

City of New Castle Delaware  
Regular City Council Meeting  
Meeting Held in Person and via Zoom  
Tuesday, April 9, 2024  
7:00 p.m.

**Call to Order: 7:00 PM**

**Roll Call**

**Present:** Council President Suzanne M. Souder  
Councilperson Nermin Zubaca  
Councilperson Andrew Zeltt  
Councilperson Joseph F. Day, III  
Councilperson Brian M. Mattaway

**Also present:** Max Walton, Esquire, City Solicitor  
Mayor Valarie Leary  
Antonina Tantillo, City Administrator  
James Whisman, City Treasurer  
Jeff Bergstron, City Building Official  
Christopher Rogers, City Planner  
Police Chief Richard McCabe  
Good Will Fire Chief David Majewski

Council President Souder called the April 9, 2024, 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.

**Minutes**

A motion to approve the minutes of the February 13, 2024 Public Hearing as presented was made, seconded and unanimously carried.

A motion to strike the second sentence of the third paragraph on page 9 of the March 12, 2024 City Council minutes (“He expressed his opinion that what was crafted is fair.”) was made, seconded and unanimously carried.

A motion to strike the last word of the eighth paragraph on page 10 of the March 12, 2024 City Council minutes (“of”) was made, seconded and unanimously carried.

A motion to approve the minutes of the March 12, 2024, City Council regular meeting as amended was made, seconded and unanimously carried.

**Approval of the Treasurer’s Report**

Mr. Whisman reported that the City Budget is on target. As of March 31<sup>st</sup>, total revenues total \$5,704,000.00, and most of that has been collected. Expenses total approximately \$4,500,000.00, which is about 75% of expenses incurred.

Mr. Whisman presented the unaudited Treasurer's Report as of March 31, 2024:

Total unrestricted funds	\$ 9,491,166.42
Total restricted funds	2,223,401.80
Total cash	\$11,714,568.22

Mr. Whisman reported that the City is financially healthy.

A motion to approve the Treasurer's Report subject to audit was made, seconded and unanimously carried.

### **Reports from the City Administrator and Staff**

#### Report from Acting City Administrator Souder

- Paving at 6<sup>th</sup> and Delaware Streets – Paving of the intersection is complete.
- City Website Update – The University of Delaware (UD) students have nearly completed the design and data from the various projects has been supplied to them. It is hoped that the work will be completed before the end of the semester. In response to a question from Councilperson Zeltt, Council President Souder confirmed that as part of the redesign the students will create a manual and will conduct training for City Staff.
- Ordinance 544 – Regarding a request for information suggested by Councilperson Zeltt, Council President Souder reported that the large apartment developments in the city do not collect data on the number of apartments rented or the number of registered vehicles in the development; nor are they required to collect or supply that data.
- Street Sweeping – Street sweeping will resume in May and will continue through the fall. Street sweeping will occur once a month, and each block has a specific day of the week for cleaning. Public Works is in the process of putting up signage throughout the city. Council President Souder asked for cooperation in having vehicles removed from the street on the assigned day for sweeping to keep the city looking good and to prevent storm drain clogs.
- City Code Enforcement Officer – The position of City Code Enforcement Officer has been advertised and a number of applications have been received.
- New City Administrator – Council President Souder introduced Antonina Tantillo, the new City Administrator for the City of New Castle and briefly stated Ms. Tantillo's background and experience.

#### Report from the City Administrator

- Gas Main Renewal – Delmarva is continuing with the final phase of the project on 3<sup>rd</sup> and 4<sup>th</sup> Streets. Delmarva will reach out to residents whose gas mains were renewed in the fall to determine the type of screen they would like to shield the gas risers. Council President Souder briefly noted how her meeting with representatives from Delmarva and the installer went, noting that they were very polite, on time, and explained the entire process. Councilperson Mattaway noted that he heard at several City meetings and throughout town that there is a concern with respect to Delmarva, their professionalism, customer service, and to the placement of the gas risers. He asked that the City

Administrator re-engage Delmarva to ensure that they are partnering with residents. Councilperson Mattaway will share feedback that he has received with Ms. Tantillo. Councilperson Souder noted that Delmarva's representative informed her that he had received an extensive letter from a member of the Planning Commission and he had provided the answers to those questions. Ms. Tantillo stated that she met with Delmarva last week to discuss communications and that the City will share information received with the residents. She urged residents to reach out to her regarding incidents of unprofessionalism which she will discuss with Delmarva. Councilperson Day added that during his meeting with Ms. Tantillo he noted that in addition to matters brought up by Councilperson Mattaway, the process Delmarva should be following is not clear and he would like to ensure it is clarified; i.e., whether they should be going through the Historic Area Commission and whether it is a Level 1 matter.

