask Captain Shughart if monetary donations would also be accepted. Supplies can be dropped off at the Police Station.

Council Communications

Councilperson Souder

August Election – Councilperson Souder extended her congratulations to Mayor Elect Leary and to all the candidates for Mayor. She also thanked the members of the Board of Elections and the Poll Workers, noting that because the margin was so slight their task was more difficult to ensure that everything was done correctly.

Power Outage – Councilperson Souder thanked MSC for their quick response to a recent power outage that lasted only two hours, noting that there are still residents in New Castle County without power from the storm last night.

Election Criteria Revisions – Councilperson Souder stated that she drafted some revisions for the election criteria. She noted discussion of the revisions was inadvertently omitted from the August Agenda and asked that it be included on the September Agenda. Councilperson Souder

briefly summarized the recommended revisions. Council President Platt apologized for the discussion being omitted from the Agenda.

Councilperson Zeltt

Tourism Director – Councilperson Zeltt asked for an update on Ms. Crawford’s activities. Council President Platt noted that she has met several times with the City Administrator, and suggested that Councilperson Zeltt reach out to Mr. Barthel for an update.

Councilperson Day

Ordinance 540 – Councilperson Day stated he was made aware that Ordinance 540 was not available online and asked that Council do all that is necessary to avoid any problems. Council President Platt noted that the Ordinance would have a first reading tonight by title only, followed by a public hearing and a second reading and vote.

Mayoral Election – Councilperson Day extended his congratulations to Mayor Elect Leary and all the candidates who ran, as well as the Board of Elections for their service to the City.

Councilperson Zubaca

Mayoral Election – Councilperson Zubaca extended his congratulations to all the candidates for running very successful campaigns. He thanked everyone for voting and the Board of Elections for their work on the election.

Playground – Councilperson Zubaca stated that he discussed slides with the Playground Subcommittee and the decision was made to pilot the new equipment being installed to determine if slides are needed. If so, they would be introduced later in the year. Councilperson Zubaca also noted that the Subcommittee will finish out Phase 1 and begin Phase 2, and thereafter it will meet on an ‘as needed’ basis. Installation of the equipment is expected by the end of August.

In response to a question from Councilperson Souder, Councilperson Zubaca stated that the Subcommittee has reviewed satellite community playgrounds and has reached out to neighborhood residents; however, at this time a leader from each neighborhood has not been found to partner with the Subcommittee. Councilperson Zubaca invited everyone living in other neighborhoods with a playground that needs updating to reach out to Suzanne Swift, Chair of the Subcommittee, or him. He stated that the Subcommittee needs someone from each of the neighborhoods to participate in order for the ideas to flourish.

Council President Platt noted that there is a basketball court in Van Dyke Village, and suggested that with funding it could be turned into a Pickleball court. Council President Platt will reach out to the City Administrator to discuss the matter.

Business from the Council President

Council President Platt addressed a letter that was written to The New Castle Weekly of August 2nd signed by eight individuals. He asserted that the letter was full of lies and countered the allegations, opining that the statements were not fact-checked by The Weekly. During the commentary a heated exchange ensued and Mr. Walton intervened, stating that any comments from the gallery should be made during public comment.

Public Comments

Tera Hayward -114 East 3rd Street

Ms. Hayward stated that she and her husband are proud to call New Castle their home. She worked as an election poll worker for the past three elections, noting that the work is very important to her as a way to give back to the community and to connect with the people of New Castle. She stated that she is proud of the work of her fellow poll workers and the Board of Elections during the recent Mayoral election, noting that the election ran smoothly and efficiently. She expressed her surprise when she learned of some public comments calling into question the integrity of the election, and was even more surprised that some of the comments came from elected officials. She stated that all poll workers attended State training and that they all followed State guidelines and best practices that learned during training with the utmost seriousness. Ms. Hayward stated that in the past few years the Country has faced a shortage of poll workers due to the Covid-19 pandemic as well as concerns about violence against election employees and volunteers due to baseless accusations of voter fraud. She encouraged elected officials to take a step back before making public statements, opining they will do a disservice to the community and our democracy.

Terry Gormley

Ms. Gormley stated that Council President Platt informed her about emails regarding certain alleged actions by Ms. Leary. She asserted that is against the law because she was an elected official. Ms. Gormley asked if it is legal to look at an ex-official's email, and stated that she would like to lodge a complaint. Ms. Gormley also stated that Council President Platt withdrew his comment regarding an issue with the April election because she would not print his comments on an unrelated matter.

Phil Gross – 1301 13th Street

Mr. Gross concurred on the biasness of The Weekly, stating that he has proof. Mr. Gross asked that the Council pass a Resolution barring Ms. Gormley from putting any information about the City in The Weekly, asserting that she has lied, manipulated elections, and peoples' opinions and reiterating that he has proof.

Mr. Gross asked if any Council member was aware of a proposed drawing for a Medori project. There was no response from Council. Council President Platt recommended that Mr. Gross contact the Council members via email. Mr. Gross stated that he would put in a formal complaint and request about the project.

Mr. Gross alleged that he was 'set up' for picking up election signs and that he would be having those involved subpoenaed to appear in court.

Joseph Octavio – 912 School Street

Mr. Octavio stated that at Mr. Bergstrom's recommendation, he came to Council regarding speed bumps and the condition of the sidewalks. Council President Platt stated that he would look into the matter.

