



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

June 14, 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 Karen Hartley-Nagle 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: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Members absent: J. William Bell, Lisa Diller, Penrose Hollins

B. Approval of Minutes

-Mr. Smiley moved to approve the May 24, 2022 Council Meeting minutes. The motion was seconded by Mr. Cartier and approved.

C. Announcements

-Ms. Durham stated that she was withdrawing °22-087.

D. Introduction of Ordinances

°22-074: TO EXTEND THE DEADLINE FOR APPLICATIONS FOR A FULL NEW CASTLE COUNTY PROPERTY TAX EXEMPTION FOR QUALIFYING DISABLED VETERANS WITH A 100% DISABILITY RATING FOR THE FISCAL YEAR 2023 Introduced by: Mr. Smiley, Mr. Cartier, Mr. Carter

°22-075: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND TO ADOPT THE CLASS SPECIFICATION FOR THE POSITION TITLE OF HUMAN RESOURCES MANAGER Introduced by: Ms. Hartley-Nagle

°22-076: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND TO ADOPT THE CLASS SPECIFICATION FOR THE POSITION TITLE OF CHIEF PROCUREMENT OFFICER Introduced by: Ms. Hartley-Nagle

°22-077: AMEND THE GRANTS BUDGET: APPROPRIATE \$211,063 IN ANTICIPATED STATE OF DELAWARE GRANT-IN-AID FUNDS TO THE ABSALOM JONES SENIOR CENTER FY2023 GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, COMMUNITY RESOURCES DIVISION Introduced by: Mr. Hollins, Ms. Diller

°22-078: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5 Introduced by: Ms. Hartley-Nagle

°22-079: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS IN THE PLEASANTON SUBDIVISION LOCATED IN THE ST. GEORGES HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS Introduced by: Mr. Carter

°22-080: AMEND THE FY2022 APPROVED OPERATING BUDGET: REDUCE THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO PROVIDE FUNDING TO ASSIST WITH INVASIVE SPECIES REMOVAL AT WIGGINS MILL PARK Introduced by: Mr. Carter

°22-081: AMEND THE FY2022 CAPITAL PROGRAM AND BUDGET: APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY COUNCIL FY2022 APPROVED OPERATING BUDGET TO THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS 2021 CAPITAL PROJECT Introduced by: Mr. Carter

°22-082: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE Introduced by:

°22-083: AMEND THE GRANTS BUDGET: APPROPRIATE \$300,098 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND \$72,650 IN PRIVATE FUNDING FROM THE PUBLIC SERVICE ENTERPRISE GROUP (PSEG) NUCLEAR TO FUND THE OPERATIONS OF THE NEW CASTLE COUNTY OFFICE OF EMERGENCY MANAGEMENT (OEM) FOR FY2023 Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-084: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$54,510 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO THE EMERGENCY MANAGEMENT FY2022 GRANT Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-085: ALLOW REALIGNMENT OF FUNDS FROM THE UNITED STATES DEPARTMENT OF THE TREASURY WITHIN THE AMERICAN RESCUE PLAN ACT GRANT WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE Introduced by: Mr. Smiley, Mr. Cartier

° 22-086: AMEND THE GRANTS BUDGET: REALIGN \$546,000 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:

°22-088: REVISE ZONING MAP: NEW CASTLE HUNDRED, SOUTH SIDE OF SCHOOL BELL ROAD, NORTH SIDE OF PULASKI HIGHWAY; REZONE A PORTION OF TAX PARCEL 10-034.00-012, AND ALL OF TAX PARCEL 10-034.00-013, 0.821 ACRES FROM NC6.5

(NEIGHBORHOOD CONSERVATION 6.5) TO CR (COMMERCIAL REGIONAL). (The Exploratory Plan and rezoning for Royal Farms Store #369 proposes to rezone a portion of tax parcel 10-034.00-012 and all of tax parcel 10-034.00-013 from "NC6.5" (Neighborhood Conservation 6.5) to "CR" (Commercial Regional) in order to combine a portion of tax parcel 10-034.00-012 and all of tax parcel 10-034.00-013 and tax parcel 10-034.00-097 into a single tax parcel to construct a 4,649 square foot convenience store with associated gasoline pumps, and associated site improvements. App. 2021-0317-SZ.) Introduced by: Mr. Smiley

