

City of New Castle Delaware
Regular City Council Meeting
Meeting Held in Person and via Zoom
Tuesday, January 16, 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
Chief of Police Richard P. McCabe
Good Will Fire Company Captain Timothy Moore

Council President Souder called the January 16, 2024, regular 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.

Approval of the Minutes

A motion was made to approve the following meeting minutes:

- December 11, 2023 City Council Special Meeting as presented.
- December 12, 2023 City Council Regular Meeting as amended.
- December 14, 2023 City Council Special Meeting as presented.

The motion was seconded and unanimously passed.

Approval of the Treasurer's Report

In Ms. Carlin's absence, Council President Souder presented the unaudited Treasurer's Report as of December 31, 2023:

| | |
|--------------------------|-----------------|
| Total unrestricted funds | \$10,054,025.70 |
| Total restricted funds | 2,532,771.40 |
| Total cash | \$12,586,797.10 |

(Stenographer's Note: Council President Souder reported total cash as \$12,586,979.10 in error.)

A motion to approve the Unaudited Treasurer's Report as of December 31, 2023, as presented was made, seconded and unanimously passed.

Reports from the City Administrator and Staff

Report from Chief McCabe

Chief McCabe reported on the following:

- The Adopt-a-Family program was a great success and all the families were very touched.
- The Department's Clinician has started and is doing ride-a-longs to familiarize her with the area. The Department continues to work with the non-profit group that has hired a Peer Support person and will be hiring a Case Manager. The Case Manager will work with the group to help build a database.

In response to a question from Councilperson Mattaway, Chief McCabe will provide data on road closures due to flooding.

Administrative Report

Council President Souder presented the Administrative Report:

- Band Shell – Council President Souder found some sources for mobile stages that are more suited to the City's needs and are within budget. She will review with Councilperson Day and others in town who perform to see what features are important to them and will consult with Public Works to determine their needs as well.
- Dog Park – Councilperson Zeltt reported that an initial meeting was held with a group to discuss the size of the dog park and review the initial layout. It is hoped to have a meeting at the location. A contract was received from the Trust. The group will draft rules for the facility.
- Proposed Housing Projects Database – The Planning Commission and Council are both interested in having this information available on the City website, and will be working together. A zoom conference call was held on December 14th with Council President Souder, Councilperson Zubaca, Ms. Margo Reign, Chair of the Planning Commission, and a University of Delaware Professor who teaches a class on Management Information Technology for Small Businesses and Local Governments. As part of the class, the 2nd year senior students are required to work with a business or local government to design a system that they need. The cost to the City to participate is \$250.00. The City website may also be included in this project, or it may be considered as a project for the following year.
- City Budget – A mid-year Budget Review will be scheduled for the first week of February.
- Storm Drain – The storm drain on West 4th Street across from Good Will Fire Company is being repaired.
- Tourism Director – Sarah Crawford, City Tourism Director, tendered her resignation effective February 29, 2024. She will continue to work for the City until that date to publicize City Events and will share all documentation with City Staff prior to her final day. Council will defer a decision of whether to fill the position until the new City Administrator is on board. In response to a question from Councilperson Zubaca, Council President Souder will ask Ms. Crawford to provide a list of strategies and opportunities for the City prior to her final day.

Council Communications

Councilperson Mattaway

- Councilperson Mattaway expressed his thanks to the men and women who serve as first responders in the community as well as members of Public Works and MSC during the recent storms.
- Councilperson Mattaway attended a recent meeting of Colonial School District regarding District-wide infrastructure enhancements and the solicitation of funds and support. A Referendum will be held February 29, 2024 from 7:00 a.m. to 7:00 p.m. Information can be found on the Colonial School District's website.
- Councilperson Mattaway suggested that the Council and the City support becoming a member of the New Castle County and the State of Delaware Chambers of Commerce. He noted that joining would provide the City the opportunity host events and to be at the table with Christiana Care, Bank of America, J.P. Morgan and others. He added that other municipalities are members.
- On December 3rd, Dustin and Jennifer Ramsdell welcomed a daughter, Madeline Hazel.
- Councilperson Mattaway attended a ribbon cutting ceremony for AK Halal Bites, a new restaurant in New Castle, along with Councilperson Zeltt and Mayor Leary.
- Councilperson Mattaway acknowledged and expressed his condolences on the recent passing of three New Castle residents: Ms. Joan Smith, Ms. Ann Scott, and Mr. John Lafferty.

