

City of New Castle Delaware  
Regular City Council Meeting  
Meeting Held in Person and via Zoom  
Tuesday, September 17, 2024  
7:00 p.m.

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

**Roll Call**

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

**Absent:** Councilperson Nermin Zubaca

**Also present:** Michael Hoffmann, Esquire  
Police Chief Richard McCabe

Council President Souder called the September 17, 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 July 11, 2024 special City Council meeting as presented was made, seconded and unanimously carried.**

**A motion to approve the August 13, 2024 regular City Council meeting as presented was made, seconded and unanimously carried.**

**Treasurer's Report**

In Mr. Whisman absence, Council President Souder presented the unaudited Treasurer's Report as of August 31, 2024:

Total unrestricted funds	\$10,555,999.35
Total restricted funds	\$ 3,486,593.57
Total cash	\$14,042,592.92

The City received Bond Bill funds, which were placed into a special account for designated projects. 91% of property taxes have been received.

Regarding a question raised by Councilperson Day at the August meeting, Council President Souder stated that the City Administrator is looking into the reason the percentage of budget funds spent to date for the City Architect is so high.

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

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

In Ms. Tantillo's absence, Council President Souder presented the Report from the City Administrator

#### Report From the City Administrator

- Code Enforcement Officer – The hiring process has commenced for the position of Code Enforcement Officer. An additional job will be posted later this month for a position in the Code Enforcement Department.
- Floating Pier – Driving the test piles has been completed. A final set of calculations from the dock provider is pending, and the schedule to begin construction is being finalized.
- Mobile Stage – The City is working with the mobile stage manufacturer to finalize costs and the order could be placed in a few weeks.
- Sycamore Wine Bar – The Alcoholic Beverage Control Commissioner notified the City that Sycamore Wine Bar LLC applied for a taproom license with full spirits and Sunday service for a premise at 208 Unit C in New Castle. Any neighbor within one mile of that location has received a letter.
- Bid Opportunities –
  - The City has prepared and posted a bid opportunity for a FY 2025 city-wide paving contract for portions of Buttonwood Avenue, West 10<sup>th</sup> Street, Kings Way, School Street, Foundry Street and Cherry Street. A pre-bid meeting will be held virtually on Friday, September 20<sup>th</sup> at 1:30. Bidding is open until October 3<sup>rd</sup> at 1:30 p.m. Interested parties should contact the City Administration Building to obtain a Bid Packet. Funding for all projects was provided under the Bond Bill.
  - A bid package for curbing and sidewalk projects will be coming out soon.
- Tax Bills – FY 2025 tax bills are due by September 30<sup>th</sup>.
- Gas Risers – Delmarva Power continues their work on 3<sup>rd</sup> Street and has sent out letters with screening options and alternative plant options for the gas risers.
- Grants – The City has applied for the following grants:
  - DelDOT Bike Council Grant to conduct a Feasibility Study for a new and extended bike trail around Lukens Drive along the Delaware River.
  - A Tree For Every Delawarean Initiative to plant trees in Susi Park and Chestnut Street.
  - DNREC Outdoor Recreational Parks and Trails for Battery Park Phase 2 to add additional playground equipment, new playground surfacing, benches, and landscaping to the playground.
- Nao Trinidad – The Nao Trinidad is making its inaugural visit to New Castle and will be docked at the wharf from September 18<sup>th</sup> through the 22<sup>nd</sup>.

#### Report from Chief McCabe

Chief McCabe reported on the following:

- The Department's Recruit graduated from the Police Academy and is now in service in the Field Training Program.
- Mickey Fest was held with no issues.
- Chief McCabe met with DelDOT to discuss several upcoming projects that will affect New Castle with cut-through traffic. Information has been posted on the Department Facebook page.
- The CCD Hope Program for 7<sup>th</sup> Grade students will be expanded to the Colonial School District. The goal is to fill a class within the next 7-10 days and stay on schedule to have the 11-week curriculum completed before the end of the year.
- The first meeting of the Police Accountability Committee (PAC) will be held on September 19<sup>th</sup> at the Police Department. New Castle is one of the first agencies in the State to begin the program.

### **Council Communications**

#### Councilperson Zubaca

- Councilperson Zubaca encouraged everyone to register to vote in State and Federal elections in November.
- Councilperson Zubaca asked if the Planning Commission already has workshops scheduled to discuss the Comprehensive Plan Annual Update.

#### Councilperson Mattaway

- Several residents have raised concerns about speeding and other traffic related issues on 2<sup>nd</sup> and 3<sup>rd</sup> Streets. Feedback will continue to be solicited from neighbors and friends.
- National First Responder Day is October 28<sup>th</sup>. Councilperson Mattaway reached out to Dream Bakery in New Castle and an initiative is in place called "Cookies for Cops", whereby Dream Bakery will donate \$1.00 for every cookie sold during the month of October. \$.50 will be donated to FOP Lodge #1 and \$.50 will be donated to Good Will Fire Company. Councilperson Mattaway has pledged to personally donate \$250 to both FOP Lodge #1 and Good Will Fire Company.
- Delaware City is hosting Delaware City Day on Saturday, October 5<sup>th</sup>. Councilperson Mattaway will volunteer at the event and invited everyone to visit and enjoy the day and/or to volunteer. More information can be obtained by emailing [info@delawarecityday.com](mailto:info@delawarecityday.com).

