



## NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

September 13, 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 07:25 PM.

-A moment of silence was recognized; members of Council performed the Pledge of Allegiance.

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

Members absent: Lisa Diller

#### **B. Approval of Minutes**

-Mr. Cartier moved to approve the 8/30/22 Council Meeting Minutes. The motion was seconded by Mr. Smiley and approved.

#### **C. Announcements**

-Mr. Smiley announced that he had a floor amendment to offer for Ordinance 22-108 and after Item G he intends to make a motion to go out of order to consider Ordinance No. 22-108 prior to the resolutions.

-Mr. Hollins announced that he was tabling Substitute No. 1 to Ordinance 22-107.

-Ms. Durham announced that Ordinance 22-072 would remain tabled this evening and will bring it back in two weeks for consideration.

#### **D. Introduction of Ordinances**

°22-112: AMENDING NEW CASTLE COUNTY CODE CHAPTER 40 (THE "UNIFIED DEVELOPMENT CODE") TO ESTABLISH A PROTECTED OPEN SPACE ZONING DISTRICT Introduced by: Mr. Carter, Ms. Durham

°22-113: AMEND THE FY2023 APPROVED OPERATING BUDGET: APPROPRIATE \$60,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF COUNTY EXECUTIVE TO FUND STRATEGIC ADVISORY SERVICES Introduced by: Mr. Smiley, Mr. Cartier

**E. Reports from Select and Special Committees**

-Public Works Committee - Mr. Woods reported that Public Works met on 9/6/2022 and discussed the Wilmington/New Castle Multijurisdictional Agreement and the Community Reinvestment Fund Projects.

-Land Use Committee - Mr. Tackett reported that Land Use met on 9/6/2022 and discussed items on tonight's agenda.

-Public Safety Committee - Mr. Bell reported that they met today and discussed items on tonight's agenda. There was a presentation on the paramedic staffing levels and recruitment, we received an update on the SEED Program, and discussed items that were brought forward by Mr. Street at the previous council meeting.

-Finance Committee - Mr. Cartier reported that they met today and discussed items on tonight's agenda and approved council grants.

**F. Consent Calendar**

**Consent Note**

-None

**G. Presentations**

-None

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

°22-108: AMEND THE PAY PLANS AND RATES OF PAY FOR ALL PARAMEDIC CLASSIFICATIONS Introduced by: Ms. Hartley-Nagle

-Mr. Smiley made a motion to go out of order to consider °22-108. The motion was seconded by Mr. Woods and approved.

-It was moved and seconded that °22-108 be read by title only and placed before Council for its consideration.

-Mr. Smiley moved to introduce Oral Amendment No. 1. The motion was seconded by Mr. Woods and approved. Mr. Smiley moved to amend the wording in the last sentence in the first paragraph of the synopsis, delete "increments between steps" and replace it with "step increments." The motion was seconded by Mr. Tackett and roll call took place.

**Oral Amendment No. 1 -- Adopted**

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

Absent: Lisa Diller

-Mr. Hartley-Nagle moved that °22-108 as amended by Oral Amendment No. 1 be read by title only and placed before Council for its consideration. The motion was seconded by Mr. Carter.

-Public Comment: Brian Bradford, Autumn Tuxward, Scott Kier, Yvette Price, Oliver Kocher, Anusah Michaels, Avir Aber

**Ordinance 22- 108 as amended by Oral Amendment No. 1 -- Adopted**

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

Absent: Lisa Diller

-Mr. Smiley moved to return to the regular order of business. The motion was seconded by Mr. Cartier and approved.

R22-174: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE SECOND ADDENDUM TO THE ARMY CREEK LANDFILL WESTERN LOBE FIELD INVESTIGATION COST-SHARE LETTER AGREEMENT BETWEEN NEW CASTLE COUNTY AND THE ARMY CREEK LANDFILL PRIVATE SETTLORS Introduced by: Mr. Sheldon, Mr. Woods

-It was moved and seconded that Resolution 22-174 be read by title only and placed before Council for its consideration.

**Resolution 22-174 -- Adopted**

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

Absent: Lisa Diller

R22-175: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH HEALTH FEDERATION OF PHILADELPHIA FOR THE AMOUNT OF \$242,000.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-175 be read by title only and placed before Council for its consideration.

**Resolution 22-175 -- Adopted**

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

No: David Carter, Penrose Hollins, Jea Street

Absent: Lisa Diller

R22-176: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH RAVE WIRELESS INC. FOR CAD-HUD INTEGRATION SOFTWARE FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY COMMUNICATIONS IN THE AMOUNT OF \$33,000.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-176 be read by title only and placed before Council for its consideration.

**Resolution 22-176 -- Adopted**

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

Absent: Lisa Diller

R22-177: TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE 13.1.9 REGARDING COUNCIL GRANT ACCOUNTS Introduced by: Mr. Smiley

-It was moved and seconded that Resolution 22-177 be read by title only and placed before Council for its consideration.

