

**REGULAR MEETING OF THE NEW CASTLE COUNTY COUNCIL  
VIRTUAL ZOOM WEBINAR MEETING**

**MINUTES**

**Tuesday, December 14, 2021**

- A.** 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

William J. 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  
Kenneth R. Woods

Absent

Penrose Hollins

**B. Approval of Minutes:**

- Mr. Smiley moved to approve the November 23, 2021 council meeting minutes, it was seconded, and all were in favor.

**C. Announcements:**

- Mr. Cartier announced that he plans to table ordinances 21-036 and ordinance 21-136.
- Ms. Hartley-Nagle announced there will be a presentation today, a surprise for council.

**D. Introduction of Ordinances:**

°21-137: AMEND THE FY2022 APPROVED OPERATING BUDGET: APPROPRIATE \$18,600 IN FUNDING RECEIVED FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES EQUIPMENT BUDGET LINE ITEM Introduced by: Mr. Hollins, Ms. Diller

°21-138: AMEND THE GRANTS BUDGET: APPROPRIATE \$40,000 FROM THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION TO THE MILL CREEK

FIRE COMPANY TRAFFIC SAFETY VEHICLES GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY Introduced by: Mr. Bell, Ms. Hartley-Nagle

°21-139: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDING OF \$121,530.88 TO THE HOLISTIC OFFICER WELLNESS GRANT FOR THE NEW CASTLE AGENDA DECEMBER 14, 2021 PAGE 2 COUNTY DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms Hartley-Nagle

°21-140: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDING OF \$198,701 TO THE COPS DE-ESCALATION TRAINING GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

21-141: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDING OF \$179,385 TO THE JUSTICE ASSISTANCE GRANT (JAG) 2021 GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°21-142: AMEND THE FY2022 APPROVED OPERATING BUDGET: INCREASE THE AUTHORIZED POSITION COUNT FOR THE DEPARTMENT OF PUBLIC SAFETY BY TEN PARAMEDIC POSITIONS TO ALLOW CONTINUED HIRING OF PRE-CERTIFIED PARAMEDICS WHILE UPCOMING 2022 NEW CASTLE COUNTY PARAMEDIC CLASS IS IN TRAINING Introduced by: Mr. Bell, Ms. Hartley-Nagle

°21-143: AMEND THE FY2022 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$1,000,000 IN FUNDING FROM THE STATE OF DELAWARE FISCAL YEAR 2022 GRANTS-IN-AID BILL TO THE DEPARTMENT OF PUBLIC SAFETY, EMS REALIGNMENT AND BUILDING CAPITAL PROJECT Introduced by: Mr. Bell, Ms. Hartley-Nagle

°21-144: TO AMEND NEW CASTLE COUNTY CODE TO CREATE A NEW CHAPTER 13 RELATING TO STORMWATER MAINTENANCE DISTRICTS Introduced by: Ms. Kilpatrick, Mr. Sheldon

**E. Reports from Select and Special Committee:**

- Public Works: Mr. Sheldon reported that they had updates on the forestry contract, and on the Town Hall meetings regarding County parks.
- Land Use: Ms. Kilpatrick reported that on 12/7 they talked about the N.I.D. enabling legislation, the two rezoning's, Instant ticketing, the community master plan, and discussion on council meeting times.
- Public Safety: Mr. Bell reported that they had no resolutions and no ordinances to discuss. They had a presentation by the Chief of emergency medical services division on the Hands on CPR, and the Vial of Life program.
- Finance: Mr. Cartier reported that they reviewed two purchase order resolutions, a resolution for the appointment of the new community services general manager. Reviewed one ordinance and approved 3 grant requests. They had a short recess when the fire alarm sounded, they resumed to finish committee business and adjourned.

**F. Consent Calendar:**

R21-223: HONORING THE LIFE OF WILLIAM EARL “BILL” STEVENSON AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS Introduced by: Mr. Bell;

R21-224: COMMEMORATING THE 80TH ANNIVERSARY OF THE ATTACK ON PEARL HARBOR AND HONORING THE BRAVE MEN AND WOMEN WHO LOST THEIR LIVES IN SERVICE TO OUR NATION Introduced by: Ms. Hartley-Nagle

NOTE: If an item on the Consent Calendar is objected to by a Council member, or a member of the public wishes to obtain additional information about the candidate or proposed legislation, or if a Councilmember intends to offer an amendment to a resolution, seek additional information, or state a conflict, it shall be removed from the Consent Calendar and voted upon separately.

Consent Calendar-- Adopted

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

1 Absent: Hollins

**G. Presentations:**

Ms. Hartley-Nagle introduced children from the Stop the Violence Prayer Chain Foundation to sing Rudolph the Red-Nosed Reindeer and bring the holiday cheer to Council, before reading a resolution honoring the Stop the Violence Prayer Chain Foundation for its lifechanging work.

