



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

July 25, 2023
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 06:34 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, Valerie George, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Brandon Toole

B. Approval of Minutes

-A motion was made by Mr. Smiley, seconded by Mr. Cartier, to approve the minutes from July 11, 2020. The minutes were approved by voice vote.

C. Announcements

-Mr. Cartier announced that he would be making a motion to go out of order and move °23-094 to the forefront due to Council Member that needs to leave early for another meeting.

D. Introduction of Ordinances

- Ms. Hill read the Ordinances into the record.

°23-096: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607 AND ADOPT THE REVISED CLASS SPECIFICATION FOR STOREKEEPER Introduced by: Ms. Hartley-Nagle

°23-097: TO REVISE THE CLASS SPECIFICATION OF PUBLIC WORKS PROJECT MANAGER TO FACILITIES PROJECT MANAGER AND AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES FOR THE DEPARTMENT OF PUBLIC WORKS Introduced by: Ms. Hartley-Nagle

°23-098: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607 AND TO ADOPT THE CLASS SPECIFICATIONS FOR THE POSITION TITLES OF ENVIRONMENTAL PROGRAM MANAGER I, ENVIRONMENTAL PROGRAM MANAGER II AND ENVIRONMENTAL PROGRAM MANAGER III Introduced by: Ms. Hartley-Nagle

°23-099: AMEND THE GRANTS BUDGET: APPROPRIATE \$8,942.44 IN PROGRAM INCOME TO THE ABSALOM JONES SENIOR CENTER RECREATION GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins, Mr. Street

°23-100: AMEND THE GRANTS BUDGET: APPROPRIATE \$748,853 TO THE CONTRACTED POLICE DUTY REVOLVING FUND, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

° 23-101: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 ("BUILDING CODE"), CHAPTER 13 ("STORMWATER MAINTENANCE DISTRICTS"), AND CHAPTER 14 ("FINANCE AND TAXATION") REGARDING BILLING AND COLLECTION OF STORMWATER MAINTENANCE FEES AND THE REFUND OF CODE ENFORCEMENT FEES PAID THROUGH ERROR Introduced by: Ms. Kilpatrick, Mr. Sheldon

°23-102 - AMEND THE FY2024 APPROVED OPERATING BUDGET: TRANSFER FUNDS FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE SALARIES AND WAGES, EMPLOYEE BENEFITS AND MATERIALS AND SUPPLIES BUDGET LINE ITEMS FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY COMMUNICATIONS AND TO THE CONTRACTUAL SERVICES BUDGET LINE ITEM FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Smiley

°23-103 - TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 26 ("FINANCE AND TAXATION"), ARTICLE 3 ("REAL PROPERTY TRANSFER TAX"), SECTION 26.03.910 ("RETIREE HEALTH CARE INSURANCE") Introduced by: Mr. Smiley, Mr. Cartier

°23-104: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), ARTICLE 5 ("SITE CAPACITY AND CONCURRENCY CALCULATIONS"), ARTICLE 8 ("NONCONFORMING SITUATIONS"), ARTICLE 26 ("MODIFICATION OF STANDARDS"), ARTICLE 31 ("PROCEDURES AND ADMINISTRATION"), ARTICLE 33 ("DEFINITIONS"), AND APPENDIX 7 ("GUIDING PRINCIPLES FOR DEVELOPMENT"), REGARDING DEVELOPMENT, REDEVELOPMENT, LARGE INDUSTRIAL STRUCTURES AND HEAVY RETAIL AND SERVICE USES, AND UPDATING THE GUIDING PRINCIPLES TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN Introduced by: Mr. Tackett, Ms. Kilpatrick

°23-105: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 13 ("STORMWATER MAINTENANCE DISTRICTS") REGARDING STORMWATER MAINTENANCE AND WHISPERING WOODS COMMUNITY Introduced by: Mr. Carter

E. Reports from Select and Special Committees

-Boards & Commissions Subcommittee: Ms. Durham announced there were 2 new member appointments.

-Land Use Committee: Mr. Tackett announced there were 2 Resolutions and a presentation.

-Community Services Committee: Mr. Street announced there were Resolutions and an Ordinance discussed.

-Finance Committee: Mr. Smiley announced that there were several Resolutions and Ordinances discussed, a presentation on building and codes for condos, an ARPA Grant update, and approved County Council grants.

F. Consent Calendar

R23-126: CONGRATULATING AND COMMENDING CHIEF JEFFREY MILLER ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY EMERGENCY COMMUNICATIONS DIVISION Introduced by: Mr. Bell, Ms. Hartley-Nagle, Mr. Carter, Mr. Cartier, Ms. Durham, Ms. George, Mr. Hollins, Ms. Kilpatrick, Mr. Sheldon, Mr. Smiley, Mr. Street, Mr. Tackett, Mr. Toole

R23-127: CONSENTING TO THE APPOINTMENT OF ROBERT W. EHEMANN TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD Introduced by: Ms. Kilpatrick

R23-128: APPOINTING JASON HOOVER TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD Introduced by: Mr. Hollins, Ms. Durham

Consent Note**CONSENT CALENDAR -- Adopted**

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

G. Presentations

-Councilman Bell asked all Council Members to join him to present Chief Jeffrey Miller's Retirement Resolution.

