

City of New Castle Delaware  
Regular City Council Meeting  
Meeting Held in Person and via Zoom  
Tuesday, June 11, 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  
Antonina Tantillo, City Administrator  
James Whisman, City Treasurer  
Courtaney Taylor, City Clerk/Finance Coordinator  
Jeff Bergstron, City Building Official  
Police Chief Richard McCabe  
Good Will Fire Captain Timothy Moore  
Heather Dorsey, AECOM

Council President Souder called the June 11, 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 May 7, 2024 City Council Special Meeting minutes as presented was made, seconded and unanimously carried.

A motion to approve the May 7, 2024 City Council Budget Workshop minutes as presented was made, seconded and unanimously carried.

A motion to approve the May 14, 2024 regular Council meeting minutes as amended was made, seconded and unanimously carried.

A motion to approve the May 15, 2024 City Council Budget Workshop minutes as presented was made, seconded and unanimously carried.

**Treasurer's Report**

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

Total unrestricted funds	\$ 8,973,051.07
Total restricted funds	\$ 2,223,890.84
Total cash	\$11,196,941.91

Activity through May 31, 2024:

Revenues: \$5,847,285 received vs \$5,704,507 budgeted; \$142,778 over budget  
Expenses: \$5,481,084 spent vs \$5,704,507 budgeted; \$223,422 unspent

A motion to approve the unaudited Treasurer's Report as presented was made, seconded and unanimously carried.

**FY-2024 Financial Audit – Whisman Giordano, Mr. Frank DeFroda reporting**

Mr. DeFroda reported that the City of New Castle received a clean, unmodified report.

Mr. DeFroda reviewed the report and explained the basis for the unmodified opinion. Mr. DeFroda went on to report on current year vs prior year results and budget vs actual for 2023:

One Recommendation made by Whisman Giordano and is being addressed by the City.

Mr. DeFroda responded to questions from Council:

- The recommendation did not indicate a problem, but was a technical issue with the software program being used by the City; and there are software programs that would resolve this matter.
- Property taxes are part of the General Fund Budget. Special revenue funds are additional funds that are earmarked for specific projects.
- The City's Pension Fund being part of the State-Wide Pension Fund was explained.
- When expenses are greater than revenue, surplus monies can be used to balance the budget. Many governments use their reserves to balance the budget; however, you must be careful to maintain sufficient reserves.
- Having carryover funds is a function of budgeting revenues conservatively.
- Many factors go into determining sufficient reserves; but three to six months is a common reserve.
- Mr. DeFroda explained the delay in presenting the Financial Audit.

**Council Discussion, Motion and Possible Vote on Resolution 2024-21;** A Resolution to Approve the FY-2024 Financial Audit.

Council President Souder read Resolution 2024-21. She noted that the Resolution should state that the fiscal year is 2023 and not 2024.

A motion to approve Resolution 2024-21 was made, seconded and unanimously carried.

**Reports from the City Administrator and Staff**

Report From the City Administrator

- Budget – Budget meetings are being conducted.
- Code Enforcement Officer – The new Code Enforcement Officer will begin in July.

- DelDOT – The city continues to meet with DelDOT to discuss a possible traffic improvement district (TID).
- Ms. Tantillo continues to meet with stakeholders in the community.
- Floating Dock – Work will continue on this project after June 30<sup>th</sup>.
- Reassessment – The County and Tyler Technologies continue to work on reassessments and letters will be sent to residents. Questions should be directed to the County.
- Separation Day – Separation Day was a wonderful event.
- Flood Resiliency Committee (FRC) – Ms. Tantillo met with members of the FRC to discuss the NRCS project. Senators Carper and Coons have been contacted to get more details.
- Ms. Tantillo continues to look into different vendors, and an emergency management and emergency alert system.

#### Report from Chief McCabe

Chief McCabe reported on the following:

- Officers assisted in a recent carjacking that was not a local incident.
- Officers assisted in a recent burglary that was not a local incident.
- A kidnapping that was a local incident was downgraded to a domestic related assault.
- An arrest was made in the shooting incident in William Penn Court that was reported last month.
- The department was short a few officers this month due to injuries, and one officer is still at the Academy.
- Street Sweeping – The department is still assessing sign locations. A warning letter has been drafted that will be left on cars violating the Code. The fine will be a minimum of \$53. Handicap vehicles are not exempt from the Code and they will be subject to the fine if they are not moved.
- The department will bring back the “Lend a Hand, Save a Life” CPR program. Two classes are scheduled for June 27<sup>th</sup>; 2-4 p.m. and 6-8 p.m. A certificate will not be issued to participants; however it will get participants comfortable with giving CPR. It was reported that 75% of all heart attacks go without community intervention by CPR. Chief McCabe gave brochures to Ms. Tantillo. Information will also be posted on the department Facebook page. Chief McCabe noted some of the reasons people are uncomfortable with giving CPR.
- In response to a question from Councilperson Zubaca, Chief McCabe reported that there was an accidental prescription drug overdose and Narcan was not used.

