



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

May 24, 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

A. Call to Order

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

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

22-065: AMEND THE GRANTS BUDGET: APPROPRIATE \$10,469.89 IN PROGRAM INCOME TO THE ABSALOM JONES SENIOR CENTER RECREATION GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins, Ms. Diller

22-066: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS, REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, AFFILIATE LOCAL 3109, TO REVISE THE POSITION TITLE OF TREASURY OPERATIONS SUPERVISOR TO FINANCE OPERATIONS SUPERVISOR AND TO ADOPT THE REVISED CLASS SPECIFICATION Introduced by: Ms. Hartley-Nagle

22-067: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM NEW CASTLE 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. Smiley

°22-068: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY COUNCIL FY2022 APPROVED OPERATING BUDGET TO THE SENIOR HOME REPAIR PROGRAM GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Smiley

°22-069: AMEND THE FY2022 APPROVED OPERATING BUDGET: REDUCE THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO PROVIDE FUNDING FOR NEW CASTLE COUNTY GRANTS Introduced by: Mr. Smiley

°22-070: AMEND THE FY2022 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$106,226 IN FUNDING RECEIVED FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT AND \$54,801 IN FUNDING RECEIVED FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF ADMINISTRATION, TECHNOLOGY ENHANCEMENTS 2022 CAPITAL PROJECT Introduced by: Mr. Smiley, Mr. Cartier

°22-071: AMEND THE GRANTS BUDGET: REALIGN \$363,000 IN FUNDS FROM THE UNITED STATES DEPARTMENT OF THE TREASURY WITHIN THE AMERICAN RESCUE PLAN ACT GRANT FROM GRANTS AND FIXED CHARGES TO SALARIES AND WAGES AND EMPLOYEE BENEFITS, WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE Introduced by: Mr. Smiley, Mr. Cartier

°22-072: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR "UDC"), REGARDING ARTICLE 3 ("USE REGULATIONS"), ARTICLE 4 ("DISTRICT INTENSITY AND BULK STANDARDS"), ARTICLE 6 ("SIGN REGULATIONS"), ARTICLE 8 ("NONCONFORMING SITUATIONS"), ARTICLE 20 ("SUBDIVISION AND LAND DEVELOPMENT DESIGN PRINCIPLES"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING"), ARTICLE 23 ("LANDSCAPING, TREES, PLANT MAINTENANCE, AND EROSION AND SEDIMENT CONTROL"), ARTICLE 31 ("PROCEDURES AND ADMINISTRATION"), ARTICLE 33 ("DEFINITIONS"), APPENDIX 1 ("APPLICATION AND PLAN REQUIREMENTS"), APPENDIX 2 ("FEES"), AND TO ESTABLISH ARTICLE 18 ("BYWAY PROTECTION"), AND APPENDIX 8 ("BYWAY AREA RESOURCES") REGARDING BYWAY PROTECTION Introduced by: Ms. Durham, Mr. Carter, Ms. Kilpatrick, Mr. Hollins

°22-073: TO AMEND CHAPTER 40 OF THE NEW CASTLE COUNTY CODE (ALSO KNOWN AS THE "UNIFIED DEVELOPMENT CODE"), ARTICLE 7 ("TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES") REGARDING HOUSING IN NEW CASTLE COUNTY Introduced by: Mr. Hollins, Mr. Street, Mr. Tackett

E. Reports from Select and Special Committees

F. Consent Calendar

R22-107: CONSENTING TO THE RE-APPOINTMENT OF BRIAN REEDER TO THE FIRE AND AMBULANCE ADVISORY BOARD Introduced by: Mr. Bell

R22-108: CONSENTING TO THE REAPPOINTMENT OF TIFFANY EARLE TO THE NEW CASTLE COUNTY HOUSING ADVISORY BOARD Introduced by: Mr. Carter

R22-109: CONSENTING TO THE APPOINTMENT OF DAVID J. MAJEWSKI, SR. TO THE FIRE AND AMBULANCE ADVISORY BOARD Introduced by: Mr. Bell

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

R22-110: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH ANDE CORPORATION FOR ANNUAL PURCHASE AGREEMENT OF RAPID DNA ANALYSIS MACHINE FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE IN THE AMOUNT OF \$94,100.00 Introduced by: Mr. Smiley, Mr. Cartier

R22-111: URGING THE DELAWARE GENERAL ASSEMBLY TO AUTHORIZE NEW CASTLE COUNTY GOVERNMENT TO IMPLEMENT ADJUSTED BIDDING THRESHOLDS FOR COUNTY CONTRACTS Introduced by: Mr. Woods, Mr. Sheldon, Mr. Hollins

R22-112: CONSENTING TO THE APPOINTMENT OF GEORGE CORBIN, JR. FOR THE POSITION OF PROJECT SEED COMMUNITY LIAISON FOR NEW CASTLE COUNTY Introduced by: Ms. Kilpatrick, Mr. Sheldon

R22-113: CONSENTING TO THE APPOINTMENT OF ADRIANA CAROLINA OCHOA FOR THE POSITION OF PROJECT SEED COMMUNITY LIAISON FOR NEW CASTLE COUNTY Introduced by: Ms. Kilpatrick, Mr. Sheldon

