



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

July 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

MINUTES

A. Call to Order

Moment of Silence

Pledge of Allegiance

Roll Call

The meeting was called to order by President Hartley-Nagle at 07:08 PM.
A moment of silence was recognized; members of Council performed the Pledge of Allegiance.

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

Members absent: Penrose Hollins, Timothy Sheldon

-Mr. Sheldon joined the meeting after Item D (Introduction of Ordinances).

B. Approval of Minutes

-Mr. Smiley moved to approve the minutes from 7/12/22 Council Meeting. The motion was seconded by Mr. Carter and the minutes were approved.

C. Announcements

D. Introduction of Ordinances

°22-098: AMEND THE FY2023 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$822,800 IN FUNDING FROM THE U.S. DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF PUBLIC WORKS, GREENWAY SYSTEMS CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Woods

°22-099: AMEND THE FY2023 APPROVED OPERATING BUDGET: TRANSFER FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO

THE CONTRACTUAL SERVICES BUDGET LINE ITEM OF THE DEPARTMENT OF LAND USE, DIVISION OF CUSTOMER RELATIONS AND ENFORCEMENT TO PROVIDE FUNDING TO ASSIST WITH RODENT CONTROL IN VACANT PROPERTIES Introduced by: Mr. Smiley

°22-100: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY AFSCME LOCAL 459 AND AFSCME LOCAL 1607 Introduced by: Ms. Hartley-Nagle

°22-101: AMENDING NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 5 ("SITE CAPACITY AND CONCURRENCY CALCULATIONS") AND ARTICLE 10 ("ENVIRONMENTAL STANDARDS") RELATING TO CRITICAL NATURAL AREAS Introduced by: Mr. Carter, Ms. Durham, Mr. Tackett, Mr. Cartier

E. Reports from Select and Special Committees

-Boards and Commission Subcommittee - Ms. Durham reported that they met on July 19, 2022 and reviewed three county executive appointments and had a presentation on the Annual Financial Audit from Clifton Larson Allen LLC.

-Personnel Subcommittee - Ms. Kilpatrick reported that they met on July 19, 2022 and voted on a Legislative Assistant transfer and had a return to office discussion.

-Land Use Committee - Mr. Tackett reported that they met on July 19, 2002 and discussed items on that evening's agenda.

-Finance Committee - Mr. Smiley reported that they met this afternoon and discussed items on this evening's agenda, and approved several council grants and voted on a legislative assistant position.

-Executive Committee - Mr. Smiley reported that they met this afternoon and received an update on the impact fee study and ARPA funding.

F. Consent Calendar

R22-131: CONSENTING TO THE REAPPOINTMENT OF RENEE SPRUIEL TO THE NEW CASTLE COUNTY HOUSING ADVISORY BOARD Introduced by: Ms. Diller

R22-132: CONSENTING TO THE REAPPOINTMENT OF CHRISTIAN WILLAUER TO THE NEW CASTLE COUNTY HOUSING ADVISORY BOARD Introduced by: Mr. Hollins

R22-133: CONSENTING TO THE REAPPOINTMENT OF MARGARET ANN RYAN TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD Introduced by: Mr. Bell

R22-134: IN MEMORY OF THE LIFE OF FRANKLIN THOMAS "TOM" UNRUH AND EXPRESSING CONDOLENCES TO HIS FRIENDS AND FAMILY Introduced by: Mr. Carter

R22-136: CONGRATULATING AND COMMENDING PARAMEDIC CAPTAIN DAWN GULEZIAN ON HER RETIREMENT FROM THE NEW CASTLE COUNTY EMERGENCY MEDICAL SERVICES DIVISION Introduced by: Mr. Bell, Ms. Hartley-Nagle

R22-137: CONGRATULATING AND COMMENDING PARAMEDIC SENIOR SERGEANT BETH BRATTON-HECK ON HER RETIREMENT FROM THE NEW CASTLE COUNTY EMERGENCY MEDICAL SERVICES DIVISION Introduced by: Mr. Bell, Ms. Hartley-Nagle

Consent Note

-Mr. Bell requested that R22-135 be removed from the consent calendar.

Consent Calendar -- Adopted

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

Absent: Penrose Hollins

G. Presentations

-None

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

R22-135: CONGRATULATING AND COMMENDING SENIOR SERGEANT SONIA TRUDEAU ON HER RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT Introduced by: Mr. Bell, Ms. Hartley-Nagle, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Mr. Hollins, Ms. Kilpatrick, Mr. Sheldon, Mr. Smiley, Mr. Street, Mr. Tackett, Mr. Woods
-It was moved and seconded that Resolution 22-135 be read by title only and placed before the Council for its consideration.
-Mr. Bell moved to table R22-135. The motion was seconded by

Resolution 22-135 -- Tabled

R22-138: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH THE CORBIT CALLOWAY MEMORIAL LIBRARY TO PROVIDE LIBRARY SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES IN THE AMOUNT OF \$201,593.00 Introduced by: Mr. Smiley, Mr. Cartier

R22-139: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH THE DELAWARE CITY LIBRARY TO PROVIDE LIBRARY SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES IN THE AMOUNT OF \$234,291.00 Introduced by: Mr. Smiley, Mr. Cartier

R22-140: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH THE NEW CASTLE PUBLIC LIBRARY TO PROVIDE LIBRARY SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES IN THE AMOUNT OF \$391,743.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-138, Resolution 22-139, and Resolution 22-140 be read by title only and placed before the Council for its consideration.

