

**REGULAR MEETING OF NEW CASTLE COUNTY COUNCIL
VIRTUAL ZOOM WEBINAR MEETING** &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801**

**Minutes
October 26, 2021, 6:30 PM**

A. Call to Order

--The meeting was called to order by President Hartley-Nagle at 6:30 p.m.
--A moment of silence was recognized; members of Council performed the Pledge of Allegiance.

Roll Call

Present

J. William Bell
David Carter
John J. Cartier
Elisa Diller
Dee Durham
Karen Hartley-Nagle
Janet T. Kilpatrick
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett

Absent

Penrose Hollins
Kenneth R. Woods

B. Approval of Minutes

--Councilman Smiley moved to approve the Oct. 12, 2021 council meeting minutes, it was seconded, and all were in favor.

C. Announcements

--Mr. Smiley announced that he would floor manage Mr. Woods' two pieces of legislation tonight and that Ordinance 21-091 would remain tabled.
--Ms. Durham stated that there will be a presentation tonight.

D. Introduction of Ordinances

°21-122: REVISE ZONING MAP: APPOQUINIMINK HUNDRED, SOUTH SIDE OF STRAWBERRY LANE, 114 EAST OF ROUTE 301; 323 STRAWBERRY LANE, TAX PARCEL NO. 14-010.00-011; 8.45 ACRES FROM (CR (COMMERCIAL REGIONAL) TO SR (SUBURBAN RESERVE) AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH (The purpose of this County initiated rezoning is to change the zoning of parcel 14-010.00-011 from CR to SR. App. No. 2020-0773-Z). Introduced by: Mr. Carter

°21-123: AMEND THE GRANTS BUDGET: REALIGN \$204,802.92 IN FUNDING FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES IN THE FY2021 STATE AID FOR LIBRARIES GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES. Introduced by: Mr. Hollins, Ms. Diller

°21-124: AMEND THE GRANTS BUDGET: REALIGN \$122,952 IN THE FY2020 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) GRANT WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING. Introduced by: Mr. Hollins, Ms. Diller

°21-125: AMEND THE GRANTS BUDGET: APPROPRIATE \$511,255.44 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2022 FUND TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE. Introduced by: Mr. Bell, Ms. Hartley-Nagle

°21-126: AMEND THE FY2022 APPROVED OPERATING BUDGET: APPROPRIATE \$19,870 IN FUNDING RECEIVED FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE EQUIPMENT BUDGET LINE ITEM. Introduced by: Mr. Bell, Ms. Hartley-Nagle

°21-127: AMEND THE FY2022 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$316,834 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, CLOUD BACKUP CAPITAL PROJEC. Introduced by: Mr. Smiley, Mr. Cartier

°21-128: AMEND THE FY2022 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$200,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, CYBER SECURITY CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier

°21-129: AMEND THE GRANTS BUDGET: APPROPRIATE \$54,265,210 FROM THE UNITED STATES DEPARTMENT OF THE TREASURY TO THE AMERICAN RESCUE PLAN ACT GRANT TO RESPOND TO THE COVID-19 PUBLIC HEALTH EMERGENCY AND ITS ECONOMIC IMPACTS, TO BE ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE. Introduced by: Mr. Smiley , Mr. Cartier

E. Reports from Select and Special Committees

-- Boards & Commissions: Ms. Durham stated they met with 4 new appointments and 2 reappointments.

--Land Use: Ms. Kilpatrick stated they met and discussed plans for the Porter industrial park, rezoning of 665 Churchmans road, discussed °21-116, and received an update on the State's Agricultural Preservation Program.

--Personnel Subcommittee: Ms. Kilpatrick stated they met and discussed the protocol for in person returns.

--Community Services: Ms. Diller stated they met and discussed the Neighborhood Improvement Districts Legislation.

--Finance: Mr. Smiley stated they me and reviewed & discussed legislation on the council agenda, approved grants, and had a Checkbook Presentation.

F. Consent Calendar

--Councilman Smiley asked that R21-202 be removed from the Consent Calendar.

