



## NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

October 25, 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**

### REVISED AGENDA

**A. Call to Order**

- **Moment of Silence**
- **Pledge of Allegiance**
- **Roll Call**

**B. Approval of Minutes**

**C. Announcements**

**D. Introduction of Ordinances**

°22-128: REVISE ZONING MAP: MILL CREEK HUNDRED, EAST SIDE OF VALLEY ROAD, 850 FEET SOUTH OF EVANSON ROAD; REZONE TAX PARCELS 08-012.00-033 – 040, AND TAX PARCELS 08-012.00-073 – 075, 58.31+ ACRES, FROM S (SUBURBAN), CN (COMMERCIAL NEIGHBORHOOD), AND I (INDUSTRIAL) TO ST (SUBURBAN TRANSITION) AND A PORTION OF TAX PARCEL 08-012.00-039, 1.02+ ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION) AND H (HISTORIC OVERLAY ZONE). (The Exploratory Major Subdivision Plan for Hockessin Station proposes to rezone tax parcels 08-012.00-033 – 040, and 08-012.00-073 – 075 from “S” (Suburban), “CN” (Commercial Neighborhood), and “I” (Industrial) to “ST” (Suburban Transition) and a portion of tax parcel 08-012.00-039, 1.02+ acres from “S” (Suburban) to “ST” (Suburban Transition) and “H” (Historic Overlay Zone) and subdivide the property into 147 lots with associated site improvements, utilizing the open space planned development option, and remove existing deed restrictions from tax parcels 08-012.00-033 and 08-012.00-073. App. 2021-0695-S, Council District 3.) Introduced by: Ms. Kilpatrick

°22-129: AMEND THE GRANTS BUDGET: APPROPRIATE \$749,000 FROM THE U.S. DEPARTMENT OF JUSTICE TO THE BEHAVIORAL HEALTH UNIT EXPANSION GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-130: AMEND THE GRANTS BUDGET: APPROPRIATE \$494,932.36 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2023 FUNDS TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-131: TO PROVIDE FOR THE INSTALLATION OF TRADITIONAIRE STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS IN THE CASCADES SUBDIVISION LOCATED IN THE PENCADER HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS Introduced by: Ms. Diller, Ms. Hartley-Nagle

°22-132: AMEND THE FY2023 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$1,000,000 IN FUNDING FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS 2021 CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Woods

°22-133: REVISE ZONING MAP: ST GEORGES HUNDRED, SOUTHWESTERLY CORNER OF HYETTS CORNER ROAD AND DUPONT PARKWAY; REZONE TAX PARCEL 13-008.00-045 (10.60 ACRES) FROM "S" (SUBURBAN) TO "CR" (COMMERCIAL REGIONAL). (The Exploratory Major Land Development Plan and rezoning for 2229 DuPont Parkway proposes to rezone parcel 13-008.00-045 (10.60 acres) from "S" (Suburban) to "CR" (Commercial Regional) to create two title subdivision lots and construct 76,609 square foot mini warehouse/storage buildings with a 890 square foot office and a 28,000 square foot flex warehouse building. App. 2021-0780 S/Z, Council District 12.) Introduced by: Mr. Bell

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

#### **F. Consent Calendar**

R22-201: CONGRATULATING SENATOR BRUCE ENNIS ON RECEIVING THE "DISTINGUISHED SERVICE TO AGRICULTURE AWARD" Introduced by: Mr. Carter, Mr. Bell, Ms. Durham, Ms. Hartley-Nagle

R22-202: HONORING THE PATRICK FAMILY FOR RECEIVING THE "NEW CASTLE COUNTY FARM FAMILY OF THE YEAR AWARD FOR 2022" Introduced by: Mr. Carter, Mr. Bell, Ms. Durham, Ms. Hartley-Nagle

NOTE: If an item on the Consent Calendar is objected to by a Council member, or a member of the public wishes to obtain additional information about the candidate or proposed legislation, or if a Councilmember intends to offer an amendment to a resolution, seek additional information, or state a conflict, it shall be removed from the Consent Calendar and voted upon separately.

#### **G. Presentations**

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

R22-203: APPOINTING MEMBERS TO THE TASK FORCE ESTABLISHED BY NEW CASTLE COUNTY COUNCIL 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

R22-204: TO AMEND A DECLARATION OF RESTRICTIONS FOR STANLEY'S TAVERN, NEW CASTLE COUNTY TAX PARCEL NO. 06-043.00-207 Introduced by: Ms. Durham

**I. Consideration 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

°22-023: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 2 ("ESTABLISHMENT OF ZONING DISTRICTS") AND ARTICLE 4 ("DISTRICT INTENSITY AND BULK STANDARDS") RELATING TO THE SUBURBAN ZONING DISTRICT Introduced by: Mr. Carter

SUBSTITUTE NO. 1 TO °22-053: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE"), ARTICLE 1 ("GENERAL"); CHAPTER 7 ("PROPERTY MAINTENANCE CODE"), ARTICLE 1 ("STANDARDS FOR PROPERTY MAINTENANCE"); AND CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR "UDC") ARTICLE 8 ("NONCONFORMING SITUATIONS"), ARTICLE 30 ("COUNTY COUNCIL AND ADMINISTRATIVE BODIES"), AND ARTICLE 31 ("PROCEDURES AND ADMINISTRATION"), REGARDING NEWSPAPER PUBLICATION OF NOTICES Introduced by: Mr. Tackett, Ms. Kilpatrick

°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

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

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

R22-205: COMMEMORATING THE 250th YEAR ANNIVERSARY OF ST. MARY OF THE ASSUMPTION CHURCH Introduced by: Ms. Kilpatrick

**K. Introduction/Consideration of Emergency Ordinances****L. Public Comment/Other****M. Motion to Adjourn**

**REVISED AGENDA POSTED: October 25, 2022 (10:00am)**  
**AGENDA POSTED: October 18, 2022**

\*The revised agenda was posted less than seven (7) days in the advance of the meeting but more than six (6) hours from the meeting start time to include the addition of Sub 1 to 22-107, which was advertised for consideration, but inadvertently left off the agenda. The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

\*\*Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a

telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.nccde.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.