



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

July 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

Moment of Silence

Pledge of Allegiance

Roll Call

The meeting was called to order by President Hartley-Nagle at 06:30 PM.
A moment of silence was recognized; members of the Council performed the Pledge of Allegiance.

Members present: 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: J. William Bell, Penrose Hollins

B. Approval of Minutes

-Mr. Smiley moved to approve the minutes from the June 28, 2022 Council Meeting. The motion was seconded by Mr. Carter and the minutes were approved.

C. Announcements

-Ms. Durham announced that she had a Floor Amendment for R22-129.

D. Introduction of Ordinances

SUBSTITUTE NO. 1 TO °22-096: AMEND THE FY2022 APPROVED OPERATING BUDGET: APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE NEW CASTLE COUNTY POLICE EMPLOYEE'S RETIREMENT SYSTEM TO THE DEPARTMENT OF PUBLIC SAFETY EMPLOYEE BENEFITS BUDGETARY LINE ITEM Introduced by: Mr. Smiley, Mr. Cartier

°22-097: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$54,266,010 FROM THE UNITED STATES DEPARTMENT OF THE TREASURY TO THE AMERICAN

RESCUE PLAN ACT GRANT TO RESPOND TO THE COVID-19 PUBLIC HEALTH EMERGENCY AND ITS NEGATIVE ECONOMIC IMPACTS, TO BE ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE Introduced by: Mr. Smiley

E. Reports from Select and Special Committees

-Mr. Tackett reported that the Land Use Committee met on July 5th and discussed two resolutions on tonight's Council Agenda.

-Ms. Hartley-Nagle reported that the Public Safety Committee met this afternoon and discussed legislation on tonight's Council Agenda and had several presentations: (The Bi-annual Crime Statistics Update, Overview on TAPS 2.0), received updates on the 7th Citizens Police Academy/Certification Class Recruitment Efforts, the EMS Recruitment Efforts, and the Fire Services update.

-Mr. Cartier reported that the Finance Committee met this afternoon and discussed legislation on tonight's Council Agenda, approved 9 Council Grants, and discussed concerns regarding impact fees.

F. Consent Calendar

Consent Note

G. Presentations

-None

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

R22-126: AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL ASSISTANCE WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT, AS AMENDED Introduced by: Mr. Hollins, Ms. Diller

-It was moved and seconded that Resolution 22-126 be read by title only and placed before the Council for its consideration.

Resolution 22-126 -- Adopted

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

Absent: J. William Bell, Penrose Hollins

R22-127: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH CODE DIFFERENTLY, LLC FOR THE AMOUNT OF \$619,523.73 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-127 be read by title only and placed before the Council for its consideration.

Resolution 22-127 -- Adopted

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

Absent: J. William Bell, Penrose Hollins

-Mr. Smiley noted that due to a power outage caused by this afternoon's storms, Councilman Bell was unable to sign on for tonight's Council Meeting because

R22-128: PLAN OF NORTHEAST CHRISTIAN CHURCH—CEDAR LANE ROAD; ST. GEORGES HUNDRED; WEST SIDE OF CEDAR LANE ROAD, 3,600 FEET SOUTH OF BOYDS CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO COMBINE TAX PARCELS 13-012.00-142, 13-013.00-245, 13-013.00-246 AND 13-013.00-250, TO CONSTRUCT A 65,925 SQUARE FOOT WORSHIP FACILITY AND A 5,000 SQUARE FOOT MAINTENANCE

BUILDING WITH ASSOCIATED SITE IMPROVEMENTS; S ZONING; [APPLICATION NO. 2019-0211-S](#); COUNCIL DISTRICT 6 Introduced by: Mr. Carter

-It was moved and seconded that Resolution 22-128 be read by title only and placed before the Council for its consideration.

Resolution 22-128 -- Adopted

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

Absent: J. William Bell, Penrose Hollins

R22-129: TO AMEND A DECLARATION OF RESTRICTIONS FOR CONCORD SQUARE SHOPPING CENTER, NEW CASTLE COUNTY TAX PARCEL NO. 06-040.00-005 Introduced by: Ms. Durham

-It was moved and seconded that Resolution 22- 129 be read by title only and placed before the Council for its consideration.

-Ms. Durham moved to introduce Floor Amendment No.1 to R22-129. The motion was seconded by Mr. Carter and approved.

-Ms. Durham stated the Floor Amendment No. 1 corrects a typographical error in the 1st Whereas Clause, 5th line. The word in parenthesis (the "Propely") will be corrected to (the "Property").

Floor Amendment No. 1 -- Adopted

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

Absent: J. William Bell, Penrose Hollins

-Ms. Durham moved that Resolution 22-129 as amended by Floor Amendment No. 1 be read by title only and placed before the Council for its consideration. The motion was seconded by Mr. Smiley

Resolution 22-129 as Amended by Floor Amendment No. 1 -- Adopted

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

Absent: J. William Bell, Penrose Hollins

R22-130: IN MEMORY OF THE LIFE OF MARION CRAIN STEWART AND IN HONOR OF HER SERVICE TO NEW CASTLE COUNTY AND THE STATE OF DELAWARE Introduced by: Ms. Durham, Mr. Cartier

-It was moved and seconded that Resolution 22-130 be read by title only and placed before the Council for its consideration.

-Ms. Durham and Mr. Cartier spoke on the resolution.

-Mr. Street, Ms. Hartley-Nagle, Mr. Tackett, Mr. Sheldon, Ms. Kilpatrick, Ms. Diller, and Mr. Carter requested to be added as co-sponsors.

-Public Comment: Nancy Willings

Resolution 22-130 -- Adopted

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

Absent: J. William Bell, Penrose Hollins

I. Consideration 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

-It was moved and seconded that °22-090 be read by title only and placed before the Council for its consideration.

Ordinance 22-090 -- Adopted

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

George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Penrose Hollins

°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, Mr. Tackett

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

-Ms. Durham moved to table °22-091 and noted that the ordinance would be brought back to Council at the next Council Meeting. The motion was seconded by Mr. Cartier and approved.

Ordinance 22-091 -- Tabled

°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

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

-Mr. Tackett moved to table °22-092. The motion was seconded by Mr. Cartier and approved.

Ordinance 22-092 -- Tabled

°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

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

Ordinance 22-093 -- Adopted

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

Absent: J. William Bell, Penrose Hollins

°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

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

Ordinance 22-094 -- Adopted

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

Absent: J. William Bell, Penrose Hollins

°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

-It was moved and seconded that °22-095 be read by title only and placed before the Council for its consideration.

Ordinance 22-095 -- Adopted

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

Absent: J. William Bell, Penrose Hollins

J. Time Sensitive Congratulatory/Honorary Resolutions

-None.

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 7:32pm.

A recording of the meeting is available upon request.

Respectfully submitted by Tara Finnigan, Deputy Clerk of Council