#### Councilperson Zeltt

- Dog Park – 71 responses were received to a recent survey about the Dog Park.
  - 42% said they would use the dog park.
  - 37% said they would use the Dog Park if it was located at The Hermitage.
  - 65% said they would use the Dog Park if it was located at a parking area on Chestnut Street that is owned by the City.

Mr. Zeltt will work with Council to move forward to use the location on Chestnut Street for the Dog Park. He opined the first step is to get a land survey and Councilperson Zeltt requested that Council approve obtaining a land survey to see how much land is available

to use for the dog park. After discussion, it was stated that to begin, the City maps will be reviewed; and if more data is required, a discussion of contracting with a professional surveyor will be held.

Councilperson Zubaca suggested locating the dog park at Bull Hill or by Good Will Fire Company near the water by the trailhead. It was noted that both locations are privately owned (The Progressive Club and the Trustees), which would add another layer of complexity to the project; and putting fencing by the river would detract from the river views.

#### Councilperson Day

- The Old New Castle Litter Crew will meet next on September 29<sup>th</sup> at 4:00 p.m. on South Street at the old SPCA and will cover 7<sup>th</sup> and Washington Streets.
- The final price for the Band Shell (Mobile Stage) will be approximately \$121,000.00. There is one already built that may be available.
- Councilperson Day is working with former members of the Bull Hill Boat Yard. Several clean-up events have been held. The old lease was submitted to the City Solicitor for review, and a draft should be available in October or November for Council discussion/action.
- Councilperson Day will not be in attendance at the October Council meeting.

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

- New Castle County Special Services has put out a bid to repair the manhole on Delaware Street near the Terry House.
- The County is working to get final repaving on 2<sup>nd</sup> and Harmony Streets before the end of the paving season.
- The Nao Trinidad will be docking in New Castle this week.
- Recent flooding on Rt. 9 past Ferry Cut Off was due to debris jamming the gate open. Public Works was contacted and came in on Saturday to clear the debris and close the gate. The gate is inspected nearly every day during the week.

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

- Mayor Leary asked the assembly to stand for a moment of silence for Patriot Day in remembrance of those who lost their lives on September 11, 2001.
- Nao Trinidad – An opening ceremony on board of the Nao Trinidad will be held at 10:00 a.m. on September 29<sup>th</sup>. The “Making Waves” party will be held on Friday night, September 30<sup>th</sup>. All artists and photographers are encouraged to memorialize the event through their selected medium.
- The Market on the Green will continue to be held weekly through October 12<sup>th</sup>.
- Art on the Green and the Belgian Beer Fest will be held on September 28<sup>th</sup>.
- Mayor Leary encouraged residents to register to vote. She urged neighbors to be respectful and kind to each other regardless of political opinions.

- Mayor Leary asked Mr. Hoffman to speak about political signage in the City. Mr. Hoffman stated that the City Solicitor is aware of the questions that have been raised; it is a nuanced question and the City Solicitor's office is working with the City Administrator

**Council Discussion, Possible Motion and Vote on Resolution 2024-38** A Resolution in Memory of Former City Councilman Russ Smith.

**A motion to read Resolution 2024-38 was made, seconded and unanimously carried.**

Mayor Leary invited Mr. and Mrs. Baldini and Councilperson Day to join her at the podium. Councilperson Day read the Resolution and presented the Resolution to Mr. and Mrs. Baldini, who accepted it on behalf of Mr. Smith's family. Mrs. Baldini extended Mrs. Smith's sincere thanks to the City and Council. Mr. Baldini spoke of Mr. Smith and his dedication to the City of New Castle.

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

#### Captain Timothy Moore

- A Rescue Boat Operator's Class for career and part-time members was held on the Delaware River on September 9<sup>th</sup>.
- A Swift Water Rescue Technician's Class was held for 18 career and part-time members the first week of September.
- The Delaware Fireman's Convention was held in Rehoboth Beach and two long-time Good Will members were recognized for service:
  - Lois Oneschuk, who served for 64 years in the Good Will Ladies' Auxiliary, was inducted into the Ladies' Auxiliary Hall of Recognition.
  - Bill Emory was recognized for his 50 years of service with Good Will Fire Company.

### **Public Comment**

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

- Mr. Gross expressed his condolences on the passing of Mr. Smith.
- Mr. Gross stated that he evaluated the parking situation and Chestnut Street is the wrong place for a dog park; and firmly believes that Battery Park is the only place for a dog park. Mr. Gross opined that the City should not have to pay \$85,000 for a dog park and suggested that the cost be subsidized by signage and suppliers as has been done by other municipalities that he spoke with.
- Mr. Gross said that for the 7<sup>th</sup> time in 18 months the lock at Buttonwood Drive and Lukens Drive is broken. Two residents in Buttonwood told him that steel is being lifted over the fence at the circle at the end by the company.
- Mr. Gross concurred with a moratorium on future large projects; but opined that projects that are in process should be stopped due to inappropriate traffic studies.

Carl Benson – 47 East 2<sup>nd</sup> Street

- Mr. Benson stated his concern that the gas riser screening options presented to residents are inappropriate for homes in the Historic District. He noted his understanding that HAC was to have been involved in choosing appropriate screening for the gas risers; and they have not been consulted at all. Mr. Benson urged Council to request that Delmarva provide more historically appropriate screening options for homes in the Historic District.
- Mr. Benson asked who the acting Code Enforcement Officer is, opining that no code enforcement is currently going on.

Mike Platt – Van Dyke Village

Mr. Platt stated that a variance was granted by the Board of Adjustment for a property on Baldt Avenue that included a stipulation that “a civil engineer will be employed by the applicant to do lines and grades which will address the water runoff, and Mr. Platt can review the plan prior to a permit being issued.” Mr. Platt stated that permits were issued and the house was completed in March 2024; and now he has cascading water coming into his yard and shed.

Mr. Platt stated that the Board of Adjustment decision clearly states that “the water will run to Baldt Avenue and it will run to 11<sup>th</sup> Street”. In June Mr. Platt was told in a meeting with Mr. Bergstrom and the City Administrator that the bond would be pulled and no CO would be issued; neither of which happened.

Mr. Platt expressed his frustration and dissatisfaction with the lack of response to his numerous requests to the City Office.

David Connell – Dobbinsville

Mr. Connell spoke of issues with his house and in communicating with the City Office.

Rod Miller – 124 East 3<sup>rd</sup> Street

Mr. Miller spoke in opposition of the proposed dog park; stating that 42% of people responding to a recent survey saying they would use the dog park is not a true representation of the residents of New Castle. He added that he does not want a dog park anywhere near his home.

Mr. Miller concurred that \$85,000 for a dog park is absurd; noting that grants were obtained for the playground and asking why a grant cannot be obtained for a dog park. He added that using COVID funds for the dog park is not found money; it is all taxpayer dollars.

Mr. Miller also noted that ongoing maintenance has never been discussed; asking who will maintain and clean the area and how much that will cost. Mr. Miller opined that the \$85,000 for the dog park would go a long way to help pay for a new Band Shell.

David Baldini – 419 South Street

In response to questions from Mr. Baldini, Council President Souder explained that no discussion or vote would take place on Ordinance 550 at the meeting. She added that before the Ordinance moves forward it will go to the Planning Commission and there will be Public

Hearings on it before a Council vote is taken; and language in the Ordinance could be revised at the Second Reading.

**Council Discussion, Possible Motion and Vote on Resolution 2024-35** – A Resolution Confirming the Mayor's appointment of Susan McLaughlin to the Board of Health.

Susan McLaughlin – Board of Health – Term Ending: October 9, 2025

Council President Souder read Resolution 2024-35.

**A motion to approve Resolution 2024-35 as presented was made, seconded and unanimously carried.**

**Council Discussion, Possible Motion and Vote on Resolution 2024-36** – A Resolution to establish the Chief Eugene Petty Police Accountability Committee (PAC).

Council President Souder read Resolution 2024-36.

Councilperson Mattaway thanked Chief McCabe for taking a leadership role among the police community and his counterparts in the City.

**A motion to approve Resolution 2024-36 as presented was made, seconded and unanimously carried.**

**Council Discussion, Possible Motion and Vote on Resolution 2024-37** – A Resolution to Approve a Vender Permit Application for GHshed Chop Chop Bar.

Council President Souder read Resolution 2024-37.

**A motion to approve Resolution 2024-37 as presented was made, seconded and unanimously carried.**

**First Reading of Ordinance 2024-549** – An Ordinance to establish a Historic District Disclosure Requirement.

A motion for the First Reading of Ordinance 549 was made and seconded. Council President Souder Read the Ordinance.

Councilperson Zubaca noted a typographical error that will be addressed at the Second Reading of the Ordinance.

**First Reading of Ordinance 2024-550** – An Ordinance to Impose a Moratorium on Large Apartment Structures.

City Council Regular Meeting  
September 17, 2024

A motion for the First Reading of Ordinance 550 was made and seconded. Councilperson Mattaway read the Ordinance.

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 8:15 p.m.**

Respectfully submitted,

Kathleen R. Weirich  
City Stenographer

**Next Regular Meeting Date: October 8, 2024**  
**Posted: 9/10/2024**