R21-196: CONSENTING TO THE APPOINTMENT OF JENNIFER ADKINS TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD. Introduced by: Mr. Hollins

R21-197: CONSENTING TO THE APPOINTMENT OF BRANDON BRICE TO THE NEW CASTLE COUNTY ETHICS COMMISSION. Introduced by: Ms. Hartley-Nagle

R21-198: CONSENTING TO THE APPOINTMENT OF STEWART RAMSEY TO THE NEW CASTLE COUNTY AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE. Introduced by: Ms. Hartley-Nagle

R21-199: CONSENTING TO THE REAPPOINTMENT OF CHARLES MCALLISTER TO THE NEW CASTLE COUNTY BOARD OF LICENSE INSPECTION AND REVIEW. Introduced by: Mr. Woods

R21-200: CONSENTING TO THE REAPPOINTMENT OF SAMUEL R. HARBISON, JR. TO THE NEW CASTLE COUNTY DIVERSITY COMMISSION. Introduced by: Ms. Diller

R21-201: CONSENTING TO THE APPOINTMENT OF SIMEON HAHN TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD. Introduced by: Mr. Cartier

Consent Calendar--Approved

11 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Kilpatrick, Sheldon, Smiley, Street, Tackett,

2 Absent: Hollins, Woods

G. Presentations

--Mike McGrath, President of Preservation Delaware inc., presented an award to New Castle County Council.

H. Consideration of Resolutions Removed from the Consent Calendar and Other Resolutions

R21-202: NEW CASTLE COUNTY COUNCIL RESPECTFULLY URGES PRESIDENT BIDEN AND THE U.S. CONGRESS TO EXERCISE GLOBAL LEADERSHIP IN PREVENTING NUCLEAR WAR Introduced by: Ms. Durham, Mr. Tackett, Mr. Carter, Mr. Woods

--It was moved and seconded that R21-202 be read by title only and placed before council for its consideration.

Resolution 21-202—Defeated

4 Yes: Carter, Cartier, Durham, Tackett,

4 No: Bell, Hartley-Nagle, Smiley, Street,

3 Not Voting: Diller, Kilpatrick, Sheldon

2 Absent: Hollins, Woods

R21-203: PLAN OF PORTER INDUSTRIAL; PENCADER HUNDRED; EAST SIDE OF PORTER ROAD, 2000 FEET NORTH OF WRANGLE HILL ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES 111,300 SQUARE FEET OF WAREHOUSE SPACE; I ZONING; [APPLICATION NO. 2020-0554-S](#); COUNCIL DISTRICT 12 Introduced by: Mr. Bell

--It was moved and seconded that R21-203 be read by title only and placed before council for its consideration.

Resolution 21-203—Adopted

11 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Kilpatrick, Sheldon, Smiley, Street, Tackett

2 Absent: Hollins, Woods

R21-204: ENCOURAGING COLLECTIVE EFFORTS RELATING TO IMPLEMENTATION OF ELECTRIC VEHICLE TECHNOLOGY AND URGING DEVELOPERS TO OFFER “EV-

CAPABLE” AND “EV-READY” TECHNOLOGY Introduced by: Ms. Hartley-Nagle, Ms. Kilpatrick
--It was moved and seconded that R21-204 be read by title only and placed before council for its consideration.

--Ms. Hartley-Nagle moved to table R21-204. The motion was seconded by Mr. Smiley and approved.

Resolution 21-204 – Tabled then Withdrawn

I. Consideration of Ordinances

°21-117: AMEND THE GRANTS BUDGET: REALIGN \$175,000.00 IN FEDERAL FUNDS WITHIN THE CORONAVIRUS EMERGENCY FUNDS GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

--It was moved and seconded that °21-117 be read by title only and placed before council for its consideration.

Ordinance 21-117—Adopted

10 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Kilpatrick, Sheldon, Smiley, Tackett

1 Present: Street

2 Absent: Hollins, Woods

°21-118: AMEND THE FY2022 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$14,845 IN FUNDING FROM THE STATE OF DELAWARE FISCAL YEAR 2022 BOND AND CAPITAL IMPROVEMENTS ACT AND \$14,847 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS 2021 CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Woods

--It was moved and seconded that °21-118 be read by title only and placed before council for its consideration.

