



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

October 11, 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 Council performed the Pledge of Allegiance.

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

B. Approval of Minutes

-Mr. Smiley moved to approve the minutes from the September 27, 2022 Council Meeting. The motion was seconded by Mr. Cartier and the minutes were approved by voice vote.

C. Announcements

-Mr. Woods announced he has a floor amendment to Ordinance 22-114.
-Ms. Durham announced she would lift Ordinance 22-072 from the table and introduced a substitute.
-Ms. Hartley-Nagle announced that she has a floor amendment to Resolution 22-199.

D. Introduction of Ordinances

°22-124: TO APPROPRIATE \$750,000 IN THE NEW CASTLE COUNTY HOUSING TRUST FUND TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Ms. Diller

°22-125: AMEND THE PAY PLAN AND RATES OF PAY FOR HOURLY RATED CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFFILIATE LOCAL 459 Introduced by: Ms. Hartley-Nagle

°22-126: AMENDING NEW CASTLE COUNTY CODE TO ADD A NEW CHAPTER 11 ("NEIGHBORHOOD IMPROVEMENT DISTRICTS") TO PROVIDE FOR ESTABLISHMENT OF NEIGHBORHOOD IMPROVEMENT DISTRICTS IN NEW CASTLE COUNTY Introduced by: Mr. Cartier, Ms. Diller, Ms. Kilpatrick, Mr. Sheldon

°22-127: ADOPTING AND ENACTING A REPUBLICATION OF THE NEW CASTLE COUNTY CODE FOR THE COUNTY OF NEW CASTLE, DELAWARE Introduced by: Ms. Diller, Mr. Woods

E. Reports from Select and Special Committees

-Land Use Committee - Ms. Kilpatrick stated that they reviewed items on tonight's agenda and received an update on the implementation of the Comprehensive Plan.

-Public Safety Committee - Ms. Hartley-Nagled stated that they met today and had a presentation by the EPA on Superfund sites.

-Finance Committee - Mr. Cartier announced that they met today and reviewed items on tonight's agenda, approved grants, had a presentation on the FY2021 Single Audit update, and discussed Council's schedule for November/December.

F. Consent Calendar

R22-194: CONGRATULATING AND COMMENDING PARAMEDIC LIEUTENANT DONALD "LEE" MORRIS, JR. ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY EMERGENCY MEDICAL SERVICES DIVISION Introduced by: Mr. Bell, Ms. Hartley-Nagle

Consent Note

Consent Calendar -- Adopted

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

G. Presentations

-None

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

R22-195: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER WITH DOCUMENT TECHNOLOGY SYSTEMS FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$63,000.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-195 be read by title only and placed before Council for its consideration.

Resolution 22-195 -- Adopted

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

R22-196: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH DELAWARE CENTER FOR HOMELESS VETERANS INC. TO ASSIST WITH DEVELOPMENT OF AFFORDABLE HOUSING FOR HOMELESS VETERANS AND INDIVIDUALS FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$5,000,000.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-196 be read by title only and placed before Council for its consideration.

-All Council Members were added as co-sponsors to R22-196.

-Public Comment: David Mosley

Resolution 22-196 -- Adopted

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

R22-197: AUTHORIZING THE EXECUTION OF AN APPLICATION TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR A LOW INTEREST WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT LOAN AND PAYMENT OF THE REQUIRED APPLICATION FEE OF \$100,000.00 Introduced by: Mr. Sheldon, Mr. Woods

-It was moved and seconded that Resolution 22-197 be read by title only and placed before Council for its consideration.

Resolution 22- 197-- Adopted

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

No: Jea Street

R22-198: CONGRATULATING THE OFFICE OF FINANCE FOR EARNING THE DISTINGUISHED BUDGET PRESENTATION AWARD FOR NEW CASTLE COUNTY'S COMPREHENSIVE ANNUAL BUDGET SUMMARY FOR 33 CONSECUTIVE YEARS Introduced by: Mr. Smiley, Mr. Cartier

-It was moved and seconded that Resolution 22-198 be read by title only and placed before Council for its consideration.

Resolution 22-198 -- Adopted

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

R22-199: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE COLLECTIVE BARGAINING AGREEMENT WITH THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFFILIATE LOCAL 459 Introduced by: Ms. Hartley-Nagle

-It was moved and seconded that Resolution 22-199 be read by title only and placed before Council for its consideration.