Councilperson Day

- Councilperson Day noted that John Lafferty had served on and was an integral member of the Planning Commission for many years, and was a great citizen for the City of New Castle.

Councilperson Zubaca

- Councilperson Zubaca echoed Councilperson Maway's thanks to first responders and Public Works for keeping the citizens of New Castle safe.

Business From the Mayor

- Mayor Leary wished everyone a Happy New Year.
- Mayor Leary echoed Councilpersons Mattaway and Zubaca in their expression of thanks to first responders, Police and Fire Departments, and everyone who worked together during the recent storms. She added that the majority of responses to the Review Reports stated that communication between the various agencies was excellent.
- Councilpersons Zubaca and Mattaway will join Mayor Leary for an outreach event on Friday, February 10th in the front conference room of the New Castle Library on Delaware Street from 10:00 a.m. until noon. An outreach event in Buttonwood is being planned for March.
- Mayor Leary noted that she attended the ribbon cutting ceremony at AK Halal Bites and the food was very good.

Report from Good Will Fire Company

Chief Tim Moore reported the following:

- There was a fire in December in the Boothurst community that is being investigated by the Fire Marshall.
- Several days ago there was a fire in New Castle Manor that is also being investigated by the Fire Marshall.
- During rush-hour there was a tractor trailer accident on Wilmington Road and Castle Hills Drive that was mitigated quickly with the aid of the New Castle Police.
- Captain Moore distributed the monthly report on cause and incidents for Fire and EMS to Council.

In response to a question from Mayor Leary, Captain Moore will provide a map of the sectors Good Will covers.

In response to questions from Councilperson Zubaca, Captain Moore noted that the last page of his report includes percentages for EMS, and explained the grids in New Castle that Good Will responds to, noting that the 1800 grid and parts of the 1810 and 1820 grids are part of New Castle.

In response to a question from Councilperson Mattaway, Captain Moore will include a time breakdown of responses in the monthly report. The time breakdown will be in three hour segments.

Business from the Council President

- Council President Souder echoed everyone's thanks to first responders for dealing with the recent storms. She noted that Public Works cleaned out storm drains in advance of the storms. The Public Works building did have some wind damage and the City is working with the Insurance Company to expedite repairs.
- Council President Souder stated that the Council will be designating the priority order of the top three choices to fill the position of City Administrator. She explained that the candidates will not be publicly identified at this time.

Public Comment

Phil Gross – 1301 13th Street

Mr. Gross wished everyone a Happy New Year.

Mr. Gross expressed his appreciation for Council's decision to enlist the aid of college students to work on the City website and other issues in the City. Councilperson Zubaca thanked Mr. Gross for his comments, noting that it was a group decision.

Mr. Gross thanked Councilperson Mattaway for his suggestion to join the Chamber of Commerce.

Mr. Gross suggested that Council consider two-way Zoom for public comments, noting that it has worked for other organizations. Councilperson Zubaca noted that Council may be looking into this, but urged people who are unable to attend a meeting to submit their written comments so they can be read during a public meeting.

Mr. Gross recommended that Council approve the reappointment of Mr. Marinelli to the Flood Resiliency Committee.

