



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

April 26, 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**

REVISED AGENDA 2

A. Call to Order

- **Moment of Silence**
- **Pledge of Allegiance**
- **Roll Call**

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°22-044: AMEND THE FY2022 APPROVED SEWER FUND OPERATING BUDGET: APPROPRIATE \$127,678 OF SEWER RATE STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC WORKS SEWER FUND CONTRACTUAL SERVICES BUDGET LINE ITEM FOR INVESTIGATIVE WORK IN CONNECTION WITH THE ARMY CREEK LANDFILL SITE Introduced by: Mr. Sheldon, Mr. Woods

°22-045: AMEND THE GRANTS BUDGET: FOR FY2023, APPROPRIATE ANTICIPATED \$2,557,072 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES TO: (A) LIBRARY ADMINISTRATION \$2,291,722; (B) APPOQUINIMINK LIBRARY \$19,547; (C) BEAR LIBRARY \$34,431; (D) CLAYMONT LIBRARY \$14,431; (E) BRANDYWINE HUNDRED LIBRARY \$82,530; (F) ELSMERE LIBRARY \$14,430; (G) HOCKESSIN LIBRARY \$17,544; (H) KIRKWOOD LIBRARY \$21,748; (I) NEWARK LIBRARY \$30,353; (J) ROUTE 9 LIBRARY \$11,697; AND (K) WOODLAWN LIBRARY \$18,639 WHICH ARE ALL ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES Introduced by: Mr. Hollins, Ms. Diller

°22-046: AMEND THE GRANTS BUDGET: APPROPRIATE \$2,456,968 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND \$425,000 IN ESTIMATED PROGRAM INCOME TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2023, WHICH

WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-047: AMEND THE GRANTS BUDGET: FOR FY2023, APPROPRIATE FEDERAL FUNDS OF \$207,012 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO THE EMERGENCY SOLUTIONS GRANT FY2023, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-048: AMEND THE GRANTS BUDGET: FOR FY2023, APPROPRIATE FEDERAL FUNDS OF \$1,013,204 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ESTIMATED PROGRAM INCOME OF \$100,000 TO THE FY2023 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-049: AMEND THE GRANTS BUDGET: APPROPRIATE NEW CASTLE COUNTY FUNDING OF \$64,800 FROM THE DEPARTMENT OF COMMUNITY SERVICES FY2022 APPROVED OPERATING BUDGET TO THE SUMMER RECREATION CAMPS GRANT Introduced by: Mr. Hollins, Ms. Diller

°22-050: AMEND THE ANNUAL OPERATING BUDGET: APPROPRIATE \$64,800 FROM THE CONTRACTUAL SERVICES BUDGET LINE ITEM OF THE DEPARTMENT OF COMMUNITY SERVICES TO THE SUMMER RECREATION CAMPS GRANT Introduced by: Mr. Hollins, Ms. Diller

°22-051: AMEND THE GRANTS BUDGET: APPROPRIATE \$160,000 OF FEDERAL FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE VICTIMS OF CRIME ACT (VOCA) VICTIM ASSISTANCE PROGRAM THROUGH THE DELAWARE CRIMINAL JUSTICE COUNCIL (CJC) TO THE CRIMINAL JUSTICE COUNCIL NEW CASTLE COUNTY POLICE DEPARTMENT EXPANSION OF VICTIM SERVICES – SIXTH YEAR GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-052: AMEND THE GRANTS BUDGET: REALIGN \$86,276.00 IN FUNDS FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY WITHIN THE FY2022 FUND TO COMBAT VIOLENT CRIME GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-053: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 6 (“BUILDING CODE”), ARTICLE 1 (“GENERAL”); CHAPTER 7 (“PROPERTY MAINTENANCE CODE”), ARTICLE 1 (“STANDARDS FOR PROPERTY MAINTENANCE”); AND CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”) ARTICLE 8 (“NONCONFORMING SITUATIONS”), ARTICLE 30 (“COUNTY COUNCIL AND ADMINISTRATIVE BODIES”), AND ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), REGARDING NEWSPAPER PUBLICATION OF NOTICES Introduced by: Mr. Tackett, Ms. Kilpatrick

°22-054: ALLOW REALIGNMENT OF FUNDS FROM THE UNITED STATES DEPARTMENT OF THE TREASURY WITHIN THE AMERICAN RESCUE PLAN ACT GRANT FROM GRANTS AND FIXED CHARGES TO CONTRACTUAL SERVICES, WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE Introduced by: Mr. Smiley, Mr. Cartier

E. Reports from Select and Special Committees

F. Consent Calendar

R22-095: OBSERVING HOLOCAUST REMEMBRANCE DAY, APRIL 28, 2022 Introduced by: Mr. Woods

R22-096: HONORING THE HOLLOWAY TERRACE VOLUNTEER FIRE COMPANY, NO. 1, INC. ON THEIR 100TH ANNIVERSARY Introduced by: Mr. Bell

R22-097: HONORING THE LADIES AUXILIARY OF HOLLOWAY TERRACE FIRE COMPANY ON THEIR 100TH ANNIVERSARY Introduced by: Mr. Bell

R22-098: HONORING THE LIFE AND LEGACY OF ROLAND T. MARSHALL, SR Introduced by: Mr. Hollins, Mr. Street

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.

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

R22-099: TO SET NEW CASTLE COUNTY'S FISCAL YEAR 2023 CONTRIBUTION RATE FOR THE COUNTY'S PENSION PLANS Introduced by: Mr. Smiley, Mr. Cartier

R22-100: ENCOURAGING THE DELAWARE GENERAL ASSEMBLY TO AUTHORIZE MUNICIPAL AND COUNTY GOVERNMENTS TO IMPLEMENT A MARIJUANA SALES TAX UP TO 3% IN ANY LEGALIZATION LEGISLATION Introduced by: Mr. Smiley, Mr. Cartier

R22-101: URGING THE DELAWARE GENERAL ASSEMBLY TO AMEND THE DELAWARE CODE REGARDING LAWS RELATING TO PROTECTION, CONTROL AND NOISE OF ANIMALS, INCLUDING DOGS Introduced by: Mr. Smiley, Mr. Carter

R22-102: CORRECTING THE DESCRIPTIONS ASSOCIATED WITH PARCEL NUMBERS 0801800038 AND 0801800058 Introduced by: Ms. Kilpatrick

I. Consideration of Ordinances

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

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

°22-034: (STATUS: TO BE TABLED) 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: (STATUS: TO BE TABLED) THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 Introduced by: Mr. Smiley, Mr. Cartier

°22-036: (STATUS: TO BE TABLED) 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

J. Time Sensitive Congratulatory/Honorary Resolutions

- K. Introduction/Consideration of Emergency Ordinances
- L. Public Comment/Other
- M. Motion to Adjourn

REVISED AGENDA 2 POSTED: April 26, 2022 (12:00pm)

REVISED AGENDA POSTED: April 25, 2022

AGENDA POSTED: April 19, 2022

*The revised agenda 2 was posted 6.5 hours before the start of the meeting to add R22-102, which was not known until that time, in order to immediately correct errors in the County's records that are potentially jeopardizing a land sale of agreement that is intended to close this week.

The revised agenda was posted less than (7) seven days in advance of the meeting to add R22-101 for consideration by Council, as the Delaware General Assembly intends to consider related legislation prior to the next Council meeting (May 10, 2022) and has requested support be submitted by local governments in favor of said legislation.

The agenda was originally posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

****Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a**

telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.nccde.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.