- City Budget – Staff and Council will be working on the budget for the upcoming year and workshops will be scheduled.
- City Code Enforcement Officer – The first round of interviews for the position have been completed and Ms. Tantillo will be conducting a second round of interviews in the next week.

#### Report from the Building Official

Mr. Bergstron stated that he had no additions to his report.

#### Report from Chief McCabe

Chief McCabe reported on the following:

- Street Sweeping – In response to questions from Council regarding signage language and enforcement, Chief McCabe stated that when all signage has been installed by Public Works the Department will do an evaluation to ensure that they are properly placed and that the language is enforceable. There will be a warning period.
- Statistics Related to Apartment Complaints – The request has been made and Chief McCabe will follow-up.
- Good Will Fire Department – Chief McCabe acknowledged and thanked Chief Majewski and the Fire Department for their response in connection with flooding on Rt. 9. A trailer has been obtained with equipment that will give the police and fire department staff the ability to close the road. The two departments will work in concert to stage the equipment. Chief McCabe noted that although it is a State-maintained road, the police and fire departments are taking the initiative to ensure that the roads are closed in a timely manner to ensure resident safety.
- Rt. 9 Closures – During the period April 2023 through April 2024, Rt. 9 has been closed nine (9) times, and of those nine times, Ferry Cut Off has been closed three (3) times. Chief McCabe noted that road closures are definitely increasing. Chief McCabe added that he has addressed this with the City Administrator and discussed advance-warning options that he hoped DeIDOT would help fund.
- Unsanctioned Car Meets – The Department worked with several other agencies regarding unsanctioned car meets. Chief McCabe stated that in March New Castle Officers assisted

in an arrest of a car traveling at 105 MPG with a child in the vehicle. Other arrests for gun possession and drug charges have been made. Chief McCabe urged residents to call 911 to report any incidents.

In response to questions from Council Chief McCabe stated that:

- He will reach out to the Transportation Management Center (TMC) see if data can be obtained regarding how New Castle compares to other municipalities in the State.
- Ferry Cut Off was closed in 1998 during Hurricane Floyd.

Councilperson Mattaway thanked Chief McCabe for the combination efforts of the police and fire departments and for tracking the numbers. He added that there have been numerous times when there has been high water but roads were not closed because they did not reach a certain level. He added this is an issue that needs to be monitored as a collective group to work towards a resolution.

Councilperson Mattaway thanked the Police Department for its quick response and action to a recent complaint about drivers not obeying traffic laws on 6<sup>th</sup> Street.

## **Council Communications**

### Councilperson Day

- AV Equipment – Councilperson Day met with the contractor and Mr. Thatcher from the Senior Center on site to discuss installation of the AV equipment. Some electrical work needs to be done.
- Councilperson Day met with the new City Administrator on Friday to discuss various issues.
- Litter Crew – The Litter Crew held another event on Sunday, April 7<sup>th</sup> from 3-5 p.m. Seventeen volunteers collected 11 bags of trash and other debris on Wilmington Road and Glebe Lane.
- Transportation Plan – Councilperson Day stated that he will be endorsing an Ordinance to push DelDOT to fund the two intersections in the City's Transportation Plan (7<sup>th</sup> & Washington and 6<sup>th</sup> & Chestnut). Councilperson Day will follow-up on the plans for Rt. 9 south of Dobbinsville and for a long-term plan to address Ferry Cut Off flooding.

### Councilperson Zeltt

- Dog Park – Councilperson Zeltt reported feedback from legal regarding the design was received and will be reviewed. It is hoped that an RFP will be sent out in the near future.