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

R21-225: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH UVC EXPERTS LLC TO ASSIST WITH PURCHASE OF VEHICLE DISINFECTING LIGHTS AGENDA DECEMBER 14, 2021 PAGE 3 FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE IN THE AMOUNT OF \$175,000.00 Introduced by: Mr. Smiley, Mr. Cartier, Ms. Hartley-Nagle

--It was moved and seconded that R21-225 be read by title only and placed before Council for its consideration.

Resolution 21-225—Adopted

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

1 No: Street

1 Absent: Hollins

R21-226: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH INTERFAITH HOUSING DELAWARE, INC. TO ASSIST WITH DEVELOPMENT OF AFFORDABLE HOUSING ALONG ROUTE 9 CORRIDOR FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$25,000.00 Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-226 be read by title only and placed before Council for its consideration.

Resolution 21-226—Adopted

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

1 Absent: Hollins

R21-227: CONSENTING TO THE APPOINTMENT OF CARRIE SAWYER CASEY FOR THE POSITION OF GENERAL MANAGER OF THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that R21-227 be read by title only and placed before Council for its consideration.

Resolution 21-227—Adopted

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

1 Absent: Hollins

R21-228: URGING THE DELAWARE GENERAL ASSEMBLY TO ENACT ENABLING LEGISLATION AUTHORIZING NEW CASTLE COUNTY TO CREATE NEIGHBORHOOD IMPROVEMENT DISTRICTS Introduced by: Mr. Cartier, Ms. Diller, Ms. Kilpatrick, Mr. Sheldon

--It was moved and seconded that R21-228 be read by title only and placed before Council for its consideration.

Resolution 21-228—Adopted

9 Yes: Carter, Cartier, Diller, Durham, Hartley-Nagle, Kilpatrick, Sheldon, Tackett, Woods

3 No: Bell, Smiley, Street

1 Absent: Hollins

R21-229: TO AMEND NEW CASTLE COUNTY COUNCIL TELECOMMUTING PROGRAM POLICY Introduced by: Ms. Kilpatrick

--It was moved and seconded that R21-229 be read by title only and placed before Council for its consideration.

Resolution 21-229—Adopted

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

1 Absent: Hollins

**I. Consideration of Ordinances:**

°21-134: AMEND THE GRANTS BUDGET: APPROPRIATE ANTICIPATED FEDERAL FUNDS OF \$17,539,120 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE SECTION 8 HOUSING CHOICE VOUCHERS – 2022 GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-134 be read by title only and placed before Council for its consideration.

Ordinance 21-134—Adopted

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

°21-135: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE FEDERAL FUNDS OF \$3,672,176 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) AMERICAN RESCUE PLAN ACT (ARPA) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller  
--It was moved and seconded that °21-135 be read by title only and placed before Council for its consideration.

Ordinance 21-135—Adopted

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

°21-136: AMEND THE FY2022 APPROVED OPERATING BUDGET: APPROPRIATE UP TO \$2,100,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW TO FUND ATTORNEY FEES Introduced by: Mr. Smiley, Mr. Cartier  
--It was moved and seconded that °21-136 be read by title only and placed before Council for its consideration. Councilman Cartier tabled the legislation.

Ordinance 21-136- Tabled

SUBSTITUTE NO. 1 TO °18-129: REVISE ZONING MAP: MILL CREEK HUNDRED, EAST SIDE VALLEY ROAD, 2100' NORTH OF LIMESTONE ROAD; 701 VALLEY ROAD, TAX PARCEL NO. 08-012.00-032, 1.56 ACRES FROM S (SUBURBAN) TO CN (COMMERCIAL NEIGHBORHOOD) (The Exploratory Minor Land Development Plan for Hockessin Commons proposes to rezone the property to CN for development of an approximately 10,342 square foot medical office building on 1.56 acres. 2018-0076-S/Z). Introduced by: Ms. Kilpatrick  
--It was moved and seconded that Substitute No. 1 To °18-129 be read by title only and placed before Council for its consideration.

Substitute No. 1 to °18-129 —Adopted

**Poll Vote- 12 Yes, 1 Absent (Hollins)**

Bell: Yes, based on the positive recommendations of the Department of Land Use and the public input and support of the project.

Carter: Yes, 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, the Planning Board, and the support of the local community.

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 community support.

Hollins: Absent

Kilpatrick: Yes, based on the positive recommendation of the Department of Land Use and based on how it has been vetted through public meetings and the open working group within the community.

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: Yes, based on the positive recommendation of the Department of Land Use.  
Tackett: Yes, based on the positive recommendation of the Department of Land Use.  
Woods: Yes, based on the positive recommendation of the Department of Land Use and the Planning Board.

