



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

September 27, 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 Pro Temp Hollins at 06:31 PM.

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

Members present: David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Members absent: Karen Hartley-Nagle, J. William Bell

- President Pro Temp Hollins announced that President Hartley-Nagle was unavailable for tonight's meeting

B. Approval of Minutes

-Mr. Smiley moved to approve the minutes from the September 13, 2022 Council Meeting. The motion was seconded by Ms. Kilpatrick and the minutes were approved by voice vote.

C. Announcements

-Ms. Durham announced that Ordinance 22-072 would remain tabled this evening.

-Mr. Street announced that he had several items that he wished to discuss under Other and that there were some guests in Council Chambers who may also want to speak.

D. Introduction of Ordinances

°22-114: DECLARING 0.204± ACRES OF LAND IDENTIFIED ON NEW CASTLE COUNTY TAX MAPS AS TAX PARCEL NO. 10-023.00-001 AS SURPLUS LAND AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE DOCUMENTS NECESSARY TO TRANSFER SAID LAND TO DASH IN FOOD STORE, INC. IN EXCHANGE FOR IN KIND LAND FROM THE DELAWARE DEPARTMENT OF TRANSPORTATION Introduced by: Mr. Woods

°22-115: AMEND THE GRANTS BUDGET: APPROPRIATE \$31,748.98 IN PROGRAM INCOME IN THE FY2021 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-116: AMEND THE GRANTS BUDGET: APPROPRIATE \$357,263.94 IN PROGRAM INCOME AND REALIGN \$443,762.59 IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2022, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-117: AMEND THE GRANTS BUDGET: APPROPRIATE \$128,949.31 IN PROGRAM INCOME IN THE FY2022 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-118: AMEND THE GRANTS BUDGET: APPROPRIATE \$600,536.62 IN PROGRAM INCOME TO THE DOWN PAYMENT REVOLVING LOANS (DPS) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-119: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY COUNCIL FY2023 APPROVED OPERATING BUDGET TO THE ROCKWOOD MUSEUM GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Cartier

°22-120: AMEND THE FY2023 APPROVED OPERATING BUDGET: REDUCE THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO PROVIDE FUNDING FOR THE ROCKWOOD MUSEUM GRANT Introduced by: Mr. Cartier

°22-121: AMEND THE FY2023 CAPITAL PROGRAM AND BUDGET: INCREASE APPROPRIATIONS AND BOND AUTHORIZATIONS \$1,250,000 IN DELAWARE CLEAN WATER STATE REVOLVING LOAN FUNDS FROM THE STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO THE DEPARTMENT OF PUBLIC WORKS, AIRPORT ROAD SANITARY SYSTEM ORIGINAL INTERCEPTOR REVITALIZATION, AS PART OF THE AIRPORT ROAD SYSTEM REHABILITATION CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Woods

°22-122: AUTHORIZING THE ISSUANCE OF \$7,750,000 IN GENERAL OBLIGATION BONDS THROUGH THE DELAWARE CLEAN WATER STATE REVOLVING LOAN FUND FOR THE DEPARTMENT OF PUBLIC WORKS, AIRPORT ROAD SANITARY SYSTEM ORIGINAL INTERCEPTOR REVITALIZATION, AS PART OF THE AIRPORT ROAD SYSTEM REHABILITATION CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Woods

°22-123: TO APPROPRIATE \$5,000,000 IN THE NEW CASTLE COUNTY AFFORDABLE HOUSING FUND TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Ms. Diller

E. Reports from Select and Special Committees

-Boards and Commissions Subcommittee - Ms. Durham reported that they met on Tuesday, September 20th, and reviewed 1 appointment and 3 reappoints that are on tonight's agenda.

-Land Use Committee - Mr. Tackett reported that they met on Tuesday, September 20th and reviewed two resolutions on tonight's agenda.

-Community Services Committee - Ms. Diller reported that they met today and reviewed several ordinances and received updates on the Neighborhood Improvement District legislation, Hope Center Budget, and the Affordable Housing Fund.

-Finance Committee - Mr. Smiley reported that they met today and reviewed items on tonight's agenda, had an ARPA update, and approved a travel request.

F. Consent Calendar

R22-179: HONORING THE LIFE OF THE HONORABLE RYSHEEMA DIXON Introduced by: Ms. Hartley-Nagle, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Mr. Hollins, Ms. Kilpatrick, Mr. Sheldon, Mr. Smiley, Mr. Street, Mr. Tackett, Mr. Woods

R22-180: REAPPOINTING MICHAEL FINNIGAN TO THE NEW CASTLE COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES Introduced by: Mr. Cartier

R22-181: CONSENTING TO THE REAPPOINTMENT OF TERRY PARKER TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT Introduced by: Mr. Sheldon

R22-182: REAPPOINTING DOMENICK A. PERONTI TO THE NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW Introduced by: Mr. Woods

R22-183: CONSENTING TO THE APPOINTMENT OF GERALDINE KROLIN-TAYLOR TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD Introduced by: Ms. Kilpatrick

R22-184: CELEBRATING HISPANIC HERITAGE MONTH, SEPTEMBER 15 – OCTOBER 15, 2022 Introduced by: Mr. Carter, Mr. Smiley, Mr. Sheldon, Mr. Street, Mr. Bell, Mr. Cartier, Ms. Diller, Ms. Durham, Ms. Hartley-Nagle, Mr. Hollins, Ms. Kilpatrick, Mr. Tackett, Mr. Woods

Consent Note

Consent Calendar -- Adopted

Yes: David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Karen Hartley-Nagle

G. Presentations

-None

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

R22-185: ESTABLISHING A TASK FORCE TO REVIEW AND CONSIDER ISSUES RELATING TO CONDOMINIUMS AND OTHER COMMON INTEREST COMMUNITY BUILDINGS AND STRUCTURES IN NEW CASTLE COUNTY Introduced by: Mr. Cartier, Ms. Diller, Ms. Kilpatrick

-Mr. Cartier moved and seconded that Substitute No. 1 to Resolution 22-185 be read by title only and placed before Council for its consideration.