### Councilperson Mattaway

- Flooding – Councilperson Mattaway thanked Councilperson Day for mentioning flooding. He suggested that a unified letter be written by Administration and/or Council to our Representatives in Dover on this matter.
- Councilperson Mattaway attended the following meetings/events:
  - Career Day at George Read Middle School.

- March Delaware League of Local Governments in Dover along with Mayor Leary, Chief McCabe and City Administrator Tantillo. During the meeting, several people approached Councilperson Mattaway and said that the City of New Castle has a great representative in Chief McCabe and a great new City Administrator in Ms. Tantillo. Councilperson Mattaway noted that the professionals working for the City on a day-to-day basis are not only respected locally, but they are respected throughout the State.
- On April 6<sup>th</sup> Councilperson Mattaway attended opening day for the New Castle Little League. He encouraged everyone in the community to visit the Little League.
- Councilperson Mattaway highlighted some upcoming community events:
  - April 20<sup>th</sup> – The Sailing Club Beach Cleanup
  - April 26<sup>th</sup> – The student Art Showcase at William Penn High School from 5 to 6 p.m. The Penn Bistro Café will be open that evening.
  - April 27<sup>th</sup> – The student Art Showcase at William Penn High School from 10 a.m. until noon.
  - May 3<sup>rd</sup> – May 4<sup>th</sup> – May Market in New Castle. Volunteers are needed.
  - May 4<sup>th</sup> – A FREE children’s tennis clinic in New Castle for ages 5 and up. No racquet or experience is required.
  - June 1<sup>st</sup> – The City, in combination with the Good Will Fire Company, will have a Blood Drive from 9 a.m. until 2 p.m.
- Councilperson Mattaway acknowledged the life, work and death of Mr. Ed Hojnicky and Mr. Henry Patchak. Councilperson Mattaway commended Ms. Joanne Patchak for the love, support and strength she showed during her husband’s extensive illness.

#### Councilperson Zubaca

- Easter Festivities – Councilperson Zubaca thanked everyone involved in organizing the Easter festivities in the City.
  - Transportation Plan – Councilperson Zubaca thanked Councilperson Day for championing a DelDOT Ordinance. Councilperson Zubaca, the Planning Commission Chair, Mayor Leary, the Police Chief and the City Administrator will be meeting with DelDOT regarding the 427 development project and the Level of Service rating. The timing of the traffic study was also questioned and DelDOT will be asked if they can provide a current traffic study to ensure that the numbers are accurately reflected.
  - Census Data – Councilperson Zubaca shared his research of census reports for neighborhoods in the city limits of New Castle:
    - 2010 Census: Children ages 0-17 – 1,250
    - 2022 Census: Total population – 7,187
- Councilperson Zubaca suggested that the city website be updated to reflect the most current statistics on total population.
- Eid al-Fitr – Councilperson Zubaca noted that due to the solar eclipse, the Muslim holiday of Eid al-Fitr will be tomorrow.

### **Business From the Mayor**

- May Market – Mayor Leary recognized Arasapha and May Market that will open on Friday, May 3<sup>rd</sup> at 10 a.m. and close on Saturday at 3 p.m.
- Arbor Day Proclamation – Mayor Leary read the Arbor Day Proclamation. Mayor Leary thanked the members of the Tree Advisory Commission and Mr. Vukelich and his team.
- Mayor Leary attended the Delaware League of Local Government meeting in Dover along with City Administrator Tantillo, Councilperson Mattaway and Chief McCabe.
- Easter Parade – Mayor Leary noted that the Easter Parade was wonderful.
- Library Appreciation Week – Mayor Leary recognized Julie Kirk and her staff at the New Castle Library. She also recognized the New Castle Library Friends who support the library with book sales and other events.
- Mayor Leary will be a guest at the White House on Thursday, April 11<sup>th</sup>, for the Communities in Action program building a better America. The two primary initiatives that she is prepared to speak about are coastal flooding and law enforcement recruitment.
- Sheriff's House – The Sheriff's House Preview will be Thursday, April 11<sup>th</sup> from 3 to 5 p.m.
- Mayor Leary noted that community residents who participate in local government as elected officials or volunteers on City Council, Boards, Commissions and Committees, and the Trustees of the New Castle Common serve as either unpaid volunteers or receive a nominal fee for their service. She added that the City of New Castle relies heavily on the local non-profit organizations, noting that they are key in organizing and running events; and they are also all volunteers. Mayor Leary added that individuals serving on multiple boards is not unusual in a city the size of New Castle.

