



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

April 12, 2022
6:30 PM

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

MINUTES

A. Call to Order

-The meeting was called to order by President Pro-Tem Penrose Hollins at 6:30 p.m.

Moment of Silence

-A moment of silence was recognized.

Pledge of Allegiance

-Members of Council performed the Pledge of Allegiance.

Roll Call

-Members present: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

-Members absent: Karen Hartley-Nagle

B. Approval of Minutes

-Motion by Mr. Smiley, second by Ms. Kilpatrick, to approve the minutes from March 22, 2022. The minutes were approved by voice vote.

C. Announcements

-Mr. Smiley stated that at the appropriate time he would move to table Resolution 22-094.

-Ms. Kilpatrick stated that at the appropriate time, with the reading of Ordinance 22-030, she would move to introduce a floor amendment.

-Ms. Durham stated that she plans to table Resolution 22-093.

-Mr. Hollins stated that each member of the public would be given three minutes to speak about each item on our agenda.

D. Introduction of Ordinances

°22-032: THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR
FISCAL YEAR 2023 BEGINNING JULY 1, 2022 Introduced by: Mr. Smiley, Mr. Cartier

°22-033: CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2022 FOR FISCAL YEAR 2023 Introduced by: Mr. Smiley, Mr. Cartier

°22-034: AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS APPROVED IN THE FISCAL YEAR 2023 CAPITAL BUDGET Introduced by: Mr. Smiley, Mr. Cartier

°22-035: THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 Introduced by: Mr. Smiley, Mr. Cartier

°22-036: ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 Introduced by: Mr. Smiley, Mr. Cartier

°22-037: AMEND THE GRANTS BUDGET: APPROPRIATE \$107,945.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DIVISION OF EMPLOYMENT AND TRAINING, TO THE 2022 STATE SUMMER YOUTH EMPLOYMENT PROGRAM – CITY OF WILMINGTON; THE GRANT WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins, Ms. Diller

°22-038: AMEND THE GRANTS BUDGET: APPROPRIATE \$119,303.26 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DIVISION OF EMPLOYMENT AND TRAINING TO THE 2022 STATE SUMMER YOUTH EMPLOYMENT PROGRAM – SUBURBAN NEW CASTLE COUNTY GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins , Ms. Diller

°22-039: AMEND THE GRANTS BUDGET: APPROPRIATE \$94,727.52 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR WITH FUNDS PROVIDED BY THE DELAWARE WORKFORCE INVESTMENT BOARD TO THE 2022/2023 STATE YEAR-ROUND YOUTH EMPLOYMENT PROGRAM GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins, Ms. Diller

°22-040: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE \$30,000.00 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES AS A FEDERAL PASS-THROUGH GRANT FROM THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES WITH FUNDING FROM THE FEDERAL LIBRARY SERVICES AND TECHNOLOGY ACT 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

°22-041: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM THE COUNTY COUNCIL FY2022 APPROVED OPERATING BUDGET TO THE 2022 NEW CASTLE COUNTY YOUTH EMPLOYMENT GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins, Ms. Diller

°22-042: AMEND THE FY2022 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE 2022 NEW CASTLE COUNTY YOUTH EMPLOYMENT PROGRAM GRANT Introduced by: Mr. Hollins, Mr. Street, Mr. Smiley

°22-043: TO AMEND NEW CASTLE COUNTY CODE CHAPTERS 14 ("FINANCE AND TAXATION") AND 38 ("UTILITIES") TO PROVIDE A FULL PROPERTY TAX EXEMPTION FOR QUALIFYING DISABLED VETERANS WITH 100% DISABILITY RATING Introduced by: Mr. Hollins, Ms. Kilpatrick, Mr. Smiley, Mr. Cartier, Mr. Woods, Ms. Hartley-Nagle

