



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

June 28, 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: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Members absent: Penrose Hollins

B. Approval of Minutes

- Councilman Smiley moved to approve the May 14, 2022, Council Meeting minutes. The motion was seconded by Councilwoman Diller and approved by voice vote.

C. Announcements

- Mr. Smiley stated that at the appropriate time he will be floor managing Ordinance 22-074.
- Mr. Cartier stated that he would table Resolution 22-124.

D. Introduction of Ordinances

°22-090: AMEND THE GRANTS BUDGET: APPROPRIATE \$57,150.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE–SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF) TO THE SLEAF – PORTABLE X-RAY SYSTEM GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-091: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE"), ARTICLE 10 ("ENERGY CONSERVATION CODE") RELATING TO NEW COMMERCIAL CONSTRUCTION AND THE FUTURE INSTALLATION OF ROOFTOP SOLAR POWER Introduced by: Ms. Durham, Mr. Carter, Mr. Cartier

°22-092: TO AUTHORIZE THE ABATEMENT OF NEW CASTLE COUNTY REAL PROPERTY TAXES AND PENALTIES AND INTEREST ON THE PROPERTY OF THE HEAVEN'S GATE BIBLE FELLOWSHIP INC., LOCATED AT 431 SALEM CHURCH ROAD, NEWARK, DE, TAX PARCEL NUMBER 09-037.00-027 Introduced by: Mr. Tackett

°22-093: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES, REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, AFFILIATE LOCAL 1607, TO REVISE THE POSITION TITLES OF ASSISTANT PURCHASING AGENT TO ASSISTANT PROCUREMENT AGENT, PURCHASING AGENT TO PROCUREMENT AGENT, SENIOR PURCHASING AGENT TO SENIOR PROCUREMENT AGENT AND TO ADOPT THE REVISED CLASS SPECIFICATIONS Introduced by: Ms. Hartley-Nagle

°22-094: AMEND THE GRANTS BUDGET: FOR FY2023, APPROPRIATE ADDITIONAL FEDERAL FUNDS OF \$108,906 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 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

°22-095: AMEND THE GRANTS BUDGET: APPROPRIATE INTEREST IN AN AMOUNT UP TO \$225,000 TO THE CORONAVIRUS RELIEF FUND GRANT TO RESPOND TO THE COVID-19 PUBLIC HEALTH EMERGENCY, TO BE ADMINISTERED BY THE OFFICE OF FINANCE Introduced by: Mr. Smiley

E. Reports from Select and Special Committees

- Land Use Committee: Ms. Kilpatrick reported that they met on July 21, 2022 and discussed the plans for the Brandywine Country Club.
- Executive Committee: Mr. Smiley reported that they met today and reviewed items on the agenda and had a presentation on the ARPA Update.
- Community Services Committee: Ms. Diller reported that they met today and reviewed two ordinances and had two reports on CBDG & Workforce Housing and received an update on the issues with the LeParc Condominium Community.
- Finance Committee: Mr. Smiley reported that they met today and reviewed items on the agenda and noted that there were no grants.

F. Consent Calendar

- None

Consent Note

G. Presentations

- None

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

R22-124: ESTABLISHING A TASK FORCE TO REVIEW POTENTIALLY AT-RISK BUILDINGS AND STRUCTURES IN NEW CASTLE COUNTY Introduced by: Mr. Cartier

- It was moved and seconded that R22-124 be read by title only and placed before the Council for its consideration.
- Mr. Cartier made a motion to table R22-124. The motion was seconded by Mr. Smiley and approved.

Resolution 22-124 -- Tabled

R22-125: ASSURING THE RESIDENTS OF NEW CASTLE COUNTY THAT NEW CASTLE COUNTY GOVERNMENT WILL CONTINUE TO REMAIN FISCALLY RESPONSIBLE AND WILL CONTINUE TO SAFEGUARD ALL TAX DOLLARS Introduced by: Mr. Smiley, Mr. Bell, Ms. Diller, Ms. Kilpatrick, Mr. Tackett, Mr. Woods

- It was moved and seconded that Resolution 22-125 be read by title only and placed before the Council for its consideration.

Resolution 22-125 -- Adopted

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

Absent: Penrose Hollins

I. Consideration 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. Hollins, Mr. Smiley, Mr. Cartier, Mr. Carter

- It was moved and seconded that °22-074 be read by title only and placed before the Council for its consideration.
- All of Council requested to be listed as co-sponsors.

