



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

September 26, 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**

AGENDA

A. Call to Order

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

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°23-125: AMEND THE GRANTS BUDGET: APPROPRIATE \$50,000 IN FUNDING FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2024 COLD CASE DNA GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-126: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES FOR THE CLASS SPECIFICATION OF COMMUNITY SERVICES MANAGER FOR THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Ms. Hartley-Nagle

°23-127: AMEND THE FY2023 APPROVED OPERATING BUDGET: REALIGN \$89,602 WITHIN THE SEWER FUND IN ORDER TO PROVIDE FUNDING FOR SALARIES AND WAGES Introduced by: Mr. Smiley, Mr. Cartier

°23-128: AUTHORIZING THE ISSUANCE OF \$22,033,016 IN GENERAL OBLIGATION BONDS THROUGH THE DELAWARE CLEAN WATER STATE REVOLVING LOAN FUND FOR THE DEPARTMENT OF PUBLIC WORKS, UPPER WEST WING SANITARY SEWER AS PART OF THE SOUTHERN SEWER SERVICE AREA CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Carter

°23-129: 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 AND EMPLOYEE BENEFITS BUDGET LINE ITEMS FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PARKS Introduced by: Mr. Smiley

°23-130: AMEND SECTION 14.02.006 OF THE NEW CASTLE COUNTY CODE TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO WAIVE COLLECTION FEES FOR RETURNED PAYMENTS UNDER CERTAIN CIRCUMSTANCES Introduced by: Mr. Tackett, Ms. George

°23-131: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 10 ("REAL PROPERTY TRANSFER TAX") TO PROVIDE AN INCOME QUALIFIED EXEMPTION FROM THE NEW CASTLE COUNTY PORTION OF REAL ESTATE TRANSFER TAX RELATING TO NEWLY BUILT HOUSES WITH RESIDENTIAL FIRE PROTECTION SPRINKLERS Introduced by: Mr. Carter, Mr. Smiley

°23-132: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 ("FINANCE AND TAXATION") REGARDING FISCAL NOTES FOR PROPOSED ORDINANCES AND RESOLUTIONS Introduced by: Ms. Hartley-Nagle

°23-133: AMENDING CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 1 ("IN GENERAL"), SECTION 14.01.014 OF THE *NEW CASTLE COUNTY CODE* REGARDING THE TAX STABILIZATION RESERVE ACCOUNT Introduced by: Mr. Smiley

°23-134: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 7 ("PROPERTY MAINTENANCE CODE"), SECTION 7.01.002 ("AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE"), AS AMENDED, SECTION PM 308 ("RUBBISH AND GARBAGE") AND CHAPTER 19 ("RESIDENTIAL RENTAL PROPERTIES"), ARTICLE 3 ("RENTAL CODE"), ARTICLE 4 ("ENFORCEMENT"), AND APPENDIX RELATING TO REMOVAL OF RUBBISH AND GARBAGE Introduced by: Ms. George

E. Reports from Select and Special Committees

F. Consent Calendar

R23-165: CELEBRATING AND HONORING THE LIFE OF CAROLYN WOLFE BURLEW AND EXPRESSING CONDOLENCES TO HER FAMILY AND FRIENDS Introduced by: Mr. Cartier

R23-166: CONSENTING TO THE APPOINTMENT OF CORA CASTLE TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT Introduced by: Mr. Hollins

R23-167: CONSENTING TO THE REAPPOINTMENT OF LEE JARMON TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD Introduced by: Mr. Street

R23-168: CONSENTING TO THE REAPPOINTMENT OF CHARLES H. TOLIVER, IV, ESQUIRE, TO THE NEW CASTLE COUNTY ETHICS COMMISSION Introduced by: Mr. Hollins

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

R23-169: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH THE CITY OF NEWARK TO PROVIDE A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY

SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$281,677.00 Introduced by: Mr. Smiley, Mr. Cartier