**Resolution 22-177-- Adopted**

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

Absent: Lisa Diller

**I. Consideration of Ordinances**

°22-102: AMEND THE GRANTS BUDGET: APPROPRIATE INTEREST IN AN AMOUNT UP TO \$125,000 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 °22-102 be read by title only and placed before Council for its consideration.

**Ordinance 22-102 -- Adopted**

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

Absent: Lisa Diller

°22-103: 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 COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES TO PROVIDE FUNDING TO ASSIST WITH YOUTH INTERVENTION TEAM FIELD TRIPS Introduced by: Mr. Street, Mr. Smiley

-It was moved and seconded that °22-103 be read by title only and placed before Council for its consideration.

**Ordinance 22-103 -- Adopted**

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

Absent: Lisa Diller

°22-104: AMEND THE GRANTS BUDGET: APPROPRIATE \$50,000 IN FUNDING FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2023 COLD CASE DNA 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 °22-104 be read by title only and placed before Council for its consideration.

**Ordinance 22-104 -- Adopted**

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

Absent: Lisa Diller

°22-105: AMEND THE GRANTS BUDGET: APPROPRIATE \$2,350 IN ADDITIONAL 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. Harley-Nagle

-It was moved and seconded that °22-105 be read by title only and placed before Council for its consideration.

**Ordinance 22-105 -- Adopted**

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

Absent: Lisa Diller

°22-106: AMEND THE GRANTS BUDGET: APPROPRIATE \$150,000 FROM THE STATE OF DELAWARE FY2023 GRANT-IN-AID BILL TO THE FY2023 POLICE BEHAVIORAL HEALTH 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 °22-106 be read by title only and placed before Council for its consideration.

-Mr. Street commented on the ordinance.

-Ms. Hartley-Nagled thanked the behavior health unit.

**Ordinance 22-106-- Adopted**

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

No: Penrose Hollins, Jea Street

Absent: Lisa Diller

SUBSTITUTE NO. 1 TO °22-107: TO APPROPRIATE \$9,450,000 IN THE NEW CASTLE COUNTY AFFORDABLE HOUSING FUND TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Ms. Diller

-It was moved and seconded that Substitute No. 1 to °22-107 be read by title only and placed before Council for its consideration.

-Mr. Hollins moved to table Substitute No. 1 to °22-107. The motion was seconded by Mr. Carter and approved.

**Substitute No. 1 to Ordinance 22-107 -- Tabled**

°22-109: AMEND THE GRANTS BUDGET: APPROPRIATE \$8,299 IN ADDITIONAL STATE OF DELAWARE GRANT-IN-AID FUNDS TO THE ABSALOM JONES SENIOR CENTER FY2023 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 °22-109 be read by title only and placed before Council for its consideration.

**Ordinance 22-109 -- Adopted**

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

Absent: Lisa Diller

°22-110: AMEND THE FY2023 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$912,089 IN FUNDING RECEIVED FROM THE STATE OF DELAWARE FISCAL YEAR 2023 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT OF PUBLIC WORKS, COMMUNITY REDEVELOPMENT AND REINVESTMENT 2023 CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Woods

-It was moved and seconded that °22-110 be read by title only and placed before Council for its consideration.

**Ordinance 22-110 -- Adopted**

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

Absent: Lisa Diller

°22-111: AMEND THE FY2023 CAPITAL PROGRAM AND BUDGET: TRANSFER \$275,000 FROM THE GOVERNMENT CENTER PARKING LOT CAPITAL PROJECT TO THE ARMY CREEK LANDFILL UPGRADE CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Woods

-It was moved and seconded that °22-111 be read by title only and placed before Council for its consideration.

**Ordinance 22-111 -- Adopted**

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

Absent: Lisa Diller

°22-072: (STATUS: TABLED) 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

-°22-072 remained tabled.

**J. Time Sensitive Congratulatory/Honorary Resolutions**

R22-178: RECOGNIZING THE INDO-AMERICAN ASSOCIATION OF DELAWARE (IAAD) AND CELEBRATING THEIR 38<sup>TH</sup> ANNIVERSARY Introduced by: Ms. Kilpatrick

-It was moved and seconded that Resolution 22-178 be read by title only and placed before Council for its consideration.

**Resolution 22-178 -- Adopted**

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

Absent: J. William Bell, Lisa Diller

**K. Introduction/Consideration of Emergency Ordinances**

-None

**L. Public Comment/Other**

-Mr. Street commented on police body camera footage and the police department's policy.

**M. Motion to Adjourn**

-Mr. Smiley moved to adjourn the Council Meeting. The motion was seconded by Mr. Cartier and approved. The meeting was adjourned at 08:47 PM.