E. Reports from Select and Special Committees

- Personnel Subcommittee: Mr. Sheldon reported that they met on April 5, 2022 and discussed the upcoming employment of an administrative assistant to County Council.
- Public Works Committee: Mr. Sheldon reported that they met on April 5, 2022 and discussed the disparity study and the bid practices.
- Land Use Committee: Ms. Kilpatrick reported they met April 5, 2022 and discussed the resolution on the Appoquinimink Summit Campus, the sewer agreement requiring a vote on the Annexation for Townsend, and the drainage Ordinance °22-030.
- Finance Committee: Mr. Cartier reported they met today and discussed two resolutions, two ordinances, and approved three grants.
- Budget Hearing: Mr. Smiley stated that Council held their first budget hearing on April 4, and the next one will be held on April 18th at 2PM.

F. Consent Calendar

R22-090: CELEBRATING THE 85TH ANNIVERSARIES OF THE HOCKESSIN FIRE COMPANY AND LADIES' AUXILIARY Introduced by: Ms. Kilpatrick

Consent Calendar -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: Karen Hartley-Nagle

Consent Note

G. Presentations

--None

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

R22-091: TO APPROVE THE ANNEXATION OF ONE PARCEL OF LAND TOTALING 38.70 ACRES LOCATED AT 6170 SUMMIT BRIDGE ROAD, TAX PARCEL NO. 14-016.00-047 BY THE TOWN OF TOWNSEND IN ACCORDANCE WITH ITS COMPREHENSIVE PLAN Introduced by: Mr. Carter

-It was moved and seconded that Resolution 22-091 be read by title only and placed before Council for its consideration.

-Comments were made by Council Members, Mr. Carter, and Mr. Sheldon.

Resolution 22-091 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: Karen Hartley-Nagle

R22-092: GRANTING RELIEF FROM THE LEVEL OF SERVICE REQUIREMENTS OF CHAPTER 40 OF THE NEW CASTLE COUNTY CODE (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR "UDC"), WITH RESPECT TO THE MAJOR LAND DEVELOPMENT PLAN FOR APPOQUINIMINK SUMMIT CAMPUS, APPLICATION NO. 2020-0428-S, PROPOSED K-12 PUBLIC SCHOOL CAMPUS LOCATED NORTHEAST OF THE INTERSECTION OF SUMMIT BRIDGE ROAD (STATE ROUTE 896) AND BEASTON ROAD, 588 BEASTON ROAD, MIDDLETOWN, DE, 19709, TAX PARCEL NO. 13-007.00-016 Introduced by: Mr. Carter

-It was moved and seconded that Resolution 22-092 be read by title only and placed before Council for its consideration.

-Comments were made by Council members, Mr. Carter and Mr. Bell

Resolution 22-092 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: Karen Hartley-Nagle

R22-093: URGING THE DELAWARE GENERAL ASSEMBLY TO AUTHORIZE NEW CASTLE COUNTY GOVERNMENT TO IMPLEMENT ADJUSTED BIDDING THRESHOLDS, USE OF BEST VALUE CONTRACTING AND ADDITIONAL CRITERIA TO DETERMINE BEST VALUE CONTRACTING FOR PUBLIC WORKS CONTRACTS, AND CONSIDERATION OF ENVIRONMENTAL CRITERIA IN CONNECTION WITH PROCUREMENT OF MATERIEL, PRODUCTS, AND SERVICES Introduced by: Mr. Durham, Mr. Carter

-It was moved and seconded that Resolution 22-093 be read by title only and placed before Council for its consideration.

-Ms. Durham moved to table Resolution 22-093. The motion was seconded by Mr. Smiley and unanimously approved.

Resolution 22-093 -- Tabled

R22-094: (STATUS: TO BE TABLED) ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2023 THROUGH 2028 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-094 be read by title only and placed before Council for its consideration.

-Mr. Smiley moved to table Resolution 22-094. The motion was seconded by Mr. Cartier and was unanimously approved.

Resolution 22-094 -- Tabled

I. Consideration of Ordinances

°22-025: AMEND THE GRANTS BUDGET: APPROPRIATE \$72,448.67 IN STATE AID TO LOCAL LAW ENFORCEMENT (SALLE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE STATE AID TO LOCAL LAW ENFORCEMENT (SALLE) – FY2022 GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

-It was moved and seconded that °22-025 be read by title only and placed before Council for its consideration.

