

City of New Castle Delaware
Regular City Council Meeting
Meeting Held in Person and via Zoom
Tuesday, September 12, 2023
7:00 p.m.

Call to Order: 7:00 PM

Roll Call

Present: 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
Courtenay Taylor, Finance Coordinator/City Clerk
Mayor Valarie W. Leary

Councilperson Souder called the September 12, 2023, regular City Council meeting to order at 7:00 p.m. The assembly stood for the Pledge of Allegiance. The assembly remained standing for a moment of silence in observance of 9/11. 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 August 8, 2023 regular Council Meeting, the August 21, 2023 special Council Meeting, and the August 28, 2023 special Council Meeting as presented was made, seconded, and unanimously carried.

Tourism Director Presentation

Ms. Sarah Crawford gave Council an overview her progress to date as Tourism Director for the City of New Castle. She reported that she is working on:

- A marketing and cross-marketing plan based on research of the area;
- A SWOT analysis (strengths, weaknesses, opportunities, and threats);
- Partnership collaborations with some of the organizations in the surrounding areas;
- A social media plan, including a new Facebook page, monthly email blast discussing area activities, and comparing various platforms to determine what works best for the City;
- Reviewing metrics and demographics of social media;
- Communication and outreach: Weekly meetings with Mr. Barthel, that included:
 - partnering with local businesses;
 - visitor communications;
 - the City's partnership with the Kalmar Nyckel; and
 - researching other surrounding areas for tour boats that could visit New Castle.

In addition, Ms. Crawford stated she will be spending more time in the City to meet with local businesses and discuss how the City can assist them in their needs and wishes.

Mayor Leary noted that the City has a large branding package that can be provided to Ms. Crawford and that there are some local Inns and Air BNB's in the City.

Approval of the Treasurer's Report

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

Total unrestricted funds	\$10,219,179.92
Total restricted funds	2,849,639.86
Total cash	\$13,068,819.78

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

In response to a question from Councilperson Zubaca, Ms. Carlin explained the tax collection line. Regarding delinquent taxes, Ms. Carlin stated that she would research that item and report back to Council.

Auditors Report

Mr. Frank DeFroda of Whisman, Giordano & Associates gave Council an overview of the Audit of the City for the FY ending June 30, 2022.

Mr. DeFroda stated that Whisman, Giordano & Associates issued an unmodified, or clean, Opinion. He further explained the basis for the Opinion, noting that additional testing was done due to funds received by the City for COVID to ensure those funds were spent in accordance with the Federal rules for the funds.

Mr. DeFroda gave Council an overview of the financial statements, including assets, liabilities, revenues and expenses; noting that the City's financial position is very healthy.

Mr. DeFroda reported that several recommendations were made to management, and the City has put forward a corrective action plan.

Councilperson Souder noted that the report includes several "material and significant discrepancies" that appear to be more technical in relation to accounting procedures. Mr. DeFroda stated that there was no misuse of funds. He explained that the software being used is very difficult to work with. Mr. DeFroda added that this, as well as the other two recommendations made to the City, related to maintaining a detailed property and equipment schedule and adding debt into the software, which the City agreed it will be doing going forward.

Councilperson Zubaca asked if it is possible to reconcile account balances between the funds. Mr. DeFroda stated that it was and explained the process, noting that was also discussed with the City and it will reconcile on a monthly basis.

In response to a question from Councilperson Day, Mr. DeFroda explained the rules for the expenditure of ARPA funds, noting that the City complied with all rules.

Council Discussion, Motion and Possible Vote on Resolution 2023-27; A Resolution to Approve the FY-2022 Financial Audit.

A motion to read Resolution 2023-27 was made and seconded. Councilperson Souder read the resolution. The motion was unanimously passed.

Reports from the City Administrator and Staff

In Mr. Barthel's absence, Councilperson Souder read the Report from the City Administrator:

- River Towns Festival – Plans for the River Towns Festival are underway. Chesapeake City has been added to the festival. The festival is organized by Event Allies and is revenue neutral for the City. The festival will be held on Saturday, October 14th. Registration begins at 8:30 a.m. and concludes at 4:00 p.m.
- Dog Park – Ms. Hamroun, City Architect, met with Mr. Barthel and others to review the location of the Dog Park, and a meeting will be scheduled to review the draft ideas and options. She is also following up on getting a topographical survey done. In response to a question from Councilperson Day, Mr. Toner stated that the Trust Attorney mailed the original MOU document to the City. Councilperson Zubaca added that Mr. Barthel said once the site plan is received they can proceed getting quotes.
- Feasibility Study for Security at City Offices – Ms. Hamroun, City Architect, is targeting a completion date of September 30th. Councilperson Souder noted that Ms. Hamroun will be working on the Study with colleagues at TetraTech with security expertise to coordinate the security issues with architecture.