Ordinance 22-074 -- Adopted

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

Absent: Penrose Hollins

°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

- It was moved and seconded that °22-075 be read by title only and placed before the Council for its consideration.

Ordinance 22-075 -- Adopted

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

Absent: Penrose Hollins

°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

- It was moved and seconded that °22-076 be read by title only and placed before the Council for its consideration.

Ordinance 22-076 -- Adopted

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

Absent: Penrose Hollins

°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

-It was moved and seconded that °22-077 be read by title only and placed before the Council for its consideration.
-Comments were made by Ms. Diller

Ordinance 22-077 -- Adopted

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

Absent: Penrose Hollins

°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

-It was moved and seconded that °22-078 be read by title only and placed before the Council for its consideration.

Ordinance 22-078 -- Adopted

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

Absent: Penrose Hollins

°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

-It was moved and seconded that °22-079 be read by title only and placed before the Council for its consideration.

Ordinance 22-079 -- Adopted

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

Absent: Penrose Hollins

°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

-It was moved and seconded that °22-080 be read by title only and placed before the Council for its consideration.

- Mr. Carter made comments.

Ordinance 22-080 -- Adopted

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

Absent: Penrose Hollins

°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

-It was moved and seconded that °22-081 be read by title only and placed before the Council for its consideration.

-Mr. Carter made comments.

Ordinance 22-081 -- Adopted

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

Absent: Penrose Hollins

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

-It was moved and seconded that °22-082 be read by title only and placed before the Council for its consideration.

Ordinance 22-082 -- Adopted

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

Absent: Penrose Hollins

°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

-It was moved and seconded that °22-083 be read by title only and placed before the Council for its consideration.

Ordinance 22-083 -- Adopted

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

Absent: Penrose Hollins

°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

-It was moved and seconded that °22- 084 be read by title only and placed before the Council for its consideration.

Ordinance 22-084 -- Adopted

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

Absent: Penrose Hollins

°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

-It was moved and seconded that °22-085 be read by title only and placed before the Council for its consideration.

Ordinance 22-085 -- Adopted

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

Absent: Penrose Hollins

°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: Mr. Smiley, Mr. Cartier

-It was moved and seconded that °22-086 be read by title only and placed before the Council for its consideration.

Ordinance 22-086 -- Adopted

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

Absent: Penrose Hollins

°21-090: REVISE ZONING MAP: BRANDYWINE HUNDRED, WEST SIDE OF SHIPLEY ROAD, IMMEDIATELY SOUTH OF SUMMERSET ROAD; BRANDYWINE COUNTRY CLUB, REZONE TAX PARCEL NO. 06-040.00-004, 0.46 ACRES FROM S (SUBURBAN) TO CR (COMMERCIAL REGIONAL) AND 67.42 ACRES FROM SUBURBAN (S) TO SUBURBAN TRANSITION (ST). Introduced by: Ms. Durham

- It was moved and seconded that °21-090 be read by title only and placed before the Council for its consideration.

- Ms. Durham asked the applicant to give a short presentation on the ordinance.

- The applicant's attorney, John Tracey, provided a brief summary and responded to Council Members' questions.

- George Haggerty, Department of Land Use, responded to Mr. Carter's questions.
- Comments were made by Ms. Durham, Ms. Hartly-Nagle, Mr. Tackett, Mr. Bell, and Mr. Street.

Ordinance 21-090 -- Adopted**Poll Vote**

- Bell: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.
- Carter: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.
- Cartier: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.
- Diller: Yes, based upon the positive recommendation of the Department of Land Use.
- Durham: Present based on the concerns that remain with the community and the future use of the 44 acre donation.
- Hartley-Nagle: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.
- Kilpatrick: Yes, based upon the positive recommendation of the Department of Land Use.
- Sheldon: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.
- Smiley: Yes, based on the Department of Land Use's conditional approval.
- Street: Yes, based upon the recommendation from the Department of Land Use.
- Tackett: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.
- Woods: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board and the communities working with the developers for so many years.

J. Time Sensitive Congratulatory/Honorary Resolutions

- None

K. Introduction/Consideration of Emergency Ordinances

- None

L. Public Comment/Other

- Mr. Cartier commented on the County's recent Ice Cream Festival at Rockwood.

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 7:26 pm.

A recording of the meeting is available upon request.

Respectfully submitted by C. Linwood Jackson, Legislative Assistant.