Ordinance 22-025-- Adopted

Yes: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: Karen Hartley-Nagle

°22-026: AMEND THE GRANTS BUDGET: APPROPRIATE \$39,322.08 IN EMERGENCY ILLEGAL DRUG ENFORCEMENT (EIDE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE EIDE FY2022 GRANT, TO

BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

-It was moved and seconded that °22-026 be read by title only and placed before Council for its consideration.

Ordinance 22-026 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: Karen Hartley-Nagle

°22-027: AMEND THE GRANTS BUDGET: APPROPRIATE \$27,792.00 FROM SALE OF VEHICLES TO THE ASSET SEIZURE 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 °22-027 be read by title only and placed before Council for its consideration.

Ordinance 22-027 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, David Tackett, Kenneth Woods

Present: Jea Street

Absent: Karen Hartley-Nagle

°22-028: TO AMEND THE NEW CASTLE COUNTY CODE TO REPEAL AND RESERVE ARTICLE 9 OF CHAPTER 14 OF THE NEW CASTLE COUNTY CODE REGARDING LOCAL SERVICE FUNCTIONS Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that °22-028 be read by title only and placed before Council for its consideration.

-There was a discussion among Council Members regarding °22-028.

Ordinance 22-028 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, David Tackett, Kenneth Woods

No: Jea Street

Absent: Karen Hartley-Nagle

°22-030: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 12 ("DRAINAGE") REGARDING THE ESTABLISHMENT OF UPDATED DRAINAGE STANDARDS WITHIN NEW CASTLE COUNTY Introduced by: Mr. Tackett, Ms. Kilpatrick, Mr. Sheldon, Mr. Woods

-It was moved and seconded that °22-030 be read by title only and placed before Council for its consideration.

-Ms. Kilpatrick moved to have Floor Amendment No. 1 to °22-030 read by title only and placed before Council for its consideration. The motion was seconded by Mr. Cartier.

-Public Comment on Floor Amendment No. 1: Louise Koonce, Jennifer Kmiec.

Floor Amendment No. 1 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, David Tackett, Kenneth Woods

Not Voting: Jea Street

Absent: Karen Hartley-Nagle

-Mr. Tackett moved to have °22-030 as amended by Floor Amendment No. 1 read by title only and placed before Council for its consideration. The motion was seconded by Mr. Cartier.

-Public Comment: Louise Koonce

Ordinance 22-030 as amended by Floor Amendment No. 1 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, David Tackett, Kenneth Woods

Not Voting: Jea Street

Absent: Karen Hartley-Nagle

°22-031: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION") TO INCORPORATE TECHNICAL CHANGES TO COUNCILMANIC DISTRICT BOUNDARIES AS RECOMMENDED BY THE DELAWARE DEPARTMENT OF ELECTIONS Introduced by: Ms. Hartley-Nagle, Mr. Hollins

-It was moved and seconded that °22-031 be read by title only and placed before Council for its consideration.

Ordinance 22-031 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: Karen Hartley-Nagle

J. Time Sensitive Congratulatory/Honorary Resolutions

-None

K. Introduction/Consideration of Emergency Ordinances

-None

L. Public Comment/Other

-Public Comments were made by retired colonel Dominic Donofrio and Ms. Dora Williams.

-There was a discussion between Council members and Rich Hall, regarding Mr. Donofrio's public comment.

-Mr. Bell reported that the Public Safety Committee met this afternoon and discussed items on the agenda and General Manager Tracy Surles and Col. Bloch made a presentation on Brandywine Springs Park and presented ideas for better patrols in County parks.

M. Motion to Adjourn

-There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded by Councilman Carter, and the meeting was adjourned at 8:14pm.

A recording of the meeting is available upon request.

Respectfully submitted by C. Linwood Jackson, Legislative Assistant.