Resolution 22-138, Resolution 22-139, Resolution 22-140 -- 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

R22-141: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH AXON ENTERPRISE INC. TO PURCHASE EQUIPMENT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE IN THE AMOUNT OF \$641,301.87 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-141 be read by title only and placed before the Council for its consideration.

Resolution 22-141 -- 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

R22-142: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR THE STATE OF DELAWARE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR ANIMAL CONTROL SERVICES AS MANDATED BY THE STATE OF DELAWARE FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE IN THE AMOUNT OF \$1,691,263.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-142 be read by title only and placed before the Council for its consideration.

Resolution 22-142 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Lisa Diller, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick,

Timothy Sheldon, Jea Street, David Tackett, Kenneth Woods

No: George Smiley

Absent: Penrose Hollins

R22-143: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH RAVE WIRELESS INC. TO RENEW THE RAVE PANIC BUTTON APPLICATION ANNUAL LICENSE AND SERVICE CONTRACT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY COMMUNICATIONS IN THE AMOUNT OF \$133,000.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-143 be read by title only and placed before the Council for its consideration.

Resolution 22-143 -- 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

R22-144: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR N. HARRIS CORPORATION FOR THE RENEWAL OF ANNUAL MAINTENANCE OF CASHIERING SOFTWARE FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$62,345.72 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-144 be read by title only and placed before the Council for its consideration.

Resolution 22-144 -- 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

R22-145: APPROVING THE RECREATIONAL PROPERTY TAX-EXEMPT STATUS FOR THE PORTION OF FAIRFIELD CREST CIVIC ASSOCIATION PROPERTY LEASED TO FAIRFIELD-FAIRFIELD CREST SWIM CLUB LOCATED AT 1 FREMONT ROAD, NEWARK, DELAWARE 19711, TAX PARCEL NO. 18-007.00-046 Introduced by: Ms. Kilpatrick

-It was moved and seconded that Resolution 22-145 be read by title only and placed before the Council for its consideration.

Resolution 22-145 -- 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

R22-146: TO RENAME THE APARTMENT COMPLEX RECORDED AS "LINDEN GREEN II," 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 "PIKE CREEK VILLAGE APARTMENTS;" APPLICATION NO. 2021-0463; COUNCIL DISTRICT 3 Introduced by: Ms. Kilpatrick

-It was moved and seconded that Resolution 22-146 be read by title only and placed before the Council for its consideration.

Resolution 22-146 -- 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

R22-147: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH L.E.E.P. (LABOR, ECONOMIC, EDUCATION, EMPOWERMENT), INC., FOR THE AMOUNT OF \$75,000 Introduced by: Mr. Smiley

-It was moved and seconded that Resolution 22-147 be read by title only and placed before the Council for its consideration.

Resolution 22-147 -- 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

R22-148: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH RED CLAY CONSOLIDATED SCHOOL DISTRICT FOR THE AMOUNT OF \$86,760 Introduced by: Mr. Smiley

-It was moved and seconded that Resolution 22-148 be read by title only and placed before the Council for its consideration.

Resolution 22-148 -- Adopted

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

No: David Carter, Jea Street, David Tackett

Absent: Penrose Hollins

R22-149: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH UNITED WAY OF DELAWARE, INC., FOR THE AMOUNT OF \$250,000 Introduced by: Mr. Smiley

-It was moved and seconded that Resolution 22-149 be read by title only and placed before Council for its consideration.

Resolution 22-149 -- Adopted

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

Not Voting: Timothy Sheldon

Absent: Penrose Hollins

I. Consideration 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

-It was moved and seconded that Substitute No. 1 to °22-096 be read by title only and placed before the Council for its consideration.

Substitute No. 1 to Ordinance 22-096-- 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

°22-097: 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

-It was moved and seconded that °22-097 be read by title only and placed before the Council for its consideration.

Ordinance 22-097-- Adopted

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

No: Jea Street

Absent: Penrose Hollins

SUBSTITUTE NO. 2 TO °22-024: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 28 ("PLANNING") AND CHAPTER 40 ("UNIFIED DEVELOPMENT CODE OR UDC") REGARDING COMPREHENSIVE PLANNING Introduced by: Mr. Tackett, Ms. Kilpatrick

-It was moved and seconded that Substitute No. 2 to °22-024 be read by title only and placed before the Council for its consideration.

-Ms. Kilpatrick moved Floor Amendment No.1, replacing any mention of °22-024 within the text of the ordinance with Substitute No.2 to °22-024. The motion was seconded by Mr. Cartier and approved by voice vote.

-Public Comment: Kristen Travers, Meghann Karasic, Larry Tarabicos, Christian Willauer, Ann Chisholm, Carolynn Kennedy, Rachel Stucker, Anna Quisel, Willie Scott, Richard Hall (GM of Land Use), Lee Jarmon, Nancy Willing, Dora Williams

Substitute No. 2 to Ordinance 22-024 as Amended By Floor Amendment No.1 -- Adopted

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

No: David Carter, Jea Street, David Tackett

Absent: Penrose Hollins

°22-091: (STATUS: TABLED) 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

- °22-091 remained tabled.

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 9:03 PM.

*A recording of the meeting is available upon request. Respectfully submitted by Tara Finnigan,
Deputy Clerk of Council*