#### **Council Communications**

##### Councilperson Zubaca

- Street Sweeping – Councilperson Zubaca requested that Ms. Tantillo research refrigerator magnets that would show the street sweeping schedule.

- Councilperson Zubaca opined that the next step in the TID analysis is to identify available zoning spaces in the city; as well as exploring more walkability grids and making crosswalks at Ferry Cut Off diagonal. It was good news to learn that South Rt. 9 is on the Transportation Capital Improvement Fund List for FY25-27.
- Regarding a resident comment on the EPA at the May meeting regarding some lots on 7<sup>th</sup> Street, Councilperson Zubaca asked Ms. Tantillo to draft a letter with the City Engineer.
- Separation Day – Councilperson Zubaca noted that Separation Day was wonderful and thanked everyone who attended and volunteered at the event.
- Councilperson Zubaca thanked everyone for their patience as Council goes through the budget process.

*(Stenographer's Note: There was a break in audio and video from 7:45 p.m. to 7:49 p.m. due to an internet connection interruption.)*

#### Councilperson Mattaway

- Councilperson Mattaway noted that this past Sunday, Italian residents, friends, St. Peter's Catholic Church, St. Anthony's Society and the Shawtown Community celebrated 100 years with a parade and a community event. Councilperson Mattaway expressed his regret that he was unaware of the centennial and the opportunity to participate and apologized, stating that he will do better.

Mr. Mattaway respectfully requested that City Council approves the issuance of a Proclamation that will recognize the 100-year celebration and the contributions that were and are being made by Italian immigrants and their descendants. The request was seconded by all Council members.

Mr. Mattaway respectfully requested that this Celebration be added to the city calendar and website.

#### Councilperson Zeltt

- Separation Day – Councilperson Zeltt noted that Separation Day was an amazing event and thanked everyone who attended. He asked residents to send feedback on the event to Council members.
- Councilperson Zeltt is working with the City Solicitor to update information on when signage can be posted and when it should be taken down.
- Dog Park – A Request For Proposal for design of the dog park is in the final stages and be sent out next week.

#### Councilperson Day

- Councilperson Day congratulated Ms. Regina Marini on her election to the Trust.
- Councilperson Day thanked Councilperson Mattaway for organizing the blood drive.

- Councilperson Day attended the Separation kickoff and parade and the event on Saturday. He stated that it was a very enjoyable event and everyone seemed to be having a great time. He thanked everyone who contributed to making the event a success.
- The electrical upgrades for the AV equipment in the Senior Center will be done on June 19<sup>th</sup> and installation will be completed June 24-26.
- Band Shell – All information has been received, and the project should move forward in the next few weeks.
- National Night Out – National Night Out will be held on August 6<sup>th</sup> from 6 to 8 p.m. More information to come.
- Lend a Hand, Save a Life – Councilperson Day attended the class the last time it was offered and encouraged everyone to sign up for one of the June 27<sup>th</sup> classes.
- Approved But Unbuilt Projects – Councilperson Day noted that the University of Delaware is working on an update to the city website, and opined that a presentation should be made to Council on which projects are approved but unbuilt and the status of approved projects that are underway to better inform the public. Eleven building permits were issued this past month, which Councilperson Day opined is a positive for the city.

### **Business From the Mayor**

In Mayor Leary's absence, Council President Souder introduced Mr. Reeves and Ms. Price to give an update on the Outreach Committee.

- The Tall Ships Initiative – New Castle is now designated as a Hospitality Port through the National Tall Ships Foundation. The committee has been in contact with a Spanish ship called the “Now Trinidad” that is a replica of Magellan's flagship and will be discussing some events, deck tours, etc., with the captain of the ship next week.
- Bicycle Friendly Application – The Bicycle Friendly application will be completed by June 25<sup>th</sup>. If New Castle is designated as a Bike Friendly Community it will be eligible to apply for grants that will make New Castle a more bikeable and walkable community.
- In addition to brochures and materials to promote the city, the committee is investigating having some scrolling digital signage in town that would direct visitors to various historical sites, activities, restaurants, and businesses, as well as giving them information on upcoming events in the city.
- Rack Card – A new edition of the rack card is at the printers and will be distributed to hotels in Wilmington and on Rt. 9, and at the I95 rest stop.
- Social Media –
  - The committee started Facebook and Instagram accounts and will begin daily postings with information on events. A post reach of 25,000 and post engagement of 4,000 was achieved.
  - They are working on developing relationships with other channels and platforms.
    - They connected with “Visit Historic New Castle” that has a following of 2.4 thousand, that was set up in 2019 and is being maintained by Linda Ratchford, and they are able to post on that site. A recent post they made

on Separation Day reached about 5,000 followers and received 1,000 “likes”.