-Mr. Cartier moved to go out of order to consider Ordinance 23-094 prior to the resolutions (Item H). The motion was seconded by Mr. Smiley and approved.

°23-094: AMENDING NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE") AND CHAPTER 7 ("PROPERTY MAINTENANCE CODE") TO ESTABLISH ROUTINE INSPECTIONS FOR CERTAIN COMMON INTEREST COMMUNITY BUILDINGS, INCLUDING CONDOMINIUMS, IN NEW CASTLE COUNTY Introduced by: Mr. Cartier, Ms. Kilpatrick, Mr. Sheldon, Ms. George

-It was moved by Mr. Cartier, and seconded by Mr. Smiley that °23-094 be read by title only and placed before Council for its consideration.

- Mr. Cartier commented on the Ordinance.

- Comments were made by Mr. Bell.

Ordinance 23-094 -- Adopted

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

-A motion was made by Mr. Cartier, seconded by Ms. Kilpatrick to return to the normal order of business.

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

R23-129: PLAN OF I-495 LOGISTICS CENTER; NEW CASTLE HUNDRED; NORTHEAST CORNER OF ROUTE 13 AND ROGER'S ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CONSTRUCT A 125,820 SQUARE FOOT WAREHOUSE WITH 7,800 SQUARE FEET OF OFFICE SPACE; CR/HI ZONING; [APPLICATION NO. 2022-0360](#); COUNCIL DISTRICT 10 Introduced by: Mr. Street

-It was moved by Mr. Street, and seconded by Mr. Tackett that Resolution 23-129 be read by title only and placed before Council for its consideration.

-Mr. Street spoke on the Resolution and made comments.

- Public Comments were made by Mr. Joshua Brown, Coordinator, Prevention Coalition, for Route 9.

Resolution 23- 129 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Valerie George, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, David Tackett, Brandon Toole

No: Dee Durham, Jea Street

R23-130: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH FAMILY PROMISE OF NORTHERN NEW CASTLE COUNTY, INC. IN THE AMOUNT OF \$4,000,000.00 Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Street, and seconded by Mr. Tackett that Resolution 23-130 be read by title only and placed before Council for its consideration.

Resolution 23-130 -- Adopted

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

R23-131: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH INTERFAITH COMMUNITY HOUSING OF DELAWARE, INC. IN AMOUNT OF \$2,300,000.00 Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Street, and seconded by Mr. Tackett that Resolution 23-131 be read by title only and placed before Council for its consideration.

Resolution 23-131 -- Adopted

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

R23-132: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH YOUNG MEN'S CHRISTIAN ASSOCIATION OF DELAWARE IN THE AMOUNT OF \$500,000.00 Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Street, and seconded by Mr. Tackett that Resolution 23-132 be read by title only and placed before Council for its consideration.

Resolution 23- 132 -- Adopted

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

R23-133: CONSENTING TO THE APPOINTMENT OF AARON JOHNSON FOR THE POSITION OF THE READER'S CAFÉ CHEF Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Street, and seconded by Mr. Tackett that Resolution 23-133 be read by title only and placed before Council for its consideration.

Resolution 23-133 -- Adopted

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

R23-134: AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE DELAWARE CHILDREN'S MUSEUM, INC. IN THE AMOUNT OF \$100,000.00 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved by Mr. Smiley, and seconded by Mr. Tackett that Resolution 23-134 be read by title only and placed before Council for its consideration.

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

Resolution 23-134 -- Adopted

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

R23-135: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH THE WEST END NEIGHBORHOOD HOUSE INCORPORATED IN THE AMOUNT OF \$308,174.73 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved by Mr. Smiley, and seconded by Mr. Cartier that Resolution 23-135 be read by title only and placed before Council for its consideration.

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

Resolution 23-135 -- Adopted

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

R23-136: APPROVING REVISED CLASS SPECIFICATION FOR INFORMATION SYSTEMS ASSISTANT MANAGER PURSUANT TO NEW CASTLE COUNTY CODE SECTION 26.03.105(F) Introduced by: Ms. Hartley-Nagle

-It was moved by Ms. Hartley-Nagle, and seconded by Mr. Tackett that Resolution 23-136 be read by title only and placed before Council for its consideration.