### Report from Outreach Coordinator John Reaves

Mr. Reaves reported on the progress of the group at one month into the 4-month contract:

- The group will be focusing on a balance between short- and long-term results in five key areas, including:
  - identifying groups and individuals locally and with neighboring communities and setting up meetings;
  - reaching out to local businesses and individuals;
  - designing specific strategies for a web presence, social media, and print assets;
  - creating a shared online event calendar to help publicize events in New Castle;
  - identifying event venues in New Castle and the amenities they offer;
  - researching hospitality packages with local hotels;
  - identifying and adding family friendly activities under the New Castle brand;
  - collecting research relative to tourism in town from local businesses;
  - collecting audience segmentation information regarding who comes to New Castle and who the target visitors are;
  - collecting quantitative data for long-term data on how to attract visitors;
  - continuing to develop relationships with organizations in town; and
  - collecting competitive benchmarking against other historic towns.

- Deliverables that are completed or are near completion:
  - creation of a website detailing a history of the town and events;
  - creation of social media accounts, including Facebook and Instagram; and
  - print materials are being made for distribution to local businesses and other venues in nearby communities;

Mr. Reaves noted that the group is trying to determine the vision of the tourism function and what they hope to accomplish, including: visitors, outreach, collaborating with existing organizations, and building relationships and visibility with various media so they know they can come to New Castle for a story.

In response to a question from Councilperson Zubaca, Mr. Reaves stated that they will add the Buttonwood School to the list of local venues. Mayor Leary will provide the group with information.

Councilperson Zubaca suggested that local venues outside the Historic Area be included in the list as well.

Councilperson Zubaca suggested that the group reach out to the Delaware Tourism Office (DTO) for ideas and to see if they can segment the data. It was noted that the DTO uses AI to collect their data. Mr. Reaves noted that New Castle's segmentation may be unique.

Councilperson Zubaca thanked the group for doing the Business in New Castle video.

Councilperson Day thanked them for holding the Bike Vision Session. He attended and enjoyed the event. Mr. Reaves noted that they intend to hold additional sessions.

In response to a question from Councilperson Mattaway, it was noted that the group created its own website: [visitnewcastle.org](http://visitnewcastle.org)

Councilperson Mattaway suggested creating a New Castle AP and it was noted that the group is looking into this as well.

Councilperson Zubaca noted that UD students are currently working on the city website and suggested that efforts be coordinated to ensure the tourism website is done in a similar fashion. Council President Souder suggested that they review the City of Lewes' webpage, noting that model will be used next year when the UD students work on the website.

Councilperson Zubaca noted that Mr. Barthel had been working with the former Tourism Director on a communication system to text people with pertinent information and suggested that they coordinate with the City on this project.

Councilperson Zeltt noted that there are many people interested in volunteering and suggested that a form be created for potential volunteers to identify their areas of interest and qualifications to send to various organizations in the city.

### **Business from the Council President**

- A Trustees election will be held on Saturday, April 13<sup>th</sup>. Voting will be at the Good Will Fire Hall from 10 a.m. to 4 p.m. Registration is separate from city/state/federal elections and can be completed at the polls on the day of the election. More information can be found on the Trustees website.
- Council President Souder reminded the assembly that public comment will be limited to three (3) minutes. Council members will attempt to answer simple questions but will not engage in extended discussions on items not listed on the Agenda.

### Report From Chief Majewski

- The Large Scale Water Supply Drill will be done on Saturday, April 20<sup>th</sup>. There will be some parking displacement during the drill. Staff will be mindful of the disruption and will work to exit the area as soon as possible after the drill is completed.
- On April 20<sup>th</sup>, Senior Firefighter / EMT Drew Outten will be retiring from the Fire Department after 15 years of service to the community.

