

City of New Castle Delaware  
Regular City Council Meeting  
Meeting Held in Person and via Zoom  
Tuesday, May 14, 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  
Police Chief Richard McCabe  
Good Will Fire Captain Timothy Moore

Council President Souder called the May 14, 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 March 12, 2024 Public Hearing minutes as presented was made, seconded and unanimously carried.

A motion to approve the April 9, 2024 Public Hearing minutes as presented was made, seconded and unanimously carried.

A motion to approve the April 9, 2024 regular Council meeting minutes as amended was made, seconded and unanimously carried.

**Treasurer's Report**

Mr. Whisman reported that there is approximately \$11.5M in the bank, which makes the City very healthy. Mr. Whisman noted that the Council is doing an excellent job of analyzing the city's functions and will soon have a budget. Mr. Whisman also reported that the final 2024 Audit report has not yet been received; however, he has not heard anything negative to date. Nearly 100% of revenues have been collected for the current fiscal year. As of April 30<sup>th</sup>, the city has paid 87% of expenses and no expenses were incurred that were not budgeted.

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

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

### Report From the City Administrator

- Gas Risers – Delmarva Power shared that they are in the final phase of the gas meter updates. Fourth Street continues to be closed as the work is completed. A letter should be coming out in the next few months regarding screens/planters to cover the risers.
- Street Sweeping – Street sweeping began in May and signs have been posted throughout the city
- Code Enforcement Officer – The newly hired Code Enforcement Officer will begin in July.
- Traffic Impact Study – Ms. Tantillo met with DelDOT and Senator Poore regarding traffic improvements and the traffic impact study; and they are looking into options.
- Battery Park Restrooms – Discussions continue with the Trust and the City to work together to have repairs made and the restrooms re-opened. In the interim, port-a-potties have been placed in the Park. They will be cleaned twice each week.
- Reassessment – The County sent out a letter regarding the reassessment. The letter should come from Tyler Technologies. Any questions should be directed to the County. Information on how to contact the County can be found on the city website.
- Separation Day – Approximately 50 vintage, non-vintage and food vendors will be there, and additional vendors are welcome to apply. There will be rides for the children and fireworks as well. Volunteers are invited to sign up.
- City Budget – The city and Council continue to work on the new budget.
- Grants – The city has applied for numerous grants including Municipal Street Aid, ORPT pre-application for Battery Park Phase 2, and the Bond Bill.

Council President Souder noted her understanding that there has been confusion about the screens/planters and clarified that they will be offered to everyone whose meters were impacted. Ms. Tantillo stated that Delmarva will work with each individual homeowner. In response to a question from Mayor Leary, Ms. Tantillo stated that homeowners are not required to accept the screen/planter that is being offered by Delmarva; however, there is only one option of screen and one option of planter being offered.

Mr. Mattaway noted that several residents have reported misinformation on the sheets they have; and there was misinformation on his sheet as well. Ms. Tantillo explained that information will be published in The Weekly and the Crier.

### Report from Chief McCabe

Chief McCabe reported on the following:

- The department investigated and made an arrest in an incident of aggravated menacing where two employees argued and a firearm was involved. Camera footage provided evidence and an arrest was made within 24 hours.
- The department is currently investigating a shooting at William Penn Court. Shots were fired at several residents from the passenger side of a moving vehicle. No injuries were sustained.

- The department had its re-accreditation visit last Friday. Three assessors did a thorough walk-through and a ride-along with officers.
- Chief McCabe stated that the department will be doing outreach to inform residents and businesses of what to expect on Separation Day. On Friday night parking will be allowed up to between 2<sup>nd</sup> Street and The Strand. That area will be closed on Saturday, but they will allow access to anyone working in that area.

## **Council Communications**

### Councilperson Day

- The AV Equipment project is moving forward. The PO's for equipment and electrical work have been received. The electrical work will be scheduled when it does not interfere with Senior Center activities. In response to a question from Councilperson Zubaca, Councilperson Day stated that the equipment has not yet been purchased. Councilperson Day is hopeful that the equipment will be installed for the July meeting.
- Councilperson Day is waiting for comments from several individuals on recommendations for the Band Shell and it is hoped that it will be finalized by the June Council meeting.
- The last Litter Crew event was April 28<sup>th</sup>. Fifteen volunteers collected eight (8) bags of trash on Moore's Lane between Wilmington Road and Boulden Boulevard. Councilperson Day expressed his appreciation to the volunteers who helped.
- Councilperson Day thanked the City Administrator for facilitating the meeting with Delmarva Power regarding the gas risers.
- Councilperson Day attended the New Castle Historical Society's presentation on the Great New Castle Fire. The event was well done and well attended.
- Councilperson Day thanked everyone who participated in May Market, noting that it was well attended despite the rain.