Report from Chief McCabe

Chief McCabe reported on the following:

- Clinician – The Department submitted a grant for a Clinician and received verbal approval that it will be accepted. An interview was conducted with a Clinician who Chief McCabe feels will be a good fit for the Department. The program should be up and running by the end of the year.
- Accreditation – The Department is due to be re-accredited and a 90-day grace period has been given due to a lack of accreditation managers. Chief McCabe is confident that the Department is compliant, and he is hopeful that the Department will go through the accreditation process by the end of the year.

Business From the Mayor

Mayor Leary reported that:

- Turn the Towns Teal was completed and thanked those who participated in making the event a success.
- MickyFest raised over \$25,000 for the family.
- Good Will Fire Company had a ribbon cutting ceremony for the new Boat Ramp.

- Mayor Leary cut the ribbon at the Grand Opening of the Thrift Shop at the Baptist Church.
- The 350th anniversary of the New Castle County Proclamation and Celebration took place on September 12th on The Green.
- Mayor Leary approached members of Council regarding Community Outreach Days, during which she and two members of Council will schedule a date/time in neighborhoods to be available to chat with residents. The date/time will be posted in The Weekly, on the City Website and on Mayor Leary's website.
- Mayor Leary noted that the City was redistricted and the City of New Castle is represented by Senators Poore and Brown, and by Representatives Minor-Brown and Cooke; and all of these State officials can be communicated with regarding matters in the City.
- Mayor Leary will meet with Mr. Kevin Donnolly of the New Castle Conservation District regarding photos provided to Council by Mr. Emory of the marsh.

Proclamation – Constitution Week, Commemorating the 236th Anniversary of the Drafting of the Constitution of the United States of America

Mayor Leary read the Proclamation. The Proclamation was presented to Ms. Laurie Lorenz of the DAR.

Proclamation – Celebrating Bridgewater Jewelers 140th Anniversary

Mayor Leary read the Proclamation. The Proclamation was presented to Ms. Mary Bridgewater Lenhoff.

Council Communications

Councilperson Day

- Councilperson Day is working with Councilperson Souder on AV equipment in the Senior Center. The vendor has sent a preliminary estimate.
- Councilperson Day attended the reopening of the Good Will Boat Ramp and the 350th Anniversary celebration on The Green.
- Councilperson Day asked for an update on the Bandstand. Councilperson Souder noted that Mr. Barthel will be meeting with a production company regarding the Bandstand.

Councilperson Zubaca

- Councilperson Zubaca announced that he is starting a Newsletter and residents can sign up at NerminZubaca.com.
- Councilperson Zubaca has been engaging with Mr. Barthel to increase voter participation in the upcoming election, informing residents of voting location and time, and informing them of how they can register and/or vote.
- Councilperson Zubaca asked that all new members of Boards and Commissions receive training. Mr. Barthel stated that training would be done in the future.

- Councilperson Zubaca will be bringing forward a proposal to change the Charter regarding attendance of Board and Commission members.
- Councilperson Zubaca reached out to Mr. Barthel and the Tree Advisory Commission regarding an article in the New York Times on native plants and creating small forests of native plants that become self-sustainable.
- Councilperson Zubaca requested that “Yield to Pedestrians” signage be added at the 6th and Delaware Street intersection.
- Councilperson Zubaca will be meeting with Messrs. Barthel and Bergstrom to explore available resources to prepare the City for future flooding incidents for the long term.
- Councilperson Zubaca announced that he and his wife welcomed a new son on August 10th and he is currently on paternal leave.
- Councilperson Zubaca is exploring how the City can address beach traffic on weekends. He noted that many of the streets impacted are State streets.
- Councilperson Zubaca noted that street signage and pedestrian crosswalk striping at 2nd and Delaware Streets will be scheduled shortly and thanked Messrs. Barthel and Bergstrom.
- Councilperson Zubaca thanked Bridgewater Jewelers for being a community pillar in New Castle.
- Events:
 - Block Party in Battery Park benefiting the Senior Center – September 24th at 3:00 p.m. Contact The Mercury for more information.
 - Hauntings in History Tours – starting October 13th.
 - Movies in the Park, “Master and Commander” – September 29th.
 - 52nd Annual Art on the Green – September 23rd at 10:00 a.m.
 - Pop-Up Opera – September 17th at 2:00 p.m.
 - Check the New Castle Library website for hosted events.
- Councilperson Zubaca thanked Mayor Leary for her efforts in engaging with communities and speaking with residents about their concerns.

Councilperson Zeltt

- Councilperson Zeltt asked if Separation Day could be added to the October Agenda for accounting of Separation Day and how Council and the community can get more involved. Councilperson Souder noted that the City uses professional organizers due to a lack of volunteers.