- They also developed a relationship with the “Delaware Events” Facebook page that has a following of 29,000 and through affiliated groups about 500,000 connections, and they can post on that page as well.
- A blogger under the name “Naomi Eats” wrote about Separation Day and Jessop’s Tavern.
- The committee is working on several suggestions received from Council: a prototype of a volunteer portal (Councilperson Zeltt) and working with State agencies collecting economic and demographic data (Councilperson Zubaca). An analysis was supplied to Council members. State level tourism GDP contribution was \$4.5B in 2022, and as a percentage of population, New Castle’s contribution to GDP, if it were a typical town, would be \$25M. Mr. Reeves opined that because New Castle is not a typical town our contribution to the GDP is several times more than \$25M.

In response to a question from Councilperson Zubaca, Mr. Reeves stated that the committee is experimenting with overlapping geographic areas and demographics on social media. Councilperson Zubaca suggested that the committee reach out to the Colonial School District to engage with youth bloggers or influencers in town to help with branding.

Mr. Whisman noted that the bathing and restroom facilities available to the crews of tall ships near the wharf is lacking. Ms. Price noted that the committee is learning about each ship’s requirements and have made arrangements with the Terry House and a local Air BNB for those facilities for the captain and crew. She added that for the future a more permanent solution is necessary. Mr. Reeves said they would like to set up a separate committee to work on that. He added that they would like to have an event/attraction every weekend if possible.

In response to a question from Councilperson Mattaway, Ms. Price stated that the Spanish ship is available to come to New Castle the weekend before Art on the Green this September.

With respect to casting a wide net, Mr. Reeves explained that the committee is collaborating with local businesses, New Castle Topics and the Historical Society, as well as regional groups to cross-post information about New Castle on their Facebook pages.

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

- Council President Souder noted that she was out-of-town during Separation Day, but heard that it went very well.
- Council President Souder stated that, although he founded the business, City Treasurer Jim Whisman has no current connection with the Auditing firm of Whisman & Giordano; and this was discussed with Mr. Whisman prior to his appointment as City Treasurer. She explained that Mr. Whisman sold the business over 20 years ago to Mr. Giordano, and the terms of the sale included the right to retain Mr. Whisman’s name.
- Budget – Council President Souder stated that Council is facing some very difficult decisions with regard to the budget. Many costs are increasing and most of them are for

non-discretionary items that the city has no control over (i.e., employees' health insurance is increasing by 27%).

The city has a healthy reserve and using those funds to balance the budget may work in the short-term; however, that is not sustainable over the long-term. Because of the increased costs, Council must consider the possibility of a tax increase. Expenses have been reduced; however, Council also has to provide for the services that the residents deserve and expect. In order to do this, Council must attract and retain qualified staff for the administration, police and public works. There are sufficient reserves to cover the deficit for one year; however, as Council President Souder previously stated, that is not sustainable.

The results of the County reassessment will be available in early 2025, which will allow Council to determine the impact of the reassessment on the city's future tax base and to make more informed decisions about changing the tax rate. No final decisions have been made yet. Council is considering waiting until this information is available to make a decision about raising the tax rate; which means a decision would most likely be made in January or February, with any resulting increase taking effect in July 2025.

Council does not take this decision lightly because they know the impact this will have on local residents. The decision will be made in public meetings with the opportunity for residents to make public comment.

Council President Souder noted that the proposed expense amount noted in the handout available to residents is a minimum number; and it may increase based on outstanding issues that are under discussion that must be resolved.

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

#### Captain Timothy Moore

- Captain Moore reported that there were 195 EMS calls this month, which may be the highest so far this year.
- The department recently hired Career Firefighter/EMT Robert Nicholson. Mr. Nicholson previously worked at the Wilmington and Cranston Heights fire departments, and worked for Good Will part time for a few years.