### Councilperson Zeltt

- Councilperson Zeltt attended May Market and took pictures of the event. He thanked everyone who helped put it on.
- Legal completed its review of the RFP for the design of the Dog Park. The RFP was forwarded to the City Administrator to put on the website and to solicit bids on the design. Thereafter, the area will be cleared and construction can begin.

### Councilperson Mattaway

- Councilperson Mattaway thanked his colleagues on Council for their time, energy and ideas, and for their love of the city. He noted that Council has recently had numerous meetings and acknowledged the members' families for their support.
- Councilperson Mattaway recently attended the Delaware City Council meeting. He noted that New Castle has many of the same issues and concerns as Delaware City, and he will be working to collaborate with them to find commonality to lift community.
- Community Events:

- Library on the Loose is a once-a-month initiative during the summer to help encourage literacy and get children involved in positive activities during the school break. They will be in Dobbinsville and Buttonwood on Saturday, May 18<sup>th</sup>.
- The New Castle Historical Society will be unveiling its most recent presentation “Ft. Casimir and the Struggle for the Delaware” in the Old Library on May 18<sup>th</sup>. It will be open Saturdays and Sundays from Noon to until 4:00 p.m. through the rest of the year.
- On June 1<sup>st</sup>, there will be a blood drive.
- On June 2<sup>nd</sup>, the Children’s Free Tennis Clinic will be held at the Appleby Tennis Courts from 10:00 a.m. until noon.
- There will be a free lunch program for students in the summer at the Library from June through August. Council President Souder noted that New Castle has hosted the free lunch program and the summer camp for some years.

#### Councilperson Zubaca

- Councilperson Zubaca thanked Council and the City Administrator for installing port-a-potties in Battery Park.
- A Community Day on July 27<sup>th</sup> starting at 10:00 a.m. at the New Castle Elementary School. The event is organized by Coach B’s Kids. Councilperson Zubaca encouraged everyone to attend.
- A Visit New Castle will be a lot of fun.

#### **Business From the Mayor**

- The Outreach Committee’s report is in the Council packet and either the Mayor or Mr. Reaves can answer any questions.
- May Market was a great event.
- The Community Outreach is still going on and hopefully one more neighborhood will be visited before June.
- Mayor Leary urged everyone to sign up for the blood drive on June 1<sup>st</sup>. Information will be posted on the city website.
- On April 27<sup>th</sup>, Mayor Leary attended the opening of the Sheriff’s House. She was honored to meet the Deb Haaland, Secretary of the Interior. Russ Smith joined them at the ceremony and was duly recognized.
- Mayor Leary attended an evening event on May 9<sup>th</sup> at the Delaware Valley Classical School. Beginning in 7<sup>th</sup> grade students attend a protocol event each year geared toward their age. The formal occasion is designed to celebrate etiquette taught to students throughout their 7<sup>th</sup> through 12<sup>th</sup> grade years.
- On May 10<sup>th</sup>, Mayor Leary toured the Delaware Skill Center where trade skills are taught. They have a 96% placement rate for graduates, and there is no cost to those attending. She encouraged Council to visit it as well.
- A scheduled meeting with the Army Corps of Engineers was postponed to a future date.

- A Day in Old New Castle is a great event. Mayor Leary urged people to volunteer.
- The Trust election is June 1<sup>st</sup>.
- Mayor Leary urged residents to be aware of more children and families in the streets when school ends.

### **Business From the Council President**

- Council President Souder attended the Good Will Fire Company water drill on April 20<sup>th</sup>. She noted that much work and planning was involved in the event, and she learned a great deal. Wilmington's fire boat came in as well. The cooperation from residents was greatly appreciated.
- Saturday May 18<sup>th</sup> is the 99<sup>th</sup> Day in Old New Castle. Council President Souder thanked everyone who participated and volunteered in organizing the event. This year's event will include a commemoration of the 100<sup>th</sup> Anniversary of The Great New Castle Fire of 1824. Good Will Fire Company will be participating and will bring their antique fire truck. Council President Souder encouraged everyone to watch the YouTube lecture on the fire presented by New Castle Historical Society Executive Director Mike Connolly.
- The Flood Resiliency Committee (FRC) Chair recently contacted the State Administrator of the Federal Natural Resources Conservation Program for an update on the program that New Castle was accepted into. She learned that the beginning of the study will be delayed until at least the summer and possibly into the fall due to a reduction in funding for the program. The State Administrator opined that New Castle should still be part of the program; however the FRC will begin exploring alternative sources of funding as a backup. Alice Riehl, FRC Chair, prepared a letter to Senator Carper's office.
- Council President Souder reminded everyone of the Runoff Trustee Election on June 1<sup>st</sup>. Residents can vote that day at the Fire Station, or vote early at the Trust Office at Penn Farm between 10:00 a.m. until 3:00 p.m.
- Council President Souder asked that attendees take anything they brought to the meeting with them as they leave (i.e., water bottles, etc.).