-Mr. Cartier spoke about the substitute.

-Mr. Migliore, Counsel to Council, commented on the legislation.

Substitute No. 1 to Resolution 22-185 -- Adopted

Yes: David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: Karen Hartley-Nagle, J. William Bell

R22-186: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH SUPPORTING KIDDS, INC., FOR THE AMOUNT OF \$175,500.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-186 be read by title only and placed before Council for its consideration.

-Public Comment: Richard Smith

Resolution 22-186 -- Adopted

Yes: David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Karen Hartley-Nagle

R22-187: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH DUFFY'S HOPE INC. TO SUPPORT CLIENT SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$10,000.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-187 be read by title only and placed before Council for its consideration.

Resolution 22-187-- Adopted

Yes: David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Karen Hartley-Nagle

R22-188: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH YWCA DELAWARE INC. TO SUPPORT CLIENT SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$9,500.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-188 be read by title only and placed before Council for its consideration.

Resolution 22- 188 -- Adopted

Yes: David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Karen Hartley-Nagle

R22-189: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH YWCA DELAWARE INC. TO SUPPORT CLIENT SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$15,000.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-189 be read by title only and placed before Council for its consideration.

Resolution 22-189 -- Adopted

Yes: David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Karen Hartley-Nagle

R22-190: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER WITH THE NEW CASTLE CONSERVATION DISTRICT FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF SEWER OPERATIONS ADMINISTRATION IN THE AMOUNT OF \$75,000.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-190 be read by title only and placed before Council for its consideration.

Resolution 22-190 -- Adopted

Yes: David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Karen Hartley-Nagle

R22-191: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FINANCING AGREEMENT WITH THE DELAWARE CLEAN WATER STATE REVOLVING LOAN FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, IN AN AMOUNT NOT TO EXCEED \$7,750,000, TO FUND INCREASED CAPACITY FOR THE AIRPORT ROAD SANITARY SYSTEM ORIGINAL INTERCEPTOR REVITALIZATION, AS PART OF THE AIRPORT ROAD SYSTEM

REHABILITATION CAPITAL PROJECT; PROVIDING FOR THE PURCHASE OF THE BOND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH Introduced by: Mr. Sheldon, Mr. Woods

-It was moved and seconded that Resolution 22-191 be read by title only and placed before Council for its consideration.

Resolution 22-191 -- Adopted

Yes: David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Karen Hartley-Nagle

R22-192: PLAN OF 3420 KIRKWOOD HIGHWAY; CHRISTIANA HUNDRED; SOUTH SIDE OF KIRKWOOD HIGHWAY, 448 FEET WEST OF NEWPORT GAP PIKE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 104,016 SQUARE FOOT SELF-STORAGE FACILITY; CR ZONING; [APPLICATION NO. 2021-0297-S](#); COUNCIL DISTRICT 1 Introduced by: Mr. Woods

-It was moved and seconded that Resolution 22-192 be read by title only and placed before Council for its consideration.

Resolution 22-192 -- Adopted

Yes: David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Karen Hartley-Nagle

I. Consideration of Ordinances

°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

-It was moved and seconded that °22-113 be read by title only and placed before Council for its consideration.

-Public Comment: James Rubin

Ordinance 22-113 -- Adopted

Yes: David Carter, John Cartier, Lisa Diller, Dee Durham, Janet Kilpatrick, Timothy Sheldon, George Smiley, David Tackett, Kenneth Woods

No: Penrose Hollins, Jea Street

Absent: J. William Bell, Karen Hartley-Nagle

°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

-Remained tabled.

SUBSTITUTE NO. 1 TO °22-107: (STATUS: TABLED) 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

-Remained Tabled

J. Time Sensitive Congratulatory/Honorary Resolutions

R22-193: CELEBRATING THE VILLAGE OF ARDENTOWN'S CENTENNIAL 1922-2022 Introduced by: Mr. Cartier

-It was moved and seconded that Resolution 22-193 be read by title only and placed before Council for its consideration.

Resolution 22-193 -- Adopted

Yes: David Carter, John Cartier, Lisa Diller, Dee Durham, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Absent: J. William Bell, Karen Hartley-Nagle

K. Introduction/Consideration of Emergency Ordinances

-None

L. Public Comment/Other

-The following members of the public spoke about an incident that took place at a Howard High School football game involving the County Police: Richard Smith, Brandon Fletcher, Rachel Krantz, Amanda Rose, James Johnson, James Rubin, Ayahni Williams, Coby Ownes, Auonita Holloway, DeWitt Swinson, Rosalynn Webb, D. Marque Hall

-Gerrina Brown's mom, requested the body footage and names of officers involved in the incident involving her daughter Gerrina Brown.

-Demarkee Hall, read a statement from Gerrina Brown.

-Mr. Street requested that New Castle County Police Department release the body camera footage.

-Mr. Carter commented on the public comments that were made this evening and provided an update on his body camera footage policy research and potential body camera footage legislation.

-Mr. Hollins made comments to the speakers that spoke this evening.

M. Motion to Adjourn

-Mr. Smiley made a motion to adjourn the meeting. The motion was seconded by Ms. Diller and the meeting was adjourned at 08:35 PM.