°22-089: REVISE ZONING MAP: BRANDYWINE HUNDRED, SOUTHERN TERMINUS OF GRANITE ROAD; REZONE 18.56 ACRES OF TAX PARCEL 06-136.00-028 FROM S (SUBURBAN) TO OR (OFFICE REGIONAL). (The Exploratory Major Land Development and Rezoning Plan for Incyte Granite Road Campus Expansion proposes to reconfigure the existing 30.77 acre parcel into two parcels (Lot B to remain Friends School property), rezone 18.56 acres of Lot A from "S" (Suburban) to "OR" (Office Regional) and consolidate the acreage with tax parcel 06-136.00-030 to construct a 400,000 square foot office building with an associated parking on Lot A. App. 2020-0589-S/Z.) Introduced by: Ms. Durham

E. Reports from Select and Special Committees

- Public Works Committee: Mr. Sheldon reported that they met on June 7, 2022 and had an update on the forestry and drainage contracts, the \$750,000 for the 9th district trees and the stormwater maintenance program.
- Personal Subcommittee: Ms. Kilpatrick reported that they met on June 7, 2022 and had a discussion about returning to office.
- Land Use Committee: Ms. Kilpatrick reported that they met on June 7, 2022 and discussed a renaming, the Bayberry Town Center's two substitute ordinances (°22-007 and °22-008), and had a report on vacant housing strategy.
- Economic Development Subcommittee: Ms. Hartley-Nagle reported that the Director of Economic Development gave a presentation.
- Finance Committee: Mr. Cartier reported they met and discussed 3 resolutions, 3 ordinances, 3 substitute ordinances and approved 4 grant requests.

F. Consent Calendar

Consent Note

G. Presentations

-None

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

R22-119: TO RENAME THE APARTMENT COMPLEX RECORDED AS "FOREST PARK APARTMENTS," TAX PARCEL NUMBER 08-042.20-034, AN APARTMENT COMPLEX LOCATED ON THE EAST SIDE OF FAIRMONT DRIVE, 1,100 FEET SOUTH OF SKYLINE DRIVE, TO "FAIRWAY PARK APARTMENTS;" APPLICATION NO. 2021-0463; COUNCIL DISTRICT 3 Introduced by: Ms. Kilpatrick

-It was moved and seconded that R22-119 be read by title only and placed before the Council for its consideration.
-Ms. Kilpatrick moved to table R22-119. The motion was seconded by Mr. Cartier and approved.

Resolution 22- 119 -- Tabled

R22-120: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE COLLECTIVE BARGAINING AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5 Introduced by: Ms. Hartley-Nagle

-It was moved and seconded that Resolution 22-120 be read by title only and placed before Council for its consideration.

-Mr. Street made comments.

Resolution 22-120 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

R22-121: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT WITH THE DELAWARE RIVER & BAY AUTHORITY TO SHARE COSTS ASSOCIATED WITH THE VOLUNTARY CLEAN UP PROGRAM AGREEMENT ENTERED INTO ON OCTOBER 16, 2017 WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL THE DELAWARE RIVER & BAY AUTHORITY Introduced by: Mr. Sheldon, Mr. Woods

-It was moved and seconded that Resolution 22-121 be read by title only and placed before the Council for its consideration.

-Mr. Woods made comments.

Resolution 22-121 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

R22-122: TO AMEND NEW CASTLE COUNTY COUNCIL EMPLOYEE HANDBOOK CHAPTER 7 ("LEAVES OF ABSENCE") RELATING TO LEAVES OF ABSENCE Introduced by: Ms. Kilpatrick, Mr. Sheldon

-It was moved and seconded that Resolution 22-122 be read by title only and placed before the Council for its consideration.

-Ms. Kilpatrick made comments.

Resolution 22-122 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

I. Consideration 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

-It was moved and seconded that °22-065 be read by title only and placed before the Council for its consideration.

Ordinance 22-065 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

°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

-It was moved and seconded that °22-066 be read by title only and placed before the Council for its consideration.