Mr. Gross stated that with regard to the Committee of One, there should be other input relative to the hiring of a new City Administrator. Council President Souder explained that the Council as a whole has already made the decision of who the top three candidates are, and the purpose of the Committee of One is to negotiate the contract between the City and the successful candidate. Mr. Walton added that everything is being done in compliance with FOIA and the contract will be brought back to Council and voted upon during a future public meeting.

Dorsey Fiske – 26 East 3rd Street

Council President Souder read a comment submitted via email by Ms. Fiske into the record regarding a complaint to the Division of Civil Rights and Public Trust in the Department of Justice that she drafted in 2018-19 but did not file. Her complaint referenced “the Police, the then City Administrator and possibly other City Officials and several Trustees of the New Castle Common in possible acts of civil intimidation”. It went on to state that the “trial of Phil Gross was dismissed the next day with conditional Nolle prosequi as the police were unable to produce any evidence he had stolen the signs involved but only of his possession”. She expressed her concern that the case against Mr. Gross may have been a set-up, asserting that if so, it is “another example of the weaponization of the Police to intimidate New Castle residents.”

Council President Souder recognized Chief McCabe to respond to Ms. Fiske’s comments. Chief McCabe encouraged anyone who has a concern that anyone in the Police Department is not acting appropriately to file a Complaint. He stated that:

- The Department is working appropriately.
- No elected or appointed official has ever had any impact on any criminal prosecution that the Department has taken.
- The Department has and will continue to be transparent as possible.
- The Police Department does not prosecute; it presents evidence.

Chief McCabe explained that Nolle prosequi (meaning: “to be unwilling to pursue”) does not define innocence or guilt and there are many reasons why the District Attorney’s office will not prosecute a case.

In response to a question from Councilperson Zubaca regarding the anonymity of complaints, Chief McCabe stated that he does not know if a complaint can be submitted anonymously. He added that at some time the complainant will need to validate their allegations.

New Business:

Possible vote and selection of a person for negotiation of terms of employment as City Administrator or establishment of a ranking for finalists for negotiation of an employment agreement.

Council President Souder stated that each Council member was presented with a list of the top three candidates. Candidates are identified as Candidate #1, #2, and #3.

A motion was made to approve that the individual identified as Candidate #2 is Council's first choice, the individual identified as Candidate #1 is Council's second choice, and the individual identified as Candidate #3 is Council's 3rd Choice.

Councilperson Day stated that he is not comfortable with the 3rd choice, and that he would prefer to re-interview several of the candidates again as Council's 3rd choice. He suggested that Council approve identifying the top two candidates.

Council President Souder amended her motion.

A motion was made to approve that the individual identified as Candidate #2 is Council's first choice and the individual identified as Candidate #1 is Council's second choice. If neither of those two candidates is able or willing to accept the offer, Council will regroup before proceeding.

A roll-call vote was taken:

- Council President Souder – Aye
- Councilperson Mattaway – Aye
- Councilperson Zeltt – Nay
- Councilperson Joseph Day – Aye
- Councilperson Nermin Zubaca – Aye

The motion passed with a vote of four in favor and one opposed.

Discussion and possible vote on authorization for the Council President (as a committee of one) to negotiate an agreement with a City Administrator candidate and to bring terms to Council for final approval.

A motion was made to authorize the Council President (as a committee of one) to negotiate an agreement with a City Administrator candidate and to bring terms to Council for final approval. The motion was seconded and passed unanimously.

Council Discussion, Possible Motion and Vote on Resolution 2024-01 - Reappoint Michael Marinelli to the Flood Resiliency Committee.

Michael Marinelli-Flood Resiliency Committee-Term ending Jan. 9 2027.

Council President Souder read Resolution 2024-01.

City Council Regular Meeting
January 16, 2024

A motion to reappoint Michael Marinelli to the Flood Resiliency Committee for a term ending January 9, 2027, was made, seconded and unanimously passed.

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 7:53 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer

Next Regular Meeting Date: February 13, 2023

Posted: 1/2/2024

Updated: 1/09/2024