Councilperson Souder

- Councilperson Souder stated that due to the upcoming special election in November she is postponing her proposal for changes to Election Procedures in accordance with State Law.
- Councilperson Souder congratulated Councilperson Zubaca and his wife on the birth of their son.
- Councilperson Souder thanked Dr. Roy Sippel for his many years of service on the Board of the Municipal Services Commission.

Public Comment

Terry Buchanan – 136 East 2nd Street

Ms. Buchanan stated that she submitted two FOIA requests to the City and was informed that the City could not comply with one request due to the need for special programming, and that the City could not provide an exact breakdown of expenses on the second request. Ms. Buchanan asked that City Council look into this matter.

Ms. Buchanan asked if the members of all Boards and Commissions could be listed on the City Website. Councilperson Souder stated that she would look into this matter.

Ms. Buchanan noted that there used to be a parking space beside 203 Delaware Street, and when the street was repaved and restriped that space was not repainted. She asked if City Council could look into that matter.

Suzanne Swift – 16 West 4th Street

Ms. Swift stated that installation of playground equipment in Battery Park was completed. She thanked everyone who was instrumental in making this happen. The Committee would like to speak with Council about having a ribbon cutting ceremony. The borders still need to be installed and the Committee is asking for volunteers to assist with installation. Once the borders are in, mulch will take 1-2 days. Ms. Swift expressed her hope that the playground will be open within the next 2 weeks.

Barbara Harrison – 928 Young Street

Ms. Harrison stated that if Council wants to reach residents in Shawtown they need to go door-to-door. She also recommended that notices be included in the MSC Newsletter.

Ms. Harrison stated she would like to speak with Chief McCabe relative to smoking marihuana in front of a residence.

Ms. Harrison noted that Young Street is not a State street and vehicles speed down Young Street to avoid beach traffic.

Binney Beale – 26 The Strand

Mr. Beale asked if several issues were reported to the Police and if not, why:

- A public hanging/lynching behind BJ's about three weeks ago.
- Two police officers drew their weapons at a brick house with a white door at 10:00 a.m. on Rt. 273 across from Walgreens.
- There is an individual who is allowed to "smash and grab" at Walgreens and there seems to be no attempt to retard this issue.
- A group of people in Battery Park launched sky lanterns. One of the lanterns grazed the top of the Kalmar Nyckel. The individuals were apprehended, but Mr. Beale did not know the outcome.

Mr. Beale asked if the City of New Castle is a safe city. Councilperson Souder stated that Council does not respond to public questions in the middle of a meeting.

Phil Gross – 1301 13th Street

Mr. Gross congratulated Councilperson Zubaca on the birth of his son.

Mr. Gross opined that The Weekly is not thorough or fair in its reporting and suggested that Council review “Mr. Alexander’s thing and what Council is proposing.”

Mr. Gross suggested that Council establish a Standard in Building Committee, asking if the City wants businesses selling CBD oils or tattoos in the middle of the City that, he opined, are not conducive to the charm and what the City stands for.

Mr. Gross noted that the Council brought up flooding and traffic when WILMAPCO had many meetings and decisions were held, but Council never acted on it. Mr. Gross urged Council to stop the building for now, get these issues that were brought up, and do it as a moratorium.

Rod Miller – 124 East 3rd Street

Mr. Miller noted his understanding that individuals serving on volunteer committees do not need to take any type of continuing education classes. Councilperson Zubaca stated that it is not currently a requirement. Councilperson Souder noted that when the Board of Adjustment was reconfigured they were provided with training.

Mr. Miller spoke in opposition of the ongoing construction in New Castle and asked how massive apartment complexes fit in with Council’s concern for public safety. He opined that the City is facing the distinct prospect of doubling the population in the next few years if all of the current proposals are approved, and expressed his amazement that Council is speaking out against increased traffic while allowing the apartment complexes to move forward.

Brian Mattaway – 628 Delaware Street

Mr. Mattaway announced his decision to run for the open seat on City Council, stating that he feels compelled to become a servant-leader and stand for all New Castilians.

Pete Toner – 601 Delaware Street

Mr. Toner noted that 1,800 apartments have been approved by Council, and more apartment buildings are being proposed. He said that Council does not have to always say “yes”. In response to a question from Mr. Toner, Mr. Walton stated that each project is considered individually.

Andrew Camac – 23 West 3rd Street

Mr. Camac noted that the striping of the EV charging stations in the new parking lot is painted wrong.

Mr. Camac suggested that Council consider community gardens where people rent square footage to plant gardens.

Mr. Camac noted that he and his daughter wanted to clean up the beach in Battery Park but was told that they could be arrested for doing that. Councilperson Souder said she could not speak to whether he would have been arrested or not and explained that DNREC probably has jurisdiction of the beach in Battery Park.

Council Discussion of the City of New Castle Transportation Plan prepared by Wilmapco for the purposes of developing a path forward for implementation.