### **Public Comment**

#### Suzanne Swift – 16 West 4<sup>th</sup> Street

Ms. Swift gave an update on the Playground Sub-Committee:

- Phase 2 is being actively planned with a ship-themed element, an accessible ramp leading up to climbing equipment and slides.
- They are looking into funding to replace the mulch with a rubberized surface.
- They are looking into benches and shading, and to augment the landscaping to keep the area as cool as possible.
- ONCOR became a 501c3 organization recently, and it will be seeking grant funding through many organizations and government agencies. They are also hoping to get an Urban and Community Forestry grant which will allow them to have a student over the summer to help with landscaping.
- Ms. Swift thanked Councilperson Mattaway, Council, the Trustees and others in the community who have supported the initiative.
- Ms. Swift stated that they are looking forward to working with Ms. Tantillo on their proposal for the Bond Bill.
- The Playground Sub-Committee meets the second Monday of the month.

Ms. Swift urged City Council to work with the Trustees to have the bathrooms in Battery Park repaired and reopened.

#### Dorsey Fiske – 26 East 3<sup>rd</sup> Street

Ms. Fiske stated that she requested the Department of Justice (DOJ) to investigate the Trustees. She asserted that the Trustees have refused to let the public see the revised Conflict of Interest statement or Sections 2 and 3 of the Bylaws. Ms. Fiske detailed the ways in which she asserted

the Trust has prevented the Trust beneficiaries from obtaining information about their management of the beneficiaries' assets.

Ms. Fiske also asserted that The Weekly has been smearing her with lies and insinuations without using her name and detailed the issues in which she asserted that occurred.

Council President Souder encouraged the assembly to limit their comments to issues related to City business.

Judy Guttenplan – 35 West 4<sup>th</sup> Street

Ms. Guttenplan stated that she is grateful for Phase 1 of the new playground in Battery Park and urged Council to work within the Bond Bill to support Phase 2 of the Playground Sub-Committee. She added that it is important to have a community appropriate playground to drive visitors and to support residents.

Phil Gross – 1301 13<sup>th</sup> Street

Mr. Gross said that he has noticed the activity in the playground and is grateful that the Sub-Committee has pursued the project.

Mr. Gross distributed a copy of his court docket and said that he was not prosecuted for a crime. He added that a No Contact Order was not placed against him.

Mr. Gross made assertions against The Weekly and asked that City Council ensures that they are not an official report from the meetings. Council President Souder stated that the only official record of City Council meetings is the Minutes.

David Connell – 725 Clymer Street

Mr. Connell spoke about his issues with his home and gave a synopsis of the events leading up to him refusing to live in the house.

**Old Business**

**Discussion, and possible vote on Ordinance 544** – An Ordinance to Amend Article V Supplementary District Regulations 230-28 Off-Street Parking and Loading Requirements Section (A)(15) in a Downtown Gateway District; Subsection (a) Parking Requirements for specific uses are as follows – [5] Apartments.

Council President Souder stated that the correct version of Ordinance 544 was not included in the Council Packet and the matter would be tabled until the May meeting.

**A motion to table Ordinance 544 was made, seconded and unanimously carried.**

**Second Reading, Discussion, and possible vote Ordinance 546** – An ordinance to amend the City of New Castle code chapter 130 regarding buildings and structures in special flood hazard areas.

Council President Souder read Ordinance 546

In response to a question from Councilperson Zubaca, Mr. Walton stated that the discussion from the Public Hearing will be part of the record. Council President Souder summarized the matter and what was discussed during the Public Hearing.

In response to a question from Councilperson Mattaway, Mr. Bergstrom stated that there is no new construction currently going on in the City that is in violation of the proposed Ordinance 546. Council President Souder confirmed that most new construction in the flood hazard area has been complying with the requirements in Ordinance 546.

**A motion to approve Ordinance 546 was made and seconded. A roll-call vote was taken:**

**Council President Souder – Aye**

**Councilperson Day – Aye**

**Councilperson Zeltt – Aye**

**Councilperson Mattaway – Aye**

**Councilperson Zubaca – Aye**

**The motion passed unanimously.**

#### **New Business**

**Council Discussion, Possible Motion and Vote on Resolution 2024-13 – A Resolution Approving a Subdivision for 12 Arbutus Avenue; Lots 144 and 146 – The Buttonwoods (Parcel # 21-001.00-007).**

Council President Souder read Resolution 2024-13.

Mr. Rogers stated that it is a by-right subdivision. He summarized what was discussed in the Planning Commission meeting and explained that the property owner is proposing three lots and intends to build duplexes on each of the lots. Mr. Rogers opined that the duplexes would most likely be rentals.