SUBSTITUTE NO. 1 TO °21-009: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), REGARDING ARTICLE 4 (“DISTRICT INTENSITY AND BULK STANDARDS”), ARTICLE 5 (“SITE CAPACITY AND CONCURRENCY CALCULATIONS”), ARTICLE 10 (“ENVIRONMENTAL STANDARDS”), ARTICLE 20 (“SUBDIVISION AND LAND DEVELOPMENT DESIGN PRINCIPLES”), ARTICLE 23 (“LANDSCAPING, TREES, PLANT MAINTENANCE, AND EROSION AND SEDIMENT CONTROL”), ARTICLE 26 (“MODIFICATION OF STANDARDS”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), ARTICLE 33 (“GENERAL DEFINITIONS”), APPENDIX 1 (“APPLICATION AND PLAN REQUIREMENTS”), AND APPENDIX 3 (“PLANT LISTS AND PLANTING GUIDANCE FOR NEW CASTLE COUNTY”) Introduced by: Mr. Tackett, Ms. Kilpatrick, Ms. Hartley-Nagle

--It was moved and seconded that Substitute No. 1 to °21-009 be read by title only and placed before Council for its consideration.

Substitute No. 1 to °21-009 —Adopted

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

1 Absent: Hollins

°21-036: (STATUS: TO BE TABLED) TO AMEND THE 2012 COMPREHENSIVE DEVELOPMENT PLAN UPDATE FOR NEW CASTLE COUNTY TO ESTABLISH A NEW COMMUNITY MASTER PLAN ELEMENT AND AMEND THE SEWER SERVICE AREA MAP AND FUTURE LAND USE MAP FOR SPECIFIC COMMUNITY MASTER PLAN AREAS Introduced by: Mr. Cartier, Ms. Durham

--It was moved and seconded that °21-136 be read by title only and placed before Council for its consideration. Councilman Cartier tabled the legislation.

Ordinance 21-036- Tabled

°21-084: REVISE PREVIOUSLY APPROVED EXPLORATORY MINOR LAND DEVELOPMENT PLAN WITH REZONING FOR SCARFO, DOMINIC M.; PENCADER HUNDRED; NORTH SIDE OF PULASKI HIGHWAY, 885 FEET EAST OF PLEASANT VALLEY ROAD; TAX PARCEL NO. 11-026.00-002 & 11-026.00-003 (2787 PULASKI HIGHWAY) (The revised plan for 2787 Pulaski Highway proposes to revise the previously approved design of the exploratory minor land development plan by combining Tax Parcel No.11-026.00-002 and Tax Parcel No. 11-026.00- 003 to allow for the development of 89,400 square feet of mini warehouse/self-storage Gross Floor Area. This new plan will supersede the previously approved exploratory minor land development plan and rezoning. Section 40.31.113 of the New Castle County Code requires that the submitted record plan be in general conformance with the development on the approved exploratory plan that was relied upon by County Council when it granted the rezoning. County Council adopted Ordinance 03-022 in June 2003. CR (Commercial Regional) zoning district. App. 2021-0004- S/Z.) Introduced by: Mr. Tackett

--It was moved and seconded that °21-084 be read by title only and placed before Council for its consideration.

Ordinance 21-084—Adopted

Poll Vote – 12 Yes, 1 Absent (Hollins)

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

Carter: Yes, based on the positive recommendations of the Department of Land Use and the because I support the effective reuse of brownfields.

Cartier: Yes, based on the positive recommendation of the Department of Land Use, the Planning Board, and the support of the adjacent community.

Diller: Yes, based on the positive recommendation of the Department of Land Use and because of the connection with the community and taking into consideration their requests.

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

Hartley-Nagle: Yes, based on the positive recommendations of the Department of Land Use, Planning Board, and the community support.

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

Tackett: Yes, based on the positive recommendation of the Department of Land Use, the planning board, and the applicant's ability to work so successfully with the surrounding community.

Woods: Yes, based on the positive recommendation of the Department of Land Use and the Planning Board.

°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

**J. Time Sensitive Congratulatory/Honorary Resolutions:**

R21-230: RECOGNIZING AND HONORING STOP THE VIOLENCE PRAYER CHAIN FOUNDATION, INC FOR ITS LIFE CHANGING WORK Introduced by: Ms. Hartley-Nagle

--It was moved and seconded that R21-230 be read by title only and placed before Council for its consideration.

Resolution 21-230 —Adopted

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

1 Absent: Hollins

**K. Introduction/Consideration of Emergency Ordinances: None**

**L. Public Comment/Other:**

- Mr. Street spoke about Wilmington police not releasing body camera footage.

**M. Motion to Adjourn:**

There being no further testimony, a motion was made by Mr. Smiley to adjourn, it was seconded, and the meeting was adjourned at 8:00 pm.

*A recording of the meeting is available upon request.*

*Respectfully submitted by C. Linwood Jackson, Legislative Assistant.*