Resolution 23-136 -- Adopted

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

R23-137: URGING THE MEYER ADMINISTRATION TO IMMEDIATELY FORMULATE A PLAN TO ADDRESS PUBLIC SAFETY CONCERNS IN NEW CASTLE COUNTY PARKS Introduced by: Mr. Tackett, Ms. Hartley-Nagle, Ms. George, Mr. Carter, Mr. Toole

-It was moved by Mr. Tackett, and seconded by Mr. Smiley that Resolution 23-137 be read by title only and placed

before Council for its consideration.

- Comments by Council Members were made by Mr. Street, Mr. Bell, Mr. Hollins, Ms. Hartley-Nagle.

- Comments by Mr. Ken Dunn, Deputy CAO.

Resolution 23-137 -- Adopted

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

I. Consideration of Ordinances

°23-089: TO REVISE CHAPTER 14 OF THE *NEW CASTLE COUNTY CODE* TO PROVIDE A FINITE TAX EXEMPTION FOR ROHM AND HAAS ELECTRONIC MATERIALS CMP, LLC, TAX PARCEL NO. 11-018.00-061, 2001 OLD COOCHS BRIDGE RD, NEWARK, DELAWARE, IN SUPPORT OF ECONOMIC DEVELOPMENT Introduced by: Mr. Tackett

-It was moved by Mr. Tackett, and seconded by Mr. Cartier that °23-089 be read by title only and placed before Council for its consideration.

-Mr. Tackett commented on the Ordinance

Ordinance 23-089 -- Adopted

Yes: J. William Bell, John Cartier, Valerie George, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, Jea Street, David Tackett, Brandon Toole

No: Dee Durham

Present: David Carter

Recused: George Smiley

°23-090: TO DECLARE SURPLUS CERTAIN LANDS OF NEW CASTLE COUNTY ASSOCIATED WITH THE NEW CASTLE COUNTY AIRPORT AND TO AUTHORIZE THE TRANSFER OF LANDS TO THE STATE OF DELAWARE FOR A PUBLIC PURPOSE Introduced by: Mr. Smiley, Mr. Cartier

-It was moved by Mr. Smiley, and seconded by Mr. Tackett that °23-090 be read by title only and placed before Council for its consideration.

Ordinance 23-090 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Dee Durham, Valerie George, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, George Smiley, Jea Street, David Tackett, Brandon Toole

Absent: Timothy Sheldon

°23-091: AMEND THE GRANTS BUDGET: APPROPRIATE INVESTMENT INCOME TO JUSTICE ASSISTANCE GRANT (JAG) 2019 ENHANCED CRIME PREVENTION AND OFFICER WELLNESS INITIATIVE AND THE JUSTICE ASSISTANCE GRANT (JAG) 2018 FORTIFYING OFFICER AND COMMUNITY GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

-It was moved by Mr. Bell, and seconded by Mr. Tackett that °23-091 be read by title only and placed before Council for its consideration.

Ordinance 23-091 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Dee Durham, Valerie George, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, George Smiley, Jea Street, David Tackett, Brandon Toole

Absent: Timothy Sheldon

°23-093: (STATUS: TO BE TABLED) AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE \$1,245,950 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, HUMAN RESOURCE MANAGEMENT FOR 25-YEAR RETIREMENT UNFUNDED LIABILITY Introduced by: Mr. Smiley, Mr. Cartier

-Mr. Smiley moved to table °23-093 be read by title only. The motion was seconded by Mr. Tackett.

-Mr. Smiley moved to table °23-093 until Council receives the recommendation from Human Resources/Pensions Board on companion Ordinance 23-092. The motion was seconded by Mr. Cartier and approved.

Ordinance 23-093 -- Tabled**J. Time Sensitive Congratulatory/Honorary Resolutions**

R23-138: RECOGNIZING THE CENTENNIAL OF THE NEW CASTLE COUNTY BOARD OF REALTORS Introduced by: Ms. Durham, Mr. Tackett, Mr. Cartier, Mr. Carter, Mr. Smiley, Mr. Hollins, Mr. Bell, Ms. Kilpatrick, Mr. Toole

-It was moved by Ms. Durham and seconded by Mr. Cartier that Resolution 23-138 be read by title only and placed before Council for its consideration.

Resolution 23-138 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Dee Durham, Valerie George, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, George Smiley, Jea Street, David Tackett, Brandon Toole

Absent: Timothy Sheldon

R23-139: HONORING THE EXTRAORDINARY MUSICAL JOURNEY AND SERVICE OF ELDER ALAN LLOYD Introduced by: Ms. Hartley-Nagle

-It was moved by Ms. Hartley-Nagle and seconded by Mr. Tackett that Resolution 23-139 be read by title only and placed before Council for its consideration.

Resolution 23-139 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Dee Durham, Valerie George, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, George Smiley, Jea Street, David Tackett, Brandon Toole

Absent: Timothy Sheldon

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. Tackett and the meeting was adjourned at 07:39 p.m.