



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**

MINUTES

A. Call to Order

Moment of Silence

Pledge of Allegiance

Roll Call

The meeting was called to order by President Hartley-Nagle at 06:37 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, 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 October 11, 2022 Council Meeting. The motion was seconded by Mr. Bell and the minutes were approved.

C. Announcements

-Mr. Carter announced that at the appropriate time that he would table Ordinance 22-023.

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

-Land Use Committee - Ms. Kilpatrick reported that the Land Use Committee met on October 18, 2022 and reviewed items on tonight's agenda and discussed the Suburban (S) Zoning, News Journal and advertising compliance, and the new Condominium Task Force.

-Community Services - Mr. Hollins reported that the Community Services Committee met today and reviewed items on tonight's agenda, discussed the Housing Trust Fund and presentation on the 7th Generation of the Rockwood Park and Museum.

-Finance Committee - Mr. Smiley reported that the Finance Committee met today and reviewed items on tonight's agenda, approved council grants, discussed and approved several items relating to the operations of County Council (telecommuting, return to in-person meetings and staff retention), and received an update on Council Member and staff resources.

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

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**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

-It was moved and seconded that Resolution 22-203 be read by title only and placed before Council for its consideration.

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

Resolution 22-203 -- 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

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

-It was moved and seconded that Resolution 22-204 be read by title only and placed before Council for its consideration.

Resolution 22-204 -- 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

°22-124: 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

-It was moved and seconded that °22-124 be read by title only and placed before Council for its consideration.

-Public Comment: Carrie Casey

Ordinance 22-124 -- 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

°22-125: 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

-It was moved and seconded that °22-125 be read by title only and placed before Council for its consideration.

Ordinance 22-125 -- 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

°22-126: 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

-It was moved and seconded that °22-126 be read by title only and placed before Council for its consideration.

Ordinance 22-126 -- 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

°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

-It was moved and seconded that °22-127 be read by title only and placed before Council for its consideration.

Ordinance 22-127 -- 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

Present: Jea Street

°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

-It was moved and seconded that °22-023 be read by title only and placed before Council for its consideration.

-Mr. Carter moved to table °22-023. The motion was seconded by Mr. Smiley and approved.

Ordinance 22-023 -- Tabled

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

-It was moved and seconded that °22-053 be read by title only and placed before Council for its consideration.

Ordinance 22-053 -- 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

°22-101: 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

-It was moved and seconded that °22-101 be read by title only and placed before Council for its consideration.

-Public Comment: Ann Chisholm, Kevin Turner,Carolynn Kennedy, Jennifer Hawkins, Martin R (Delaware Nature Society)

-Mr. Carter moved to table °22-101. The motion was seconded by Mr. Cartier

Ordinance 22-101 -- 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

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

J. Time Sensitive Congratulatory/Honorary Resolutions

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

-It was moved and seconded that Resolution 22-205 be read by title only and placed before Council for its consideration.

Resolution 22-205 -- 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

R22-206: THANKING THE HONORABLE ELISA C. "LISA" DILLER FOR NEARLY FOURTEEN YEARS OF DEDICATED SERVICE TO THE CITIZENS OF THE FIFTH DISTRICT Introduced by: Ms. Kilpatrick, Mr. Sheldon, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Durham, Ms. Hartley-Nagle, Mr. Hollins, Mr. Smiley, Mr. Street, Mr. Tackett, Mr. Woods

-It was moved and seconded that Resolution 22-206 be read by title only and placed before Council for its consideration.

Resolution 22-206 -- 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

R22-207: THANKING THE HONORABLE KENNETH R. WOODS FOR 6 YEARS OF DEDICATED SERVICE TO THE CITIZENS OF THE FIRST DISTRICT Introduced by: Mr. Sheldon, Ms. Kilpatrick, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Ms. Hartley-Nagle, Mr. Hollins, Mr. Smiley, Mr. Street, Mr. Tackett

-It was moved and seconded that Resolution 22-207 be read by title only and placed before Council for its consideration.

Resolution 22-207 -- 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

-None

M. Motion to Adjourn

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