-Ms. Hartley-Nagle moved to introduce Floor Amendment No. 1 to R22-199. She noted Floor Amendment No. 1 amends the last sentence of the synopsis. She noted that the last sentence of the synopsis has been stricken and replaced with the following language: "The contract includes changing the paygrade for Pump Station Mechanic from PG19 to PG20; Motor Equipment Operator I from PG15 to PG16; and Motor Equipment Operator II from PG17 to PG18." The motion was seconded Mr. Cartier.

-Ms. Kilpatrick had a question about the amendment.

-Floor Amendment No. 1 was approved by voice vote.

Floor Amendment No. 1 to Resolution No. 22-199 -- Adopted

-Ms. Hartley-Nagle moved that Resolution 22-199 as amended by Floor Amendment No. 1 be read by title only and placed before Council for its consideration. The motion was seconded by Mr. Cartier

Resolution 22-199 as Amended by Floor Amendment No. 1-- Adopted

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

I. Consideration 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

-It was moved and seconded that °22-114 be read by title only and placed before Council for its consideration.

-Mr. Woods moved Floor Amendment No. 1 which amends the original ordinance by substituting the words "Dash-In Food Store, Inc." in place of "Delaware Department of Transportation" in the second sentence of Section 1 on page 2. The floor amendment was seconded by Ms. Cartier and approved by voice vote.

-Mr. Woods moved that °22-114 as Amended by Floor Amendment No. 1 be read by title only and placed before Council for its consideration. The motion was seconded by Mr. Cartier.

Ordinance 22-114 as Amended by Floor Amendment No.1 -- Adopted

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

-It was moved and seconded that °22-115 be read by title only and placed before Council for its consideration.

Ordinance 22-115 -- Adopted

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

°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

-It was moved and seconded that °22-116 be read by title only and placed before Council for its consideration.

Ordinance 22-116 -- Adopted

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

°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

-It was moved and seconded that °22-117 be read by title only and placed before Council for its consideration.

Ordinance 22-117-- Adopted

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

°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

-It was moved and seconded that °22-118 be read by title only and placed before Council for its consideration.

Ordinance 22-118 -- Adopted

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

°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

-It was moved and seconded that °22-119 be read by title only and placed before Council for its consideration.

Ordinance 22-119 -- Adopted

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

Absent: Jea Street

°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

-It was moved and seconded that °22-120 be read by title only and placed before Council for its consideration.

Ordinance 22-120 -- Adopted

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

Absent: Jea Street

°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

-It was moved and seconded that °22-121 be read by title only and placed before Council for its consideration.

Ordinance 22-121 -- Adopted

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

Absent: Jea Street

°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

-It was moved and seconded that °22-122 be read by title only and placed before Council for its consideration.

Ordinance 22-122 -- Adopted

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

Absent: Jea Street

°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

-It was moved and seconded that °22-123 be read by title only and placed before Council for its consideration.

-Mr. Hollins moved to table °22-123. The motion was seconded by Ms. Durham and discussion took place.

-Carrie Casey, General Manager of the Department of Community Services, commented on this legislation.

-Mr. Hollins withdrew his motion to table.

Ordinance 22-123 -- Adopted

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

°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

-Ms. Durham moved to lift °22-072 from the table. The motion was seconded by Mr. Cartier and approved.

-Ms. Durham moved to have Substitute No. 1 to °22-072 be read by title only and placed before Council for its consideration. The motion was seconded by Mr. Cartier.

-Public Comment: Anne Kirby, Sherri Evans-Stanton, John Irwin, Dustin Thompson

-Ms. Hartley-Nagle requested to be added as a co-sponsor.

Substitute No. 1 to Ordinance 22-072 -- Adopted

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

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

-Substitute No. 1 to °22-107 remained tabled.

J. Time Sensitive Congratulatory/Honorary Resolutions

R22-200: CONGRATULATING MICHAEL POLLINS ON ACHIEVING THE RANK OF EAGLE SCOUT OF THE SCOUTS BSA Introduced by: Mr. Cartier

-It was moved and seconded that Resolution 22-200 be read by title only and placed before Council for its consideration.

Resolution 22-200 -- Adopted

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

K. Introduction/Consideration of Emergency Ordinances

-None

L. Public Comment/Other

-Mr. Cartier commented on Del-DOT and the Philadelphia Pike and the scenic byways program.

M. Motion to Adjourn

-Mr. Smiley moved to adjourn the meeting. The motion was seconded by Mr. Woods and approved. The meeting was adjourned at 07:47 PM.