**A motion approve Resolution 2024-13 was made, seconded and unanimously carried.**

**Council Discussion, Possible Motion and Vote on Resolution 2024-14 – A Resolution to Designate Three (3) Vehicles Owned by the City, as Surplus Property and Authorizing Disposal of said Surplus Property.**

Council President Souder read Resolution 2024-14. Council President Souder stated that the vehicles are former police vehicles from which all police equipment has been removed. The vehicles were leased and they will be returned to Enterprise for a future credit.

**A motion to approve Resolution 2024-14 was made, seconded and unanimously carried.**

**Discussion and possible vote on a one-month extension of the independent contractor agreement with William Barthel.**

Council President Souder stated that Mr. Barthel's six-month contract with the City to act as a consultant will expire on April 15<sup>th</sup>. The City will shortly be making the request to the State Legislature for funds through the Bond Bill, and Mr. Barthel has extensive experience that will be of great assistance during that process. Council President Souder made a proposal to extend Mr. Barthel's contract for a period of one (1) month to have the advantage of his expertise with the Bond Bill and perhaps with the Budget. Mr. Barthel is willing to have the contract extended.

**A motion to approve a one-month extension of the independent contractor agreement with William Barthel was made.**

In response to a question from Councilperson Zubaca, Council President Souder stated that Mr. Barthel was available to the City during the time that he was out of the country; and that she and other members of staff did, in fact, reach out to him during that time. She added that the terms of the extended contract will be a flat fee for up to 10 hours per week.

In response to a question from Councilperson Mattaway, Council President stated that one month will be sufficient to get through the Bond Bill process.

Councilperson Day stated his position that City Council should have some input on the Bond Bill submission. Council President Souder said that Council members should submit any additions to the Bond Bill to Ms. Tantillo. Councilperson Zubaca concurred that it would be nice for Council to review the City priorities. Ms. Tantillo added that she wants to review the budget process and the Bond Bill would be part of that discussion.

**The motion on the floor was seconded and unanimously carried.**

**Discussion of policy for handling comments and questions submitted via email prior to Council meetings**

Council President Souder noted that the posting of City Council meetings states that comments from residents who cannot attend the meeting may be submitted by 3:00 p.m. on the meeting date. In the past, those written comments have been read out loud at the Council meetings. It is being proposed that written comments not be read out loud but will be attached to the Minutes as part of the record. Council President Souder added that reading written comments during the meeting is not a requirement of the City Code.

In response to a question from Councilperson Zeltt, Council President Souder stated that if the time to receive written comments was extended to ensure those comments are part of the Packet they would need to be received on the Friday prior to the Council meeting. Councilperson Zubaca opined that having the written comments with the Packet is not necessary, noting that verbal comments are not heard prior to the meeting.

Councilperson Day stated that Council has allowed speakers to make accusations against the Trust and make personal attacks; and that not reading written comments will not stop speakers

saying whatever they want at the podium. Councilperson Day added that not reading written comments on City business is taking their voice away. Council President Souder stated that if comments are restricted only to matters under the jurisdiction of the Council, it would mean that reports would not be allowed from various groups and organizations in town that are important to the community.

In response to a question from Councilperson Zubaca, Mr. Walton stated that in his experience written communications are not read out loud during a Council meeting but are distributed to Council members ahead of time and are made part of the written record. He added that regarding the three-minute time limit, a written comment should be timed and the reading would cease at the three-minute mark.

Mr. Walton stated that Council cannot engage in viewpoint discrimination. If public comment is limited by time, place and matter, that restriction must be strictly adhered to; and if restrictions are placed, he will strictly enforce those restrictions.

Council President Souder suggested that the change to no longer read written comments out loud be instituted on a trial basis.

Councilperson Zubaca concurred with Councilperson Day that written comments should be read out loud during the meeting, and opined that no one will peruse the written Minutes to read written comments.

In response to a comment from Mayor Leary, Mr. Walton stated that if a written comment addresses a matter on the Agenda it can be discussed; however, if a written comment addresses a matter that is not on the Agenda that Council feels should be discussed, that comment should be added to the next month's Agenda.