R22-114: AUTHORIZING A CONTRACT BETWEEN THE CITY OF WILMINGTON AND NEW CASTLE COUNTY COUNCIL REGARDING LIVE STREAMING AND BROADCASTING OF COUNTY COUNCIL MEETINGS AND THE EXECUTION THEREOF AND ANY OTHER NECESSARY DOCUMENTS BY COUNTY COUNCIL, AND FOR COUNTY COUNCIL TO TAKE ANY AND ALL NECESSARY ACTIONS RELATED THERETO, INCLUDING ISSUANCE OF A PURCHASE ORDER TO THE EXTENT NECESSARY Introduced by: Mr. Carter, Mr. Smiley

R22-115: PLAN OF APPOQUINIMINK SUMMIT CAMPUS; ST. GEORGES HUNDRED; EAST SIDE OF SUMMIT BRIDGE ROAD, NORTH SIDE OF BEASTON ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 532,130 SF SCHOOL CAMPUS; S ZONING; [APPLICATION NO. 2020-0428-S](#); COUNCIL DISTRICT 6 Introduced by: Mr. Carter

R22-116: APPROVING REVISED CLASS SPECIFICATION FOR OPERATIONS ENGINEER PURSUANT TO NEW CASTLE COUNTY CODE SECTION 26.03.105(F) Introduced by: Mr. Sheldon, Mr. Woods

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

R22-103: (STATUS: TABLED) AUTHORIZING THE COUNTY EXECUTIVE TO SIGN AN AGREEMENT WITH THE CITY OF WILMINGTON CONCERNING WASTEWATER TREATMENT Introduced by: Mr. Sheldon, Mr. Woods, Mr. Hollins

I. Consideration of Ordinances

°22-055: AMEND THE GRANTS BUDGET: APPROPRIATE \$75,000 FROM SUSSEX COUNTY AS A FEDERAL PASS-THROUGH GRANT FROM THE AMERICAN RESCUE PLAN ACT (ARPA), STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF) TO THE SUBSTANCE USE DISORDERS NEEDS ASSESSMENT Introduced by: Mr. Smiley, Mr. Cartier

°22-056: APPROPRIATE \$190,000 FROM THE GARSTIN TRUST PORTFOLIO TO THE GARSTIN TRUST FUND IN ORDER TO FUND PARK MAINTENANCE FOR FISCAL YEAR 2023,

TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS Introduced by: Mr. Sheldon, Mr. Woods

°22-057: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE FEDERAL FUNDS OF \$989,082.61 FROM OTHER INCOME IN THE FY2020 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

°22-058: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE FEDERAL FUNDS OF \$1,178,902.72 FROM PROGRAM INCOME IN THE FY2022 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

°22-059: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE \$25,356.93 IN REVENUE DERIVED FROM FEES AND PRIVATE DONATIONS TO THE ROCKWOOD MUSEUM GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins, Ms. Diller

°22-060: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING OF \$70,000 FROM THE DELAWARE STATE HOUSING AUTHORITY, HOUSING DEVELOPMENT FUND TO THE HOUSING DEVELOPMENT FUND (HDF) SUPPLEMENTAL FUNDING GRANT WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-061: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 20 ("LAW ENFORCEMENT") REGARDING THE APPOINTMENT OF PARK PUBLIC SAFETY SPECIALISTS AND SEASONAL PARK PATROL OFFICERS Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-062: AMEND THE FY2022 CAPITAL BUDGET: APPROPRIATE \$85,000 IN FUNDING FROM THE STATE OF DELAWARE FISCAL YEAR 2022 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT OF PUBLIC SAFETY, OVERLOOK COLONY SECURITY CAMERAS CAPITAL PROJECT Introduced by: Mr. Bell, Ms. Harley-Nagle

°22-063: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$9,130 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO THE EMERGENCY MANAGEMENT FY2021 GRANT Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-064: AMEND THE FY2022 APPROVED SEWER FUND OPERATING BUDGET: APPROPRIATE \$6,657,360 OF SEWER RATE STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC WORKS SEWER FUND COMMUNICATION AND UTILITIES BUDGET LINE ITEM FOR SETTLEMENT OF PAST SEWER COST CLAIMS FOR FY2017 THROUGH FY2020 Introduced by: Mr. Sheldon, Mr. Woods, Mr. Hollins

°22-032: (STATUS: 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: TABLED) CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2022 FOR FISCAL YEAR 2023 Introduced by: Mr. Smiley, Mr. Cartier

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

J. Time Sensitive Congratulatory/Honorary Resolutions

R22-117: HONORING THE LIFE AND LEGACY OF MR. FORREST L. WALKER, SR. Introduced by: Mr. Street

R22-118: CELEBRATING AND HONORING THE LIFE OF DANTE M. MARINI AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS Introduced by: Mr. Cartier

K. Introduction/Consideration of Emergency Ordinances

L. Public Comment/Other

M. Motion to Adjourn

REVISED AGENDA POSTED: May 18, 2022
AGENDA POSTED: May 17, 2022

*The revised agenda was posted less than seven days in advance of the meeting to include the addition of R22-116, which was submitted by the deadline, but inadvertently left off the agenda and is time sensitive. The agenda is 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.