### **Comments From Good Will Fire Company**

#### Captain Timothy Moore

- Captain Moore explained that the Report indicates no calls in the 1833-34 grid, which is the river grid. As the weather gets nicer more activity will occur in that grid.
- Captain Moore thanked everyone who came out on Mother's Day.
- Captain Moore thanked everyone for their cooperation during the water drill. He added that 100% cooperation was received in vehicles being cleared from the designated area. The Fire Company met its goal of 1,000 gallons in an hour.

### **Public Comment**

#### Peg Bradley – 26 West 3<sup>rd</sup> Street

Ms. Bradley spoke in support of the playground in Battery Park. She thanked Council for maintaining and improving Battery Park, noting in particular, that the new playground is a central feature of the park and is being used much more than the old playground. Ms. Bradley

noted the health benefits of the playground. Ms. Bradley asked that Council take into account the many benefits the playground provides to the community and those who require ADA compliant equipment.

Carol Kaspin – 4<sup>th</sup> Street

Ms. Kaspin spoke in favor of Council supporting Phase 2 of the playground in Battery Park; opining that completion of Phase 2 will increase the likelihood that more families will come to enjoy the amenities of the park and the city. Ms. Kaspin stated her appreciation that Council is working on having the restrooms re-opened. She asked if council would consider placing recycling and trash cans between the Basketball Courts and the playground.

Victor Bryson – 604 Clark Street

Mr. Bryson expressed his exasperation that microphones are not available at Council meetings.

Mr. Bryson stated that the parking lot just before Dobbinsville where samples are being taken is a superfund site and is a very toxic area. He asserted that the proper authorities have never been brought in regarding the site, and it has all been left to the City Building Official to approve. Mr. Bryson further asserted that there is one contaminated well in New Castle now. He demanded that Council immediately bring in the EPA to investigate that area. He added that he wanted Council to initiate an investigation of violations on 508 South Street.

Aude Cardona – 48 West 4<sup>th</sup> Street

Ms. Cardona spoke in support of the playground in Battery Park. She thanked Council for the playground, noting that her son loves the new playground and that the old playground was fine when he was younger. Recently her son told her that the playground is not finished, and she urged Council to support more toys and equipment for a wide range of abilities.

John DiMondi

Mr. DiMondi concurred with statements made by Mr. Bryson, noting that the Corps of Engineers told him nothing could ever be built on the that property. He asserted that the Building Official has the absolute authority through the City Charter to issue fill permits without oversight from DNREC or the Corps of Engineers, and no one should have that power.

Mr. DiMondi asserted that the area from Dobbinsville to Battery Park has been filled in with 200,000 yards of dirt and the entire watershed is gone; which Mr. DiMondi further asserted is why the city is flooding.

Mr. DiMondi read a letter into the record from individuals who want to build a small 5,000 square foot church on a 2 acre (+/-) lot located at 428 7<sup>th</sup> Street across from the liquor store.

At the end of Mr. DiMondi's time, Council President Souder stated that the Building Official does not have the power to issue wetland fill permits without DNREC authorization.

Lindsey Miller – West 5<sup>th</sup> Street

Ms. Miller spoke in support of the playground in Battery Park. She asked Council to support Phase 2 and allocate some ARPA funds to have Phase 2 completed.

Andre Jerry – 65 West 5<sup>th</sup> Street

Mr. Jerry acknowledged Messrs. DiMondi and Bryson for their comments, noting that he will research the issues they spoke of.

Mr. Jerry spoke in support of the playground in Battery Park, and in particular Phase 2. Mr. Jerry is part of the Playground Sub-committee and a group of residents who have worked to update the playground. He has noticed a significant increase in foot traffic since Phase 1 was installed. Mr. Jerry stated that he has worked with many disadvantaged youth, and opined that if many of them had a space like the playground where children can be safe in the company of their peers they may not have wound up in his charge.

Michael Platt – Van Dyke Village

Mr. Platt stated that on January 21<sup>st</sup> the Board of Adjustment (BOA) granted variances with conditions for a property on Baldt Avenue. One of the conditions was that all water runoff should be directed to Baldt Avenue or 11<sup>th</sup> Street, and that is not happening. Mr. Platt stated that the water runs into his back yard and his neighbor's back yard even with minimal rainfall.

On April 24<sup>th</sup> Mr. Platt FOIA'd documents from the BOA meeting and contacted the city office to set up a meeting with the City Administrator, but did not receive a response. He sent several follow-up emails to the City Administrator and still did not receive a response. Mr. Platt was able to speak with the City Administrator on May 8<sup>th</sup>; however, he has not received any further communication. Mr. Platt stated that he learned that the City Building Official does not inspect projects; asserting that the civil engineering report required by the BOA was never done.