Councilperson Day stated that he does not approve of some comments being made from the podium, but that he has an issue with Council limiting access; adding that Council should be transparent and should not bury written comments behind the Minutes.

Council President Souder suggested that Council continue on as in the past and revisit the topic in the future if it becomes a problem.

In response to a question from Councilperson Zubaca, Mr. Walton clarified that if Council approves not reading written communications during the meeting, portions of a written comment cannot be read.

There being no further discussion, the consensus of Council is to continue reading written comments out loud and possibly revisit the matter in the future.

**Council Discussion, Possible Motion and Vote on Resolution 2024-15 – A Resolution Approving a Subdivision for 600 and 610 Tremont Street, and 601 – 611 Deemer Place.**

Council President Souder read Resolution 2024-15 and briefly explained the purpose of the Resolution. Mr. Rogers explained the subdivision is to create new lots around existing structures. No new improvements are being proposed. Two lots are being proposed around semi-detached units where the lot line will coexist with a common wall. The Board of Adjustment granted 11 variances for the subdivision to proceed to the Planning Commission. The Planning Commission approved with conditions and those conditions have been met.

Mr. Rogers responded to questions from Council members.

**A motion to approve Resolution 2024-15 was made, seconded and unanimously carried.**

**Council Discussion, Possible Motion and Vote on Resolution 2024-16 – A Resolution Approving a Lot Line Adjustment Plan Prepared for David Scott and Rebecca Bechtel, 19 and 23 The Strand.**

Council President Souder read the Resolution and briefly explained the purpose of the Resolution. Mr. Rogers explained that this is a subdivision plan to eliminate a lot line and add one existing parcel to another existing parcel. Such subdivision is called a re-subdivision plan per the subdivision regulations. There is no new development potential being created as a result of the re-subdivision plan/lot line adjustment. This type of subdivision does not need to be approved by the Planning Commission. They are administratively approved by City Council.

Mr. Rogers responded to questions from Council members.

**A motion to approve Resolution 2024-16 was made, second and unanimously carried.**

**Council Discussion and Vote** on the proposed modification/elimination for a cross access easement for 0 W. 7th Street, 423 W. 7th Street, and 427 W. 7th St., Parcel Nos. 21-014.00-400, 21-014.00-578 and 221-014.00-555.

Mr. Walton explained the purpose of the discussion, noting that the developers of The Battery have requested that the cross access easement be removed. Mr. Walton stated the cross access easement has no utilities and recommended that City Council approve it.

**A motion to approve eliminating a cross access easement for 0 West 7<sup>th</sup> Street, 423 West 7<sup>th</sup> Street and 427 West 7<sup>th</sup> Street, was made, seconded and unanimously carried.**

**Council Discussion and Vote** on a cross easement proposal between Jaksn, LLC and the City of New Castle, regarding Tax Parcel Nos. 21-014.00-399 & 400 for access from 7th Street.

Mr. Walton stated that there was formerly a proposal provided to Council that the City would take ownership of a public pump station parcel. The City prepared an agreement with contingencies whereby the parcel would be donated to the City. Subsequently, the owners of the parcel proposed to take an access easement across the City's property because once The Battery

is built there would be no access to the pump station. The proposal states that the property owner will build a curb cut to have access and will provide landscaping.

Mr. Walton stated that the proposal outlined in the Cross Access Maintenance Agreement was prepared by the developers counsel and contained all that he had requested.

Mr. Walton responded to questions from Council members. During discussion Mr. Walton quoted from the Agreement, which states under Item 4(a):

All reasonable costs and expenses necessary for the maintenance, repair and placement of the driveway and appurtenant services including but not limited to snow plowing and periodic sealing and (collectively the “Maintenance”) shall be the sole responsibility of Grantee ....

**A motion to approve a cross easement proposal between Jaksn, LLC and the City of New Castle, regarding Tax Parcel Nos. 21-014.00-399 & 400 for access from 7th Street was made, seconded and unanimously carried.**

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

**A motion to adjourn was made, seconded and unanimously passed and the meeting adjourned at 9:30 p.m.**

Respectfully submitted,

Kathleen R. Weirich  
City Stenographer

**Next Regular Meeting Date: May 14, 2024  
Posted: 4/2/2024**