### **Public Comment**

#### Joanne Patchak – 28 East 4<sup>th</sup> Street

Ms. Patchak stated that she has documented flooding in her back yard for five years, and that flooding is now causing structure damage to her property. She stated that she has spoken with Council and the city, and that the source of the flooding needs to be identified. She was told that it is a DNREC problem; but there has never been any follow-up. The flooding is ending up at St. Peter's cemetery and is sometimes knee deep.

Victor Bryson - Dobbinsville

Mr. Bryson asked if Council had considered his request from the May meeting to bring the EPA in to inspect the superfund site just before Dobbinsville. He stated that it is very important that the EPA be brought in because it handles all superfund sites. He added that the way the Comprehensive Plan was set that officials did not need input has put the people in this town in danger with flooding. Mr. Bryson asked Council to bring in the proper authorities and have the sites evaluated by the EPA.

Council President Souder stated that Councilperson Zubaca and Ms. Tantillo have initiated contact.

Bill Emory – Baldton

Mr. Emory stated that every time there is heavy rain they get flooded out. He noted that the State has said they would be doing something about the flooding for years but nothing has been done; and nothing will be done unless Council fights for it. Mr. Emory referenced pictures from 40 years ago that he previously gave to Council, and the dykes did control the flooding.

Mr. Emory stated there is a steel plate in the middle of Delaware Street in front of the Terry House that has been there for a year, and asked Council to look into the matter.

Mr. Emory opined that giving residents 60 days to comply with the street sweeping requirements is too long. He suggested that Council speak with Public Works to see how long the warning should be.

Mr. Emory expressed his anger that the light at 6<sup>th</sup> and Delaware Streets has been removed.

Council President Souder clarified that tickets for street sweeping violations will not be written for 60 days.

Mr. Zubaca noted that the cost for South Rt. 9 flood remediation is estimated to be \$2M. He added that this is the first time that this issue has made it to the 5-year plan and studies will be conducted beginning in 2025 for three years. Mr. Emory stated that the fact they are spending the money is promising.

Mike Platt – Van Dyke Village

Mr. Platt stated that he suggested raising taxes when he was on Council. He asked why Council is stating an increase of 27% for insurance when the budget reflects that overall spending is only up 7.9%. Council President Souder stated the 27% increase was given to Council by the State. Mr. Platt suggested that Council should cut out discretionary spending and put the money into the budget so citizens know where it goes.

Mr. Platt stated that it disturbed him that Council allowed the Mayor to sit at the Council table and join in Council budget discussions. He stated that the Mayor should not be part of Council discussions.



Mr. Platt stated that he appreciates Ms. Tantillo's use of email blasts to communicate. He noted that Council meetings do not need to be advertised and the city could save upwards of \$16,000 by not advertising in The Weekly. Mr. Platt noted several municipalities that do not advertise their meetings.

Mr. Platt suggested that the Dog Park be pulled, noting that Council moved \$65,000 from the Chestnut Street parking lot to the Dog Park; and the phragmites at the Chestnut Street parking lot are so high the EV chargers cannot be used.

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

Mr. Gross thanked Councilperson Day for AV equipment in the Senior Center.

Mr. Gross stated that the New Castle Partners should not receive any funding from the city. He stated that the Partnership was supposed to be self-sufficient. He suggested that those funds be given to the Historical Society instead.

Mr. Gross stated that the proposed budget handout left for residents at the meeting is absolutely useless and doesn't say anything. He gave the office the opportunity to give him a copy of the proposed budget, but they did not; so he put in a formal complaint. He stated that things are being done that are not appropriate.

Mr. Gross opined that COVID funds should be spent on projects that can be done to ease the flooding. Mr. Gross added that he checked with State legislators (not including Senator Poore) and was told that there is no money. He stated that the Flood Resiliency Committee has done nothing for two years to resolve anything; nothing is in the pipeline for at least three years; and there will be no shovels in the ground for 7-10 years. He asserted that flooding will get worse and the emergency evacuation routes will be flooded.

Council President Souder stated that the State legislature does not have any money in their budget for flood mitigation in New Castle because the program New Castle is part of is a Federal program.

Councilperson Zubaca stated that he directed city staff to draft the budget handout.

Rod Miler – East 3<sup>rd</sup> Street

Mr. Miller opined that when the reassessment is concluded residents' properties will be assessed for the current property sale price. He stated that taxes will go up regardless of what happens with the budget, and noted that the State has not done a revalue in 40 years. He said that Ms. Tantillo suggested that Council raise taxes at the last Budget Workshop.

In response to a question from Mr. Miller, Councilperson Zubaca stated that the Dog Park is part of the proposed budget; but the playground was paid for with grants. Councilperson Zubaca added that \$160,000 was received from DNREC and the Bond Bill for the playground.