Ordinance 21-118—Adopted

11 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Kilpatrick, Sheldon, Smiley, Street, Tackett

2 Absent: Hollins, Woods

°21-119: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS IN THE COLUMBIA PLACE SUBDIVISION LOCATED IN THE BRANDYWINE HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS Introduced by: Ms. Durham

--It was moved and seconded that °21-119 be read by title only and placed before council for its consideration.

Ordinance 21-119—Adopted

11 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Kilpatrick, Sheldon, Smiley, Street, Tackett

2 Absent: Hollins, Woods

°21-120: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE \$299,750 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES AS A FEDERAL PASS-THROUGH GRANT FROM THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES (IMLS) AMERICAN RESCUE PLAN ACT (ARPA) GRANT TO BE DISTRIBUTED EQUALLY TO THE TEN NEW CASTLE COUNTY LIBRARIES WHICH ARE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-120 be read by title only and placed before council for its consideration.

Ordinance 21-120—Adopted

11 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Kilpatrick, Sheldon, Smiley, Street, Tackett

2 Absent: Hollins, Woods

°21-121: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 5 ("DEPARTMENTS AND OFFICES"), SECTION 2.05.402 ("DEPARTMENT OF COMMUNITY SERVICES BOARD") TO DECOMMISSION THE DEPARTMENT OF COMMUNITY SERVICES BOARD; AND TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 5 ("DEPARTMENTS AND OFFICES"), SECTION 2.05.403 ("LIBRARY ADVISORY BOARD") TO REORGANIZE THE LIBRARY ADVISORY BOARD AS A STAND-ALONE BOARD Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-121 be read by title only and placed before council for its consideration.

Ordinance 21-121—Adopted

10 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Kilpatrick, Sheldon, Smiley, Tackett

1 No: Street

2 Absent: Hollins, Woods

°21-035: REVISE ZONING MAP: WHITE CLAY CREEK HUNDRED, SOUTHWESTERLY CORNER OF CHURCHMANS ROAD AND GOODING DRIVE; 665 CHURCHMANS ROAD, [TAX PARCEL NO. 09-019.00-029](#), 0.48 ACRES FROM NC 6.5 (NEIGHBORHOOD CONSERVATION) TO ON (OFFICE NEIGHBORHOOD) AND AMEND THE 2012 COMPREHENSIVE DEVELOPMENT PLAN CONSISTENT THEREWITH (The purpose of the Site Plan and Rezoning for 665 Churchmans Road is to rezone the 0.48 acres to ON (Office Neighborhood) to reflect the historical and existing office use of the parcel. [2020 0712-S/Z](#).).

Introduced by: Mr. Woods

--It was moved and seconded that °21-035 be read by title only and placed before council for its consideration.

Ordinance 21-035—Adopted

Poll Vote

Bell: Yes, based on the positive recommendations of the Department of Land Use and the Planning Board.

Carter: Yes, because this is a much-needed public facility to keep a doctor's office in and around our communities and based on the positive recommendations of the Department of Land Use and the Planning Board.

Cartier: Yes, based on the positive recommendation of the Department of Land Use and the support of the community for regularizing this use which is a valuable service in the neighborhood.

Diller: Yes, based on the positive recommendation of the Department of Land Use.

Durham: Yes, based on the positive recommendation of the Department of Land Use.

Hartley-Nagle: Yes, based on the positive recommendations of the Department of Land Use, Planning Board, and the councilman whose district this is located in.

Hollins: Absent

Kilpatrick: Yes, based on the positive recommendation of the Department of Land Use.

Sheldon: Yes, based on the positive recommendation of the Department of Land Use.

Smiley: Yes, based on the positive recommendation of the Department of Land Use.

Street: Not Voting

Tackett: Yes, based on the positive recommendation of the Department of Land Use.

Woods: Absent

°21-116: (STATUS: TABLED) TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 ("BUILDING CODE"), ARTICLE 3 ("ADMINISTRATION") AND ARTICLE 10 ("ENERGY CONSERVATION CODE") RELATING TO NEW RESIDENTIAL CONSTRUCTION, ELECTRIC VEHICLES, AND CHARGING INFRASTRUCTURE. Introduced by: Ms. Durham

--It was moved and seconded that °21-116 be lifted from the table.

