



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

September 12, 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 06:30 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 Ms. Kilpatrick to approve the minutes from August 29, 2023. The minutes were approved by voice vote.

C. Announcements

-NONE

D. Introduction 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

E. Reports from Select and Special Committees

-Public Safety Committee: Ms. Hartley-Nagle stated there were two resolutions and three presentations discussed.

-Finance Committee: Mr. Cartier stated there were two resolutions and two ordinances discussed.

F. Consent Calendar

Consent Note

-No items on the Consent Calendar.

G. Presentations

-No Presentations

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

R23-161: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH INFOR PUBLIC SECTOR INC. TO RENEW THE HANSEN SOFTWARE ANNUAL TECHNICAL SERVICES MAINTENANCE CONTRACT FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$190,636.06 Introduced by: Mr. Smiley, Mr. Cartier

-It was moved by Mr. Cartier, seconded by Mr. Tackett that R23-161 be read by title only and placed before Council for its consideration.

-Mr. Cartier commented on the resolution.

-No public comment.

Resolution 23-161 -- 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

R23-162: TO RENAME THE PARCEL RECORDED AS "CHATEAU ORLEANS," TAX PARCEL NUMBER 06-139.00-014, LOCATED AT THE SOUTHWESTERLY SIDE OF THE ROCKWOOD AND SHIPLEY ROAD INTERSECTION, TO "THE CHATEAU APARTMENTS;" APPLICATION NO. 2023-0400; COUNCIL DISTRICT 4 Introduced by: Mr. Hollins

-It was moved by Mr. Hollins, seconded by Mr. Tackett, that R23-162 be read by title only and placed before Council for its consideration.

-Mr. Hollins commented on the resolution.

-No public comment.

Resolution 23-162 -- 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

°23-106: TO APPROPRIATE \$250,000 IN THE NEW CASTLE COUNTY AFFORDABLE HOUSING FUND, WITH FUNDS THAT ORIGINATED FROM THE GENERAL TAX STABILIZATION RESERVE, FOR A CONTRACT WITH BE READY COMMUNITY DEVELOPMENT CORPORATION TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Hollins, seconded by Mr. Tackett, that °23-106 be read by title only and placed before Council for its consideration.

-Mr. Hollins commented on the ordinance.

-No public comment.

Ordinance 23-106 -- 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

°23-107: TO APPROPRIATE \$400,000 IN THE NEW CASTLE COUNTY AFFORDABLE HOUSING FUND, WITH FUNDS THAT ORIGINATED FROM THE GENERAL TAX STABILIZATION RESERVE, FOR A CONTRACT WITH TODMORDEN FOUNDATION TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Hollins, seconded by Mr. Tackett, that °23-107 be read by title only and placed before Council for its consideration.

-Mr. Hollins commented on the ordinance.

-No public comment.

Ordinance 23-107-- 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

°23-108: TO APPROPRIATE \$250,000 IN THE NEW CASTLE COUNTY AFFORDABLE HOUSING FUND, WITH FUNDS THAT ORIGINATED FROM THE GENERAL TAX STABILIZATION RESERVE, FOR A CONTRACT WITH STUART ALEXANDER AND ASSOCIATES INC. TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Hollins, seconded by Mr. Tackett, that °23-108 be read by title only and placed before Council for its consideration.

-Mr. Hollins commented on the ordinance.

-No public comment.

Ordinance 23-108 -- 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

°23-109: TO APPROPRIATE \$3,500,000 IN THE NEW CASTLE COUNTY AFFORDABLE HOUSING FUND, WITH FUNDS THAT ORIGINATED FROM THE GENERAL TAX STABILIZATION RESERVE, FOR A CONTRACT WITH DELAWARE VALLEY DEVELOPMENT CORPORATION TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Hollins, seconded by Mr. Tackett, that °23-109 be read by title only and placed before Council for its consideration.

-Mr. Hollins commented on the ordinance.

-No public comment.

Ordinance 23-109-- 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

°23-110: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMERGENCY SERVICES EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3911 Introduced by: Ms. Hartley-Nagle

-It was moved by Ms. Hartley-Nagle, seconded by Mr. Tackett, that °23-110 be read by title only and placed before Council for its consideration.
-No public comment.