R23-170: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FINANCING AGREEMENT WITH THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, IN AN AMOUNT NOT TO EXCEED \$22,033,016, TO FUND THE INSTALLATION OF APPROXIMATELY 18,000 LINEAR FEET OF DUAL PARALLEL FORCE MAINS RUNNING FROM A PUMP STATION ON CARTER FARM TO BOYDS CORNER ROAD FOR TREATMENT AT THE COUNTY'S WATER FARM #1 REGIONAL WASTEWATER TREATMENT PLANT AS PART OF THE SOUTHERN SEWER SERVICE AREA CAPITAL PROJECT; PROVIDING FOR THE PURCHASE OF THE BOND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH Introduced by: Mr. Sheldon, Mr. Carter

I. Consideration of Ordinances

°23-123: AMEND THE FY2023 APPROVED OPERATING BUDGET: APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE NEW CASTLE COUNTY POLICE EMPLOYEE'S RETIREMENT SYSTEM TO THE DEPARTMENT OF PUBLIC SAFETY EMPLOYEE BENEFITS BUDGETARY LINE ITEM Introduced by: Mr. Smiley, Mr. Cartier

°23-124: TO AMEND THE PAY PLAN AND RATES OF PAY FOR UNCLASSIFIED TEMPORARY SEASONAL AND PART-TIME RECURRING EMPLOYEES OF NEW CASTLE COUNTY Introduced by: Ms. Hartley-Nagle

°23-052: REVISE PREVIOUSLY APPROVED PRELIMINARY MAJOR LAND DEVELOPMENT PLAN WITH REZONING FOR STONEGATES RETIREMENT COMMUNITY DIVERSIFIED PLANNED UNIT DEVELOPMENT (DPUD); CHRISTIANA HUNDRED; EAST SIDE OF KENNETT, NORTH OF BARLEY MILL ROAD; TAX PARCEL NUMBER 07-026.00-090 (4031 KENNETT PIKE); [APPLICATION NO. 2023-0085-S/Z](#)) COUNCIL DISTRICT 2 (The revised plan for Stonegates Retirement Community proposes to revise the previously approved subdivision to construct 25,554 SF of additional gross floor area, and decrease the open space by 15,000 sf. This new plan will supersede the previously approved preliminary plan and rezoning. UDC Section 40.31.712 requires a new zoning ordinance for revisions to a DPUD plan that result in a decrease of open space. County Council adopted Ordinance 82-148 on December 21, 1982. NCPUD (Neighborhood Conservation Planned Unit Development) zoning district. App. 82-198, MF6681). Introduced by: Ms. Durham

°22-143: REVISE ZONING MAP: NEW CASTLE HUNDRED, SOUTH SIDE OF CHURCHMANS ROAD, 2900 FEET EAST OF CHURCHMANS ROAD; REZONE TAX PARCEL 10-024.00-219, 61.37+ ACRES, FROM S (SUBURBAN) TO I (INDUSTRIAL). (The Exploratory Plan and rezoning for Walker Farm Industrial Development proposes to rezone tax parcel 10-024.00-219, 61.37+ acres, from "S" (Suburban) to "I" (Industrial) to construct 837,200 square feet of warehousing with associated parking, utilities, stormwater management and landscaping improvements. [App. 2022-0335-S/Z](#).) Introduced by: Mr. Smiley

°23-121: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE") REGARDING ARTICLE 1 ("GENERAL"), ARTICLE 2 ("DEFINITIONS"), ARTICLE 3 ("ADMINISTRATION"), ARTICLE 4 ("BUILDING CODE"), ARTICLE 5 ("RESIDENTIAL CODE"), ARTICLE 9 ("EXISTING BUILDING CODE"), ARTICLE 10 ("ENERGY CONSERVATION CODE"), ARTICLE 11 ("SWIMMING POOL AND SPA CODE"), ARTICLE 12 ("VIOLATIONS, ENFORCEMENT, AND PENALTIES") AND SCHEDULE OF PERMIT AND REVIEW FEES Introduced by: Mr. Bell, Mr. Cartier

J. Time Sensitive Congratulatory/Honorary Resolutions

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

AGENDA POSTED: September 19, 2023

*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.