Michael Dorff – 910 Gray Street

Mr. Dorff stated that he also owns 907 Gray Street, noting that there is an extra lot that abuts Mr. Octavio's property on School Street. Mr. Dorff stated that he wishes to transfer that extra lot to Mr. Octavio. He explained the process he followed at the direction of Mr. Bergstrom, noting that Mr. Bergstrom stated his documentation was in order. Mr. Dorff stated that now the City Solicitor has stated that he also needs a variance. Council President Platt stated that Council would look into the matter.

Mr. Dorff stated that the Sycamore trees on Gray Street are old and large, and limbs are falling off. He stated that the falling limbs are a danger to vehicles and individuals.

Bill Emory – Baldton

Mr. Emory stated that the new playground equipment in Battery Park was discussed at a recent Board of Health meeting he attended, and it was noted that adult exercise equipment has never been addressed. He recommended that the Playground Subcommittee also consider installing adult equipment in the design of the playground.

Mr. Emory opined that a two-year residency in order to run for office is too short a time and suggested that anyone running for office in New Castle should be a resident for a minimum of five years. Councilperson Souder stated that two years residency is in the current Charter and that the State only requires one year residency.

Valarie Leary – 201 Harmony Street

Ms. Leary thanked her supporters and everyone who voted in the August 5th election. She stated that she would like to discuss ideas on how to engage more residents to vote. Ms. Leary thanked the Board of Elections and the poll workers, and congratulated Mr. Ramos on a great campaign. Ms. Leary encouraged all residents to reach out to her with their questions and concerns and to attend City Council meetings. She added that the Mayor is not law enforcement and asked that residents call 911 for any emergency situation or if they need an officer. Ms. Leary also thanked her husband and son for their support.

Rod Miller – East 3rd Street

Mr. Miller stated that he contacted his State Representatives regarding recent flooding on Rt. 9 and is waiting for a response from them.

In response to a question from Mr. Miller about proposed apartments, Council President Platt stated that property is in the County, not the City.

Mr. Miller asked for information about Ordinance 540. Council President Platt explained the first reading would be held later in the meeting and that thereafter there would be a public hearing and a second reading at a future Council meeting.

Chief Richard McCabe

Chief McCabe addressed previous comments that were specific to him from Council President Platt's commentary regarding the Weekly to ensure that everyone understood the background of

why his name was brought up. He stated that he will always answer questions and that his door is always open. He stated that a newspaper person asked him a question and he answered it and he did not take sides; however if either he or his agency is called out he will defend himself.

Meghan Dabkowski – 141 East 3rd Street

Ms. Dabkowski thanked the board of Elections and everyone who ran and everyone who came out and voted. She opined that exchanges like that make people not want to be involved in City government. She stated it was not a professional way to conduct themselves and recommended that going forward City Council meetings be kept to City business.

Proclamation: Turn The Towns Teal

Council President Platt invited Mr. Brian Mattaway to read the Proclamation in recognition of September as Ovarian Cancer Awareness Month in the City of New Castle and in support of the “Turn The Towns Teal” ongoing awareness campaign. Mr. Mattaway explained his personal connection with ovarian cancer, expressing his hope that the community comes together and stands together with respect to issues like cancer.

Council President Platt stated that he would confirm that September 25th is the official “Turn The Towns Teal” date and added that it would be published on the City website. As a point of order, Mr. Walton asked if Council historically voted to accept Proclamations, to which Council President Platt responded that it does not.

Council Discussion and Possible Vote on 2023 Municipal Comprehensive Land Use Plan Annual Report.

Council President Platt invited Mr. Rogers to present the Municipal Comprehensive Land Use Plan Annual Report. Mr. Rogers explained that he assisted the Planning Commission in preparing the report for consideration by City Council. Mr. Rogers noted that the report is required by State Law and the Office of State Planning and gave a brief overview of the report.

Councilperson Souder noted that the Mayoral position is listed as vacant and asked if the report could be submitted after Mayor Elect Leary is sworn in. Mr. Rogers opined that would be acceptable to the State.

Councilperson Zubaca asked if the City Administrator would be able to provide any data on Goal G11-1 relative to City transfer tax for first-time buyers in the DDD.

Councilperson Zubaca asked if the response of G13-3 could be expanded to include details of the two grants that were awarded for the playground in Battery Park and plans to install the new equipment by the end of summer 2023.

First Reading of Ordinance No. 540 an ordinance to amend Section 230-61 to require the submission of a concept plan in conjunction with certain petitions to amend the zoning code.

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A motion to read Ordinance 540 by title only was made and seconded and Council President Platt read the Ordinance by title only.

Council President Platt stated that there will be a public hearing in the near future and thereafter the second reading will be scheduled. Mr. Rogers noted that the Ordinance will go to the Planning Commission for recommendation prior to the public hearing.

Council Discussion, Possible Motion, and Vote on Resolution 2023-23, to designate three Police Vehicles owned by the City as Surplus Property and Authorizing Disposal of said Surplus Property

A motion to read Resolution 2023-23 was made and seconded, and Council President Platt read the Resolution. The motion was unanimously carried.

Council Discussion, Possible Motion and Vote on Resolution 2023-24, a Resolution Approving the Appointment of Courtney Taylor as City Clerk; Pursuant to Section 4 of the City Charter.

A motion to read Resolution 2023-24 was made and seconded, and Council President Platt read the Resolution.

Council President Platt explained that the position of City Clerk was previously an elected post; however, it subsequently was changed to an appointed position.

The motion was unanimously carried.

There being no further business to discuss, Council President Platt called for a motion to adjourn.

A motion to adjourn was made, seconded and unanimously carried and the meeting adjourned at 8:01 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer

Next Regular Meeting Date: September 12, 2023
Posted: 08/01/2023