Ordinance 23-110 -- 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

°23-111: TO APPROPRIATE \$20,000 IN THE NEW CASTLE COUNTY HOUSING TRUST FUND TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Hollins, seconded by Mr. Tackett, that °23-111 be read by title only and placed before Council for its consideration.
-Mr. Hollins commented on the ordinance.
-No public comment.

Ordinance 23-111 -- 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

°23-112: AMEND THE PAY PLAN AND RATES OF PAY FOR UNCLASSIFIED SERVICE, SCHOOL CROSSING GUARDS REPRESENTED BY THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 2270, AFL-CIO Introduced by: Ms. Hartley-Nagle

-It was moved by Ms. Hartley-Nagle, seconded by Mr. Tackett, that °23-112 be read by title only and placed before Council for its consideration.
-No public comment.

Ordinance 23-112 -- 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

°23-113: AMEND THE GRANTS BUDGET: APPROPRIATE \$58,844.44 IN ACTUAL PROGRAM INCOME TO THE INNOVATIVE DEVELOPMENT EMPOWERMENT AREA (IDEA) HOMEBUYER/HOMEOWNER REHAB GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Hollins, seconded by Mr. Tackett, that °23-113 be read by title only and placed before Council for its consideration.
-Mr. Hollins commented on the ordinance.
-No public comment.

Ordinance 23-113 -- 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

°23-114: AMEND THE GRANTS BUDGET: APPROPRIATE \$6,128 IN ADDITIONAL STATE OF DELAWARE GRANT-IN-AID FUNDS TO THE ABSALOM JONES SENIOR CENTER FY2024 GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, COMMUNITY RESOURCES DIVISION Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Hollins, seconded by Mr. Tackett, that °23-114 be read by title only and placed before Council for its consideration.
-Mr. Hollins commented on the ordinance.
-No public comment.

Ordinance 23-114 -- 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

°23-115: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDS OF \$142,380 PASSED THROUGH THE CITY OF WILMINGTON FROM THEIR ESG-CV FUNDS TO THE HOPE CENTER ESG-CV COW GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Mr. Street

-It was moved by Mr. Hollins, seconded by Mr. Tackett, that °23-115 be read by title only and placed before Council for its consideration.

-Mr. Hollins commented on the ordinance.

-Mr. Street and Ms. Hartley-Nagle spoke on the ordinance.

-Public comment was given by Mr. Joshua Brown regarding the need for help.

Ordinance 23-115 -- 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

°23-116: AMEND THE GRANTS BUDGET: APPROPRIATE \$50,500.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE – SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF) TO THE SLEAF – VIKEN HANDHELD X-RAY IMAGER GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY Introduced by: Mr. Bell, Ms. Hartley-Nagle

-It was moved by Mr. Bell, seconded by Mr. Tackett, that °23-116 be read by title only and placed before Council for its consideration.

-Mr. Bell commented on the ordinance.

-No public comment.

Ordinance 23-116 -- 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

°23-117: TO PROVIDE FOR THE INSTALLATION OF TRADITIONAIRE STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS IN THE COPPERLEAF AT BACK CREEK EAST AND WEST SUBDIVISION LOCATED IN THE ST. GEORGES HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS Introduced by: Mr. Carter

-It was moved by Mr. Carter, seconded by Mr. Tackett, that °23-117 be read by title only and placed before Council for its consideration.

-Mr. Carter commented on the ordinance.

-Ms. Hartley-Nagle asked to be a co-sponsor.

-No public comment.

Ordinance 23-117 -- 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

°23-118: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$100,000 IN FUNDING RECEIVED FROM THE STATE OF DELAWARE FISCAL YEAR 2024 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS 2021 CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Carter

-It was moved by Mr. Sheldon, seconded by Mr. Tackett, that °23-118 be read by title only and placed before Council for its consideration.

-Mr. Sheldon commented on the ordinance.

-No public comment.

Ordinance 23-118 -- 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

°23-119: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: REALIGN AUTHORIZED FUNDING IN THE AMOUNT \$1,600,000 WITHIN THE DEPARTMENT OF PUBLIC WORKS, BRANDYWINE LIBRARY HVAC CAPITAL PROJECT FROM BOND FUNDING TO STATE FUNDING AND REALIGN AUTHORIZED FUNDING IN THE AMOUNT OF \$500,000 WITHIN THE DEPARTMENT OF PUBLIC WORKS, GENERAL ROOF RENOVATIONS CAPITAL PROJECT FROM BOND FUNDING TO STATE FUNDING Introduced by: Mr. Sheldon, Mr. Carter

-It was moved by Mr. Carter, seconded by Mr. Tackett, that °23-119 be read by title only and placed before Council for its consideration.