Councilperson Day opined that WILMAPCO did a great job with the Transportation Plan that City Council voted on last year. He noted that he continues to hear comments about cut-through traffic that is addressed in the WILMAPCO plan. He recommended that a plan needs to be formulated to start implementing plans for areas in the WILMAPCO plan as well as other intersections of the City. He suggested that Council meet with WILMAPCO and then with DelDOT.

Councilperson Zubaca expressed his support of the WILMAPCO plan and Councilperson Day's suggestion that Council be proactive in the process, and stated that he would like to be included in the meetings. He also noted that his suggestion of signage is an interim fix to address weekend traffic. Councilperson Day suggested that Council review the plan and set some priorities for plans to improve pedestrian safety and cut-through traffic.

Councilperson Zeltt suggested that the flooding situation and new apartments should be considered as well, noting that New Castle gets shut down when heavy rains cause flooding. He concurred that Council needs to address these situations.

Councilperson Day stated that Rt. 9 south of Dobbinsville will be going out to contract in the fall through DelDOT and suggested that if Council looks at implementing WILMAPCO's plan flooding in the area can be addressed at the same time.

Councilperson Souder suggested that working with the New Castle Conservation District in clearing out the ditches might be temporary, but it would help while further long range plans are developed. She noted her understanding of the process for scheduling the work, adding that DelDOT has to balance the needs of multiple municipalities and cities. She opined that if things are changing in New Castle with increased flooding, and working with State Senators and Representatives may help in having the schedule moved up for New Castle.

Mayor Leary noted that Mr. Pappas from DelDOT confirmed that the packaging is being put out for bid on Rt. 9 and that the paving on south Rt. 9 will likely happen next spring.

Councilperson Zubaca asked that this topic added to the October Agenda to discuss priority projects. He also recommended that the residents read through the WILMAPCO plan. Councilperson Day stated that the WILMAPCO plan is available on WILMAPCO's website and he will have it uploaded to the City website and have copies printed for distribution.

Council Discussion, Possible Motion, and Vote on Resolution 2023-28, Extending the term of the Playground Committee.

Councilperson Souder noted that the Playground Subcommittee's term has ended and they have requested an extension of its term.

A motion to read Resolution 2023-28 was made and seconded. Councilperson Souder read the resolution.

In response to a question from Councilperson Zeltt, Councilperson Souder explained that she and Ms. Swift discussed the matter and agreed on a one-year extension. She added that the term could be renewed again.

Councilperson Zubaca urged residents to reach out to Ms. Swift to express interest in serving on the Subcommittee, or to provide ideas.

The motion was unanimously carried.

Council Discussion, Possible Motion, and Vote on Resolution 2023-29, Appointing David Atherton to the MSC Commission.

David Atherton – MSC Commission – Term Ending March 31, 2026

A motion to read Resolution 2023-29 was made and seconded. Councilperson read the Resolution. The motion was unanimously carried.

Council Discussion, Possible Motion, and Vote on Resolution 2023-30, Appointing Adrienne Indellini to the Board of Elections.

Adrienne Indellini – Board of Elections – Term Ending January 8, 2027

A motion to read Resolution 2023-30 was made and seconded. Councilperson Zubaca read the Resolution.

Councilperson Zubaca noted that Ms. Indellini would be sworn in later in the week.

The motion was unanimously carried.

First Reading of Ordinance No. 541 an ordinance to amend section 58-2 to dedicate one seat on the Planning Commission to a representative of the Good Will Fire Company.

A motion for the first reading of Ordinance 541 was made and seconded. Councilperson Day read the Ordinance.

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First Reading of Ordinance No. 542 an Ordinance to Amend Chapter A236 Affirmative Action – A236-1 Intent and A236-3 Promotion of equal opportunity programs to eliminate discrimination.

A motion for the first reading of Ordinance 542 was made and seconded. Councilperson Zeltt read the Resolution.

Miscellaneous

Chestnut Street Parking Lot EV Parking Spaces – Councilperson Souder noted that the parking spaces have not been lined and signage has not been put up due to confusion of the rules because the parking lot is owned by the Trust. Mayor Leary was informed by Trustee Tom Wilson that the Trust is willing to install signage as long as the City will stripe the spaces; however there is a question of the ability of the Police Department to enforce the parking restriction. Chief McCabe explained how the Department is limited by law of what they can enforce on private property. Mr. Walton will research the issue and report back to Council.

Action List – Councilperson Souder stated that the Action List includes the Bandshell and Separation Day.

There being no further business to discuss, Councilperson Souder called for a motion to adjourn.

A motion to adjourn was made, seconded and unanimously carried and the meeting adjourned at 8:49 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer

Next Regular Meeting Date: October 10, 2023
Posted: 09/05/2023