Mr. Platt stated that he wants relief from the water runoff into his property. Mr. Platt further expressed his disappointment in the City Administrator's lack of action.

Mr. Platt opined that the Treasurer's Report was lacking in detail and that the public should be informed of the actual amount of the city's funds.

David Connell – 725 Clymer Street

Mr. Connell stated that he cannot live in his home any more. He stated that there are no firewalls and nothing has been inspected; and opined that it is highly possible that the entire city block could go up in flames. Mr. Connell said that 727 and 729 Clymer also have no firewalls.

**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.

Councilperson Zeltt summarized the Ordinance and the recommended changes. Council President Souder noted that if it is passed any projects initiated by filing an application or request for permit on or before February 13, 2024, are exempt from Ordinance 544.

In response to a question from Councilperson Zubaca, Councilperson Zeltt stated that the Planning Commission reviewed and recommended the Ordinance with the recommendation to add the definition of multi-family dwellings.

Council President Souder stated she has two main concerns:

- First, it involves dedicating a larger paved surface for vehicles.
- Second, in many other municipalities studies have shown that if you make it more difficult and expensive to build, there will be less built and housing prices will increase; and that has been a problem in this area.

Council President Souder also expressed her concern that young people who have grown up here and want to remain in the area to be close to family will have no place they can afford to purchase, and many prefer to rent. She asked why the Council would make it more difficult and more expensive to build housing.

Council Zeltt stated that he is concerned with existing residents; noting there is not a lot of space in the town, and where this is located there is not enough parking for the people living here today. Council President Souder asked Councilperson Zeltt to clarify “where this is located” and what proposed future projects he thinks will be initiated; noting that there are three projects that were started prior to February 13<sup>th</sup> that are not affected by Ordinance 544. Councilperson Zeltt stated his primary concern is that in the area we have today there is not enough parking for existing residents, and when high-rise apartment complexes are added, they are not putting in enough parking for the residents and it will spill over into the general community where there is not enough parking. Council President Souder questioned if residents of the 7<sup>th</sup> Street extended apartments would park in the downtown area and walk 5-6 blocks to their apartments. Councilperson Zeltt asserted that there is land within the community today where that scenario could potentially happen.

A motion to approve Ordinance 544 was made. The motion was seconded and a roll-call vote was held.

Council President Souder – No, for the reasons stated.

Councilperson Day – Yes

Councilperson Zeltt – Yes

Councilperson Mattaway – Yes, because it makes the area consistent with the Code and allows for the applicant to appeal and ask for a variance. The Ordinance also speaks to a restrictive area within the community.

Councilperson Zubaca – Yes, for the reasons stated by Councilperson Mattaway.

The motion carried with a vote of four (4) in favor and one (1) opposed.

## **New Business**

**First Reading of Ordinance 547** – Amending the Composition of the Board of Health.



Council President Souder read Ordinance 547. A Public Hearing will be held next month with discussion and vote at that time.

**Discussion and possible vote on a possible grace period for failure to move vehicles for street sweeping.**

Council President Souder noted that Chief McCabe indicated that there would be a grace period of at least 30 days before the police would begin issuing tickets; but looked for guidance from Council as to the length of the grace period.

Council President Souder recommended a 60-day grace period to allow residents to get used to the schedule.

Councilperson Zeltt concurred with 60-day grace period.

Council President Souder responded to questions:

- The location of signage could be explored to ensure it is properly placed.
- A warning will be issued to vehicles that have not moved during the grace period. Only one side of a street will be swept at a time (odd house numbers one day and even house numbers a different day) and only vehicles on that side of the street need to be moved.
- Information on street sweeping has been published in The Weekly, the Crier, and on the city website, and this will be done regularly.
- Council President Souder will confirm that residents who do not move their vehicles will be notified with a warning during the grace period.
- Council President Souder will check on the amount of the fine that will be imposed after the grace period, and will ensure that information is included on the warning and in communications to residents.

A discussion of exceptions for handicap vehicles being required to move ensued. During discussion the consensus appeared to be that those vehicles would be exempt from moving; however, Mayor Leary pointed out that if there are several handicap vehicles on the same side of the street, the street may never get properly swept. Councilperson Day opined that conducting street sweeping is a Court ordered requirement as part of the city's MS4 Permit.

Council President Souder will follow-up with Chief McCabe on questions raised by Council members.

In Response to a question from Council President Souder, Mr. Walton stated that a formal vote was not necessary.

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

City Council Regular Meeting  
May 14, 2024

**A motion to adjourn was made, seconded and unanimously passed and the meeting adjourned at 8:20 p.m.**

Respectfully submitted,

Kathleen R. Weirich  
City Stenographer

**Next Regular Meeting Date: June 11, 2024**  
**Posted: 5/7/2024**