-Mr. Carter commented on the ordinance.

-Ms. Hartley-Nagle, Ms. Dee Durham and Mr. Carter asked to be co-sponsors.

-No public comment.

Ordinance 23-119 -- 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

°23-120: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE \$16,000 IN FUNDING RECEIVED FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY COMMUNICATIONS CONTRACTUAL SERVICES BUDGET LINE ITEM Introduced by: Mr. Bell, Ms. Hartley-Nagle

-It was moved by Mr. Bell, seconded by Mr. Tackett, that °23-120 be read by title only and placed before Council for its consideration.

-Mr. Bell commented on the ordinance.

-No public comment.

Ordinance 23-120 -- 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

°23-121: (STATUS: TO BE 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

-It was moved by Mr. Bell, seconded by Mr. Tackett, that °23-121 be tabled.

-No public comment.

Ordinance 23-121-- Tabled

°23-092: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 26 ("HUMAN RESOURCES"), ARTICLE 4 ("PENSIONS"), COUNTY 2011 PENSION PLAN TO PROVIDE FOR SERVICE RETIREMENT ANNUITY AFTER TWENTY-FIVE YEARS OF CREDITED SERVICE FOR EMERGENCY MEDICAL SERVICES DIVISION EMPLOYEES AND EMERGENCY COMMUNICATIONS DIVISION EMPLOYEES AND PROVIDING FOR INCREASED EMPLOYEE CONTRIBUTIONS FROM EMERGENCY MEDICAL SERVICES DIVISION EMPLOYEES AND

EMERGENCY COMMUNICATIONS DIVISION EMPLOYEES Introduced by: Ms. Hartley-Nagle, Mr. Bell

-It was moved by Mr. Bell, seconded by Mr. Tackett, that °23-092 be read by title only and placed before Council for its consideration.

-Mr. Bell read the synopsis and explained the ordinance in detail.

-Ms. Hartley-Nagle, Mr. Street and Mr. Smiley spoke on the ordinance.

-Public comment was given by Mr. Brian Bradford, President of Local #3911.

Ordinance 23-092 -- 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

°23-093: (STATUS: 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

-It was moved by Mr. Smiley, seconded by Mr. Bell, that °23-093 be lifted from the table and requested it to be placed before Council for its consideration and adoption.

-No public comment.

Ordinance 23-093--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

J. Time Sensitive Congratulatory/Honorary Resolutions

R23-163: RECOGNIZING AND CELEBRATING HISPANIC HERITAGE MONTH AND NUESTRAS RAICES DELAWARE, INC. Introduced by: Ms. Hartley-Nagle

-It was moved by Ms. Hartley-Nagle, seconded by Mr. Tackett, that R23-163 be read by title only and placed before Council for its consideration.

-Ms. Hartley-Nagle commented on the resolution.

-Mr. Street asked to be a co-sponsor.

-No public comment.

Resolution 23-163 -- 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

R23-164: RECOGNIZING THE FOUNDING AND CELEBRATING THE 350TH ANNIVERSARY OF NEW CASTLE COUNTY, DELAWARE Introduced by: Ms. Hartley-Nagle

-It was moved by Ms. Hartley-Nagle, seconded by Mr. Tackett, that R23-164 be read by title only and placed before Council for its consideration.

-Ms. Hartley-Nagle commented on the resolution.

-No public comment.

Resolution 23-164 -- 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

K. Introduction/Consideration of Emergency Ordinances

-NONE.

L. Public Comment/Other

-Mr. Dominic Donofrio stated that he would be on the Rick Jensen show the next morning, September 13, 2023 at 10:30 a.m. to discuss the New Castle County Code Enforcement Department. He stated that Code Enforcement is in violation of the 4th Amendment of the United States Constitution.

-Mr. Wilson Davis stated that he had spoken with Mr. Donofrio and explained the Code.

-Ms. Charuni Patibanda, General Manager of Land Use, stated she had reached out to Mr. Donofrio as well.

M. Motion to Adjourn

-Mr. Smiley made a motion, seconded by Mr. Sheldon, to adjourn the meeting. The meeting was adjourned at 7:40 p.m.