Mr. Miller stated that a 27% increase in health insurance did not sound right.

Council President Souder stated that the city's employee health plans are part of the State plan, and the State plans have all increased dramatically this year.

Dave Connell – Formerly of 725 Clymer Street

Mr. Connell asserted that a structure at 725 Clymer Street and a structure across the street are fire hazards, which puts many residents at risk. He further asserted that the buildings have no firewalls.

Mr. Connell requested a meeting with Ms. Tantillo.

**Old Business**

**Second Reading of Ordinance 547** – An Ordinance to amend the City of New Castle Code Chapter 193 (sanitary code), Article II regarding the composition of the Board of Health.

Council President Souder stated that the Second Reading of Ordinance 547 was not properly posted as a public hearing and it will be added as an Agenda item for the July Council meeting.

**New Business**

**Discussion, and possible vote on Ordinance 547** – An Ordinance to amend the City of New Castle Code Chapter 193 (sanitary code), Article II regarding the composition of the Board of Health.

Council President Souder stated that discussion and possible vote on Ordinance 547 was not properly posted and it will be added as an Agenda item for the July Council meeting.

**Council Discussion, Possible Motion and Vote on Resolution 2024-17** – Board of Adjustment Appointment.

Council President Souder stated that there is no candidate at this time and discussion, possible motion and vote on Resolution 2024-17 will be added to a future Council meeting.

**Council Discussion, Possible Motion and Vote on Resolution 2024-18** – A Resolution Approving a Subdivision for Property Known as 907 Gray Street.

Council President Souder read Resolution 2024-18. A correction to Resolution 2024-18 was noted: 4<sup>th</sup> paragraph, 8<sup>th</sup> line, changing the 6<sup>th</sup> word from “the” to “to”.

Ms. Dorsey, standing in for City Planner Mr. Christopher Rogers, stated that the subdivision is to divide one lot into two lots. There is a dwelling on one lot, and the other lot will be available to be built on.

In response to a question from Councilperson Mattaway, Mr. Walton stated that the subdivision was not by-right until the Board of Adjustment granted variances, and now it is by-right.

A motion was made to approve Resolution 2024-18 as amended per the correction noted by Council President Souder. The motion was seconded and unanimously carried.

**Council Discussion, Possible Motion and Vote on Resolution 2024-19- A Resolution Approving a Site Plan for Property Known as the Crozier Fine Arts Storage Facility.**

Council President Souder read Resolution 2024-19. A correction to Resolution 2024-18 was noted: 4<sup>th</sup> paragraph, 8<sup>th</sup> line, changing the 5<sup>th</sup> word from “the” to “to”.

In response to a question from Council President Souder, it was noted that Resolution 2024-19 is an addition to add more storage space.

A motion was made to approve Resolution 2024-19 as amended per the correction noted by Council President Souder. The motion seconded and unanimously carried

**Council Discussion, Motion and Possible Vote on Resolution 2024-20 – A Resolution to Extend the Existing Outreach Coordinator Position through August 2024.**

Council President Souder read Resolution 2024-20.

Council President Souder stated that Mayor Leary submitted a request that Resolution 2024-20 be amended to change the contract extension from August 31, 2024 to September 30, 2024 due to the Belgian Beer Fest and Art on the Green both being held in September. Councilperson Zeltt suggested that the contract be extended to December 31, 2024. A discussion of extending the contract ensued. The City Solicitor recommended that Resolution 2024-19 be considered as written, and that any extension of the contract be considered at a future Council meeting. Council members concurred.

A motion to approve Resolution 2024-20 as written to express the intent to extend the Outreach Coordinator position through August 31<sup>st</sup> contingent upon funding being placed into the budget was made, seconded and unanimously carried.

**First Reading of Ordinance 548 – An Ordinance to Amend the City of New Castle Municipal Code, Chapter 230 (Zoning Code), Schedule of District Regulations, Regarding Minimum Lot Frontage and Wetlands.**

Council President Souder stated that there would be no discussion or comment on Ordinance 548 at this time. Council President Souder read Ordinance 548. Mr. Walton explained the intent of Ordinance 548 is to change the definition to reflect that all parcels must have street access and that a parcel must be developable and cannot be only wetlands. Ordinance 548 will be referred to the Planning Commission.

City Council Regular Meeting  
June 11, 2024

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 9:10 p.m.**

Respectfully submitted,

Kathleen R. Weirich  
City Stenographer

**Next Regular Meeting Date: July 9, 2024**  
**Posted: 6/4/2024**