--It was moved and seconded that Substitute No. 1 to °21-116 be read by title only and placed before council for its consideration.

--Public Comment: Richard Hall, General Manager of the Department of Land Use, Peggy Schultz

Substitute No. 1 to Ordinance 21-116—Adopted

9 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Kilpatrick, Sheldon, Street

1 No: Smiley

3 Absent: Hollins, Woods, Tackett

°21-091: (STATUS: TABLED) TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 4 (“ANIMALS”), ARTICLE 2 (“ANIMAL CONTROL”), SECTION 4.02.001. (“LICENSES; RESTRAINT; IMPOUNDMENT; DESTRUCTION; NUISANCES; ENFORCEMENT GENERALLY”) AND SECTION 4.02.002. (“ENFORCEMENT OF SECTION 4.02.001”), AND *NEW CASTLE COUNTY CODE* CHAPTER 22 (“OFFENSES AND MISCELLANEOUS PROVISIONS”), ARTICLE 2 (“OFFENSES GENERALLY”), SECTION 22.02.008. (“NOISE CONTROL”) RELATING TO DOGS AND OTHER ANIMALS. Introduced by: Mr. Smiley, Mr. Carter

Ordinance 21-091--Remained Tabled

SUBSTITUTE NO. 3 TO °21-094: (STATUS: TABLED) TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 (“BUILDING CODE”), ARTICLE 3 (“ADMINISTRATION”), SECTION 6.03.013 (“SUBMITTAL DOCUMENTS”), ARTICLE 4 (“THE BUILDING CODE”), SECTION 6.04.002. (“AMENDMENTS TO THE INTERNATIONAL BUILDING CODE”), AND ARTICLE 5 (“THE RESIDENTIAL CODE”), SECTION 6.05.002. (“AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE”) RELATING TO CERTAIN NEW RESIDENTIAL CONSTRUCTION, ELECTRIC VEHICLES, AND CHARGING INFRASTRUCTURE. Introduced by: Ms. Durham, Mr. Carter, Mr. Cartier, Mr. Tackett, Ms. Hartley-Nagle
--Ms. Durham withdrew Substitute No. 3 to °21-094.

SUBSTITUTE NO. 3 TO °21-094—Withdrawn

--Mr. Smiley made a motion to go out order to address tabled resolution R21-204. The motion was seconded by Ms. Kilpatrick and approved.

--Ms. Kilpatrick moved to lift R21-204 from the table. The motion was seconded by Mr. Carter and approved.

--Ms. Kilpatrick withdrew R21-204.

--Mr. Smiley made a motion to return to regular order of business. The motion was seconded by Mr. Bell and approved.

J. Time Sensitive Congratulatory/Honorary Resolutions

R21-205: CONGRATULATING THE ELSMERE FIRE COMPANY ON THEIR 100TH ANNIVERSARY Introduced by: Mr. Woods, Ms. Durham, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Hartley-Nagle, Mr. Hollins, Ms. Kilpatrick, Mr. Sheldon, Mr. Smiley, Mr. Street, Mr. Tackett

--It was moved and seconded that R21-205 be read by title only and placed before council for its consideration.

Resolution 21-205—Adopted

11 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Kilpatrick, Sheldon, Smiley, Street, Tackett

2 Absent: Hollins, Woods

R21-206: CELEBRATING NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH 2021 Introduced by: Mr. Hollins, Ms. Hartley-Nagle

--It was moved and seconded that R21-206 be read by title only and placed before council for its consideration.

Resolution 21-206—Adopted

11 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

2 Absent: Hollins, Woods

K. Introduction/Consideration of Emergency Ordinances

--None

L. Public Comment/Other

--None

--Mr. Street commented on the process for co-sponsorship on honorary resolutions.

M. Motion to Adjourn

--There being no further testimony, a motion was made by Mr. Smiley to adjourn, it was seconded by Mr. Carter, and the meeting was adjourned at 7:33 pm.

A recording of the meeting is available upon request. Respectfully submitted by C. Linwood Jackson, Legislative Assistant.