



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

October 10, 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, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Brandon Toole
Members absent: Janet Kilpatrick

B. Approval of Minutes

- A motion was made by Mr. Smiley, seconded by Mr. Tackett, to approve the minutes from September 26, 2023 council meeting. The minutes were approved by voice vote.

C. Announcements

- Ms. George stated that at the appropriate time she would table Ordinance 23-134.
- Mr Carter stated that at the appropriate time he would table Ordinance 23-128.

D. Introduction of Ordinances

°23-135: AMEND THE GRANTS BUDGET: APPROPRIATE \$160,000 FROM THE STATE OF DELAWARE FY2024 GRANT-IN-AID BILL TO THE FY2024 POLICE BEHAVIORAL HEALTH GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-136: AMEND THE GRANTS BUDGET: APPROPRIATE \$506,147.12 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE

FY2024 FUNDS TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-137: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS IN THE GARRETT WOODS SUBDIVISION LOCATED IN THE NEW CASTLE HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS Introduced by: Mr. Toole

°23-138: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$230,233 IN FEDERAL FUNDING RECEIVED FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, UNITED STATES FISH AND WILDLIFE SERVICE TO THE DEPARTMENT OF PUBLIC WORKS, WATER QUALITY IMPROVEMENT PLAN CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Carter

°23-139: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE FUNDS FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT IN THE AMOUNT OF \$129,000 TO THE DEPARTMENT OF ADMINISTRATION, RECORDER OF DEEDS HOA PORTAL CAPITAL PROJECT Introduced by: Mr. Smiley, Mr. Cartier

°23-140: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE \$8,000 IN FUNDING RECEIVED FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE CONTRACTUAL SERVICES BUDGET LINE ITEM Introduced by: Mr. Smiley, Mr. Cartier

°23-141: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 5 ("DEPARTMENTS AND OFFICES"), SECTION 303 ("PURCHASING OF CONTRACT CONSTRUCTION") AND SECTION 502 ("PURCHASING OF SUPPLIES AND CONTRACTUAL SERVICES") Introduced by: Mr. Smiley, Mr. Cartier

°23-142: REVISE PREVIOUSLY APPROVED MAJOR LAND DEVELOPMENT PLAN WITH REZONING FOR PROMENADE AT CHRISTIANA; WHITE CLAY CREEK HUNDRED; WEST SIDE OF EAGLE RUN ROAD, APPROXIMATELY 2,000 FEET NORTH OF CHRISTIANA ROAD (ROUTE 273); TAX PARCEL NO. 09-030.00-001, (VMDT PARTNERSHIP) (The plan for Promenade at Christiana proposes to revise the previously approved design of the major land development plan to allow for 140,940 square feet of vehicle sales, rental, and service facilities GFA; 19,280 square feet of commercial retail sites GFA; and 3,200 square feet of office site GFA. This new plan will supersede the previously approved major land development plan with rezoning. Section 40.31.113 of the New Castle County Code requires that the submitted record plan be in general conformance with the development on the approved plan that was relied upon by County Council when it granted the rezoning. County Council adopted Ordinance 08-003 in July 2008. CR (Commercial Regional) zoning district. App. 2023-0397-S/Z.) Introduced by: Mr. Toole

E. Reports from Select and Special Committees

Public Safety Committee - Mr. Bell stated there were three ordinances, a presentation by Ms. Surles, General Manager of Public Works, on the Boyds Corner Paramedic Station, and a presentation by Colonel Bloch on the use of Body Cameras and Releasing Videos.

Finance Committee - Mr. Cartier stated there was discussion on six resolutions, 7 ordinances, and 5 grants.

F. Consent Calendar

R23-172: HONORING THE LIFE AND LEGACY OF THOMAS D. GREEN Introduced by: Ms. Kilpatrick

Consent Note

Motion by Mr. Toole, **seconded** by Mr. Tackett, to adopt the Consent Calendar

Consent Calendar -- Adopted

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

Absent: Janet Kilpatrick

G. Presentations

- None.

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

R23-173: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER WITH DOCUMENT TECHNOLOGY SYSTEMS FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$63,000.00 Introduced by: Mr. Smiley, Mr. Cartier

- It was moved by Mr. Cartier and seconded by Mr. Tackett that Resolution 23-173 be read by title only and placed before Council for its consideration.
- No questions or comments by Council.
- No public comment.

Resolution 23-173 -- Adopted

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

Absent: Janet Kilpatrick

R23-174: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH BE READY COMMUNITY DEVELOPMENT CORPORATION TO ASSIST IN PROVIDING ACCESS TO AFFORDABLE RENTAL HOUSING IN WILMINGTON FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$250,000.00 Introduced by: Mr. Smiley, Mr. Cartier

- It was moved by Mr. Cartier and seconded by Mr. Tackett that Resolution 23-174 be read by title only and placed before Council for its consideration.
- Ms. Hartley-Nagle requested to be a co-sponsor.
- Mr. Street commented that the funds were very much needed and appreciated.
- No Public Comment.

Resolution 23-174 -- Adopted

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

Absent: Janet Kilpatrick

R23-175: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH DELAWARE VALLEY DEVELOPMENT CORPORATION TO ASSIST IN THE NEW CONSTRUCTION OF AFFORDABLE RENTAL HOUSING UNITS FOR SENIORS AND VETERANS IN NEW CASTLE COUNTY FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$3,500,000.00 Introduced by: Mr. Smiley, Mr. Cartier

- It was moved by Mr. Cartier and seconded by Mr. Tackett that Resolution 23-175 be read by title only and placed before Council for its consideration.
- Ms. Hartley-Nagle requested to be a co-sponsor.
- No public comment.

Resolution 23-175 -- Adopted

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

Absent: Janet Kilpatrick

R23-176: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH STUART ALEXANDER AND ASSOCIATES, INC. TO ASSIST IN PROVIDING ACCESS TO AFFORDABLE RENTAL HOUSING UNITS IN WILMINGTON FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$250,000.00 Introduced by: Mr. Smiley, Mr. Cartier

- It was moved by Mr. Cartier and seconded by Mr. Tackett that Resolution 23-176 be read by title only and placed before Council for its consideration.
- Ms. Hartley-Nagle requested to be a co-sponsor.
- Mr. Street stated funding was needed in his district and he was very appreciative.
- No public comment.

Resolution 23-176 -- Adopted

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

Absent: Janet Kilpatrick

R23-177: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH TODMORDEN FOUNDATION TO ASSIST IN THE CREATION OF NEW AFFORDABLE RENTAL HOUSING UNITS IN WILMINGTON FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$400,000.00 Introduced by: Mr. Smiley, Mr. Cartier

- It was moved by Mr. Cartier and seconded by Mr. Tackett that Resolution 23-177 be read by title only and placed before Council for its consideration.
- Ms. Hartley-Nagle requested to be a co-sponsor.
- No public comment.

Resolution 23-177 -- Adopted

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

Absent: Janet Kilpatrick

R23-178: APPROVING THE DEVELOPMENT AND IMPLEMENTATION OF AN ASSET MANAGEMENT PLAN FOR THE DