

City of New Castle Delaware
Regular City Council Meeting
Meeting Held in Person and via Zoom
Tuesday, June 13, 2023
7:00 p.m.

Call to Order: 7:00 PM

Roll Call

Present: Council President Michael M. Platt
Councilperson Joseph F. Day
Councilperson Suzanne M. Souder
Councilperson Nermin Zubaca
Councilperson Andrew Zeltt

Also present: William J. Barthel, City Administrator
Max Walton, Esquire, City Solicitor
Richard P. McCabe, Chief of Police
Janet E. Carlin, City Treasurer
Kathleen M. Walls, City Clerk
Courtaney P. Taylor, Finance Coordinator
Jeffrey Bergstrom, City Building Official

Council President Platt called the June 13, 2023, regular City Council meeting to order at 7:00 p.m. The assembly stood for the Pledge of Allegiance. A quorum to conduct business was present.

Approval of the Minutes by Date

A motion to approve the Minutes of the May 25, 2023, budget meeting as presented was made, seconded, and unanimously carried.

Old Business

Council Discussion of 2024 Fiscal Year General Fund Budget and Grant Fund Budget

The City Administrator reviewed the changes proposed by Council at the May 25th Budget Workshop.

Increase in Expenses – \$148,000:

- \$63,000 added for Good Will Fire Company for breathing apparatus equipment from ARPA funds
- \$15,000 added to Good Will Fire Company contribution
- \$10,000 added to Historical Society contribution
- \$30,000 added as a placeholder for projection/microphone equipment
- \$5,000 added to Tree Advisory commission contribution
- \$25,000 added for building renovations at the Police Station (not part of the original Council discussion)

Increase in Revenues – \$167,000:

- \$63,000 ARPA carry forward
- \$5,000 – for Business Licenses
- \$15,000 for interest
- \$50,000 for Transfer Taxes
- \$2,000 for Delinquent Taxes
- \$2,000 for Special Trash Pick-up
- \$30,000 for Building Permits / HAC Applications

During discussion it was noted that the *Changes To Proposed Budget* document incorrectly reflected Expenses as \$158,000.

Councilperson Zubaca received a question from a constituent asking if City Reserves were being used. Ms. Walls explained the “restricted reserves” and “unrestricted reserves” on the Budget documents.

Councilperson Souder noted that she suggested the remainder of ARPA funds be retained by the City to cover any potential expenses associated with flood protection recommended by the National Resources Conservation Program (NRCS) that the City has been accepted into.

Ms. Walls explained that the Auditor will show ARPA funds as revenue in Fiscal Year 2022. Ms. Walls also confirmed that there is no restriction on how or when ARPA funds are utilized by the City. Ms. Walls provided further explanation of how ARPA funds were reflected.

Mr. Barthel reviewed the items and costs that were approved to be used from ARPA funds totaling \$1,061,436, leaving a balance of \$1,838,206. He added that the difference of \$11,400 was for initial legal expenses relating to how ARPA funds could be utilized.

Council President Platt expressed his concern in providing funds for breathing apparatus for the Fire Company, noting that Council has never spent this amount for the Good Will Fire Company and suggesting that perhaps it should be a gradual increase. He added that Good Will has received or has applied for several other grants. Councilperson Souder opined that this is a one-time contribution. Councilperson Day stated that breathing apparatus has a lifespan of approximately 15 years and is vital to the Company; and opined that it is a modest request. He also opined that Council will need to contribute more each year because the Fire Company is voluntary. Council President Platt suggested that taxes be raised to prepare for the future. Councilperson Souder suggested that a tax increase be discussed at the mid-year budget meeting in January. Council President concurred. Councilperson Zubaca added that the Fire Company is a line of defense for the City and it is Council’s duty to support them financially.

Possible Motion, Discussion and Vote on Resolution 2023-19, to Set 2024 Fiscal Year Tax Rate and Adopt the 2024 Fiscal Year General Fund Budget and Grant Budget.

Resolution 2023-19 was amended to reflect that:

- The General Budget is balanced at \$5,704,507.
- The Grant Budget is balanced at \$3,664,354.
- The total budget is \$9,368,861.
- The tax rate is 1.2% per 100.
- References to the Mayor will be removed due to the fact that the position of Mayor is currently vacant.
- The date will be changed to June 13, 2023.

A motion to consider Resolution 2023-19 as amended was made and seconded. Council President Platt read the Resolution. On vote, Resolution 2023-19 as amended was unanimously carried.

Approval of the Treasurer’s Report

Ms. Carlin presented the unaudited Treasurer’s Report as of May 31, 2023:

| | |
|--------------------------|-----------------|
| Total unrestricted funds | \$ 9,243,784.03 |
| Total restricted funds | 2,005,283.87 |
| Total cash | \$11,249,167.90 |

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

Reports from the City Administrator and Staff

Report from the City Administrator:

South Street Railroad Crossing – DelDOT informed Mr. Barthel that improvements are now planned for August 2023.

Delaware Division of Fish & Wildlife – Mr. Barthel stated that a representative of the Division of Fish & Wildlife will make a presentation to Council at the July meeting regarding the fishing pier south of Dobbinsville. The City received an MOA and he will review it with the City Solicitor for evaluation at the July meeting. Funding for the project will come from the State. It was noted that funds for the fishing pier are restricted to fishing purposes.

Tourism Director – A contract was submitted to Ms. Crawford for review and Mr. Barthel is waiting to hear back from her.

City Staff – Mr. Barthel stated that Ms. Lisa Johnson was hired to fill the open position in the City office.

Solicitation of Candidates – Mr. Walton explained that the verbiage on the Solicitation of Candidates document was changed slightly to require proof of residence and that the Candidate Packet must be picked up at the City office and returned to the City Office. How it was to be returned to the City office was not specified. Mr. Barthel added that the language on how to obtain the Candidate Packet was clarified. Councilperson Day stated that City Council did not approve more restrictions. He also asked why the City was tracking who picks up a Candidate

Packet. Mr. Barthel explained that the City is following the same procedure as in prior elections regarding keeping a list of individuals who pick up a Candidate Packet, the forms of identification that were presented, and email contact information; noting that document is retained by the City. Council President Platt explained the Ordinance process, noting that Council had the opportunity discuss Ordinance 539 relating to election candidacy declaration requirements. Councilperson Day stated that Council chose not to move forward with Ordinance 539 in a rushed manner, opining that the City unilaterally amended the Solicitation of Candidates document. Councilperson Zubaca stated that Council provided comment but chose not to proceed in a rushed manner and expressed his disappointment that what they voted against was put into the Solicitation of Candidates document. Council President Platt reminded the members that there was no vote and therefore, the matter fell to the City Administrator and City Solicitor as an administrative process. Councilperson Day stated that the will of Council was not followed. Councilperson Zubaca concurred that to disregard four Council members' comments was concerning. Mr. Barthel responded that in light of a lack of direction from Council he discussed the matter with the City Solicitor for guidance. Based on the City Solicitor's recommendation a decision was made regarding the Solicitation of Candidates. Mr. Walton explained how he perceived the situation, noting that Council did not take action and that there was a dispute regarding the receipt of the Candidate Packet. As a result, he recommended that there be no restriction on how to return the packet, but that there would be additional requirements regarding residency. During further discussion how proof of residence and identity can be established was discussed. Councilperson Day stated that it was disrespectful to Council to amend the requirements to add further restrictions for the special election. In response to a question from Councilperson Zeltt Mr. Barthel stated that the City office remains open until 5:00 p.m. on the last day to file.

Report from Chief McCabe

Chief McCabe reported on the following:

House Bills 205 and 206 – Chief McCabe urged Council to review House Bills 205 and 206, noting it is a significant reform both to the Police Officers Bill of Rights and to the way officers function with police training. He stated that the process was collaborative, adding that misinformation has been presented to the public. Chief McCabe urged anyone hearing anything concerning to reach out to him. He added that there will be some impact to the City process.

Separation Day – Chief McCabe reported that the day was successful and he did not receive any complaints. The Department hired a clinician to provide training and to distribute Narcan. Chief McCabe stated that overdoses have spiked recently.

Department Activity

- Officers are investigating two robberies at WSFS in Airport Plaza.
- Officers are investigating the unprovoked assault of an elderly man in Washington Square. Detectives have substantial leads.

Retail Thefts in Airport Plaza – Chief McCabe addressed what appears to be a lack of intervention in retail theft, noting that there are a number of techniques being implemented to gather evidence for future prosecution. The department has had successful contact with all retail

shops in that area to establish a network to share information and provide low-level intervention techniques.

Suspect Photographs – Chief McCabe noted that comments have been received that the quality of suspect photos posted on Facebook is often grainy. He stated that although the photos may not be of the finest quality it has been a successful technique in getting information leading to arrests.

Councilperson Zubaca posed a number of questions to Chief McCabe:

- Chief McCabe clarified the YTD crime statistics.
- Regarding crash totals, Chief McCabe stated that Rt. 273 and Frenchtown Road have a higher number of crashes, mostly related to inattentive driving. Chief McCabe will research the vehicle types in crash cases.
- Chief McCabe noted that some advocates of HB 205 want unsubstantiated complaints to be public facing, and opined that a level of cross examination is trying to be established to discredit the police. Chief McCabe opined that the DOJ supports the Bill.

Council Communications

Councilperson Day

Councilperson Day participated in the Separation Day celebration and thanked everyone who participated, noting that all agencies worked together to provide a safe environment.

Councilperson Day thanked the City Administrator and Staff for providing and responding to questions regarding the City Budget.

Councilperson Zubaca

Councilperson Zubaca thanked everyone who assisted with and participated in Separation Day, including organizers and first responders.

Councilperson Zubaca recognized Public Works for their help in cleaning up after Separation Day.

Councilperson Zeltt

Councilperson Zeltt noted his appreciation for receiving a listing of holidays.

Councilperson Zeltt reviewed the background of the freeing of the last remaining enslaved people on June 19, 1865, and recommended that Council consider establishing Juneteenth as a City holiday. Mr. Barthel explained the process involved in establishing a City holiday. After discussion it was agreed that Mr. Barthel will consider the best path to take and report back to Council. Councilperson Zubaca stated his support of Councilperson Zeltt's recommendation. Mr. Walton suggested that this matter be placed on a future Agenda for discussion and vote. Councilperson Zubaca requested that Juneteenth be added to the July Agenda.

Councilperson Souder

Councilperson Souder echoed the thanks to everyone who made Separation Day a success.

Council President Platt

Council President Platt also thanked everyone involved in making Separation Day a success.

Public Comment

Sally Denton – 209 Second Street

Ms. Denton asked Council President Platt what happened internally and leading up to the election for Mayor in April 2023, noting that the City is obligated to be transparent as to what transpired. Council President Platt briefly explained what happened and suggested that Ms. Denton submit a FOIA request for documentation.

Dorsey Fiske – 26 East 3rd Street

Ms. Fiske stated the City is very lucky to have Good Will Fire Company, and noted that many have not responded to the Company's requests for funding because they assumed that taxes cover Good Will, and they do not. She added that equipment is very expensive that periodically needs to be replaced.

Ms. Fiske noted that she provided a copy of a communication from Mr. Tom Turtelli to Council at a previous meeting and asked if it had been received. She gave Mr. Barthel another copy and asked that he distribute a copy to the Council members.

Rod Miller – 124 East 3rd Street

Mr. Miller had questions regarding the blinking light at 6th and Delaware Street. Council President Platt noted that topic would be discussed later in the meeting.

Mr. Miller asked about the Ordinance on multifamily uses in the Downtown Gateway District (*Stenographer's Note: Ordinance 538*) and asked for an explanation of why the motion was not seconded. Councilperson Zubaca explained his reasons for not supporting the Ordinance, noting he is in favor of starting a conversation. Councilperson Day also explained his reasons for not supporting the Ordinance. Mr. Walton noted that this matter is not on the Agenda and requested that discussion cease.

Valarie Leary – 201 Harmony Street

Ms. Leary noted that cones along 2nd Street to indicate upcoming no parking all have different dates. Mr. Bergstrom noted that each resident should have received a handout explaining the matter; however, the cones were placed before the handout was delivered.

Phil Gross – 1301 13th Street

Mr. Gross noted that he was informed by some band members that they were disappointed that only the bandstand was used instead of the big stage.

Mr. Gross opined that there is no reason for anyone not to be able to go to the City Office to pick up there forms and drop them off.

Mr. Gross noted that the newspaper mis-read the Notice of the last meeting and announced that the entire meeting was cancelled. He added that the newspaper chooses what to print from meeting minutes, noting that Delaware City is considering a Resolution to prohibit meeting minutes from being published in the paper.

Mr. Gross noted that the Trustees do what they want and opined that Council has to take control of special interest groups.

Mr. Gross sent an email to each of the Council members regarding different stop sign additions to bring attention to the stop sign.

Aritha Brown – 1A William Penn court

Ms. Brown thanked Councilperson Zeltt for his recommendation to make Juneteenth a City holiday, noting that the City of New Castle currently has no African American Events.

Andrew Camac – 23 West 3rd Street

Mr. Camac noted that a new tree at 6th and Delaware Street intersection blocks the stop sign.

Brian Mattaway – 628 Delaware Street

Mr. Mattaway welcomed the new City Tourism Director, City Solicitor and Ms. Johnson.

Mr. Mattaway thanked the New Castle Community Partnership, homeowners, volunteers, and vendors, for a successful A Day in Old New Castle, noting that 2024 will mark the event's 100th anniversary. He added that there is room for all residents and friends of New Castle to play a role in making the event special.

Mr. Mattaway stated Separation Day was a success and thanked the City and everyone involved.

Mr. Mattaway thanked Mr. Barthel, the previous Council, Mr. Smith, Ms. Leary, the current council, the Trustees of the New Castle Common, ONCOR, and community partners for working together in an effort to bring new playground equipment and improve Battery Park this summer.

Mr. Mattaway requested that the City plan and invest in the various satellite parks throughout the City. He stated that what we do today will make an impact on the future.

Mr. Mattaway noted that there is a jewelry business in New Castle that is celebrating 140 years of service this year. He stated it is right and just to recognize this accomplishment and asked that Council consider rendering a Proclamation and a good-will gesture to this business.

Council Discussion City of New Castle Building Parking - One of the concerns is parking for people that need to come into town and hit the office. Suggestion – Take 1 or 2 spots for 10 minute parking during office hours.

Councilperson Zeltt explained that parking in front of the City Office is often difficult and suggested that one or two spots be designated for 10 minute parking during office hours. Council President Platt noted that there are two spots designated for City business and opined it would not be feasible. Councilperson Zeltt suggested that additional police patrolling and ticketing would discourage overuse of the spots. Council President Platt opined that the police may not have the time or resources to monitor those spaces. Councilperson Zubaca asked the City Administrator to inform Council at the July meeting of an estimate of the number of daily visitors and the times of day visitors come to the City office to provide a better understanding for the need of additional parking spaces. During discussion it was noted that the language on the signage for the two designated spots may be interpreted to be specifically for City vehicles. It was agreed that the verbiage on the signs could be changed to indicate the spots are for City Use, which may be more encouraging for visitors to the City office.

Council Discussion Delaware St and E 6th Street Intersection - Before Flashing light is removed: Spinner is not visible or working to see stop signs; Where signs are noting the study of the intersection, change these out with new Stop Signs; Need some type of Blinking on the sign.

Councilperson Zeltt expressed his concern with the blinking light at 6th and Delaware Streets being removed, and suggested that additional signage or sign lighting be added to make it clear that it is a 4-way stop intersection. Council President Platt noted that the information Mr. Gross provided showed a number of options to bring attention to stop signs. Councilperson Souder noted that Council was informed that the cost of lights around the stop sign would be the City's responsibility. She added that trees do block the stop signs. Mr. Barthel added that he was informed that there are no immediate plans to remove the blinking lights at the intersection and that he was led to believe DelDOT is considering the repaving aspect of the intersection. In response to a question from Councilperson Zubaca, Chief McCabe stated there have been no major accidents at the intersection.

Council Discussion, Motion and Vote on Resolution 2023-20 - to designate two Trash Trucks owned by the City as Surplus Property and Authorizing Disposal of said Surplus Property.

A motion to consider Resolution 2023-20 was made and seconded.

Council President Platt read the Resolution.

On vote, Resolution 2023-20 was unanimously carried.

Trustees of the New Castle Common – To address Council on entering into discussions with the City on taking control of maintenance of Battery Park.

Council President Platt stated that due to a conflict of interest the Trustees of the New Castle Common presentation would be postponed to a future meeting.

Sea Level Rise Task Force – Update from Alice Riehl, Sea Level Rise Task Force Chairperson.

Ms. Riehl gave a brief history of the organization and purpose of the Sea Level Rise Task Force. She explained that the NRCS conducted a feasibility study and it was determined that the City is eligible for the program. The most likely project is raising and extending the current dikes, building new berms, and a floodgate across Delaware Street. The NRCS will contract firms for planning and engineering, and NRCS will fully fund all construction costs. The City will be responsible for collateral costs. The NRCS will put a placeholder amount of \$37.5M on the project, which is the cost of the most likely alternative. She was also informed that the project would be fully funded regardless of how long it takes. The City will be asked to officially request the project, and activity is set to begin in October. The project itself will take many years to complete.

Ms. Riehl noted that the Task Force mandate is set to expire in October, and it has been recommended that the Task Force remain active as the liaison between the NRCS, the contractors, the City and the residents. In August the Task Force members will discuss how the Task Force will continue and who will be willing to serve on a standing committee.

Motion, Discussion and Vote on Resolution 2023-21A Resolution to Approve Handicapped Parking Spot on 172 E. Fourth Street, in front of house.

A motion to consider Resolution 2023-21 was made and seconded.

Council President Platt read the Resolution.

Councilperson Souder noted that it appears their driveway is at the rear of the residence. Councilperson Zubaca asked if the two neighbors had been consulted or had an opinion. Councilperson Day opined that it is a reasonable request under ADA regulations.

The motion on the floor was unanimously carried.

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

A motion to adjourn was made, seconded and unanimously carried and the meeting adjourned at 8:53 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer

Next Regular Meeting Date: July 11, 2023
Posted: 06/06/2023