Ordinance 22-066 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

SUBSTITUTE NO. 1 TO °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

-It was moved and seconded that Substitute No. 1 to °22-067 be read by title only and placed before the Council for its consideration.

-Mr. Smiley made comments.

Substitute No. 1 to Ordinance 22-067 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

SUBSTITUTE NO. 1 TO °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

-It was moved and seconded that Substitute No. 1 to °22-068 be read by title only and placed before the Council for its consideration.

-Mr. Smiley made comments.

Substitute No. 1 to Ordinance 22-068 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

SUBSTITUTE NO. 1 TO °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

-It was moved and seconded that Substitute No. 1 to °22-069 be read by title only and placed before the Council for its consideration.

-Mr. Smiley made comments.

Substitute No. 1 to Ordinance 22-069 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

°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

-It was moved and seconded that °22-070 be read by title only and placed before the Council for its consideration.

-Mr. Cartier made comments.

Ordinance 22-070 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

°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

-It was moved and seconded that °22-071 be read by title only and placed before the Council for its consideration.

-Mr. Cartier and Mr. Street made comments.

Ordinance 22-071 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

°SUBSTITUTE NO. 1 TO 22-007: REVISE ZONING MAP: ST. GEORGES HUNDRED, NORTH SIDE BOYDS CORNER ROAD, 3,400 FEET EAST OF JAMISON CORNER ROAD; 601 N. BAYBERRY PARKWAY, TAX PARCEL NO. 13-013.00-067, 80.67 ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION) (The Exploratory Major Land Development Plan and Rezoning for Bayberry Town Center – Residential East proposes to rezone the 80.67 acres to ST (Suburban Transition) to construct an age-restricted open space planned development with 104 village lots, 45 lot line lots, and 27 townhouse lots. 20210503-S/Z.) Introduced by: Mr. Bell

-It was moved and seconded that Substitute No. 1 to °22-007 be read by title only and placed before the Council for its consideration.

Substitute No. 1 to Ordinance 22-007 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

SUBSTITUTE NO. 2 TO °22-008: REVISE ZONING MAP: ST. GEORGES HUNDRED, NORTH SIDE BOYDS CORNER ROAD, 1,400 FEET WEST OF JAMISON CORNER ROAD; 701 BOYDS CORNER ROAD, TAX PARCEL NO. 13-013.00-002, 71.91 ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION) (The Exploratory Major Land Development Plan and Rezoning for Bayberry Town Center – Residential West proposes to rezone the 71.91 acres to ST (Suburban Transition) to construct an open space planned development with 77 village lots, 60 single family lots, and 27 townhouse lots. 20210504-S/Z.) Introduced by: Mr. Carter

-It was moved and seconded that Substitute No. 2 to °22-008 be read by title only and placed before the Council for its consideration.

-Mr. Carter made comments.

Substitute No. 2 to Ordinance 22-008 -- Adopted

Poll Vote –

Bell: Absent

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 Planning Board and the Department of Land Use

Diller: Absent

Durham: Yes, based on the support of the district council person.

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

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 and the community.

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 district councilmen.

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

-Mr. Carter moved to go out of order to return to Substitute No. 1 to °22-007 for the purpose of clarifying the reason for council members' votes. The motion was seconded by Ms. Kilpatrick and approved.

Substitute No. 1 to Ordinance 22-007 -- Adopted**Poll Vote –**

Bell: Absent

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 Planning Board and the Department of Land Use

Diller: Absent

Durham: Yes, based on the support of the district council person.

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

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.

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

-Mr. Carter moved to return to the regular order. The motioned was seconded by Ms. Kilpatrick and approved.

J. Time Sensitive Congratulatory/Honorary Resolutions

R22-123: HONORING THE LIFE AND LEGACY OF DR. JAMES E. NEWTON Introduced by: Mr. Street

-It was moved and seconded that Resolution 22-123 be read by title only and placed before the Council for its consideration.

-Mr. Street commented on the resolutions.

Resolution 22-123 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George

Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Lisa Diller, Penrose Hollins

K. Introduction/Consideration of Emergency Ordinances

-None

L. Public Comment/Other

-None

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 7:18pm.

A recording of the meeting is available upon request.

Respectfully submitted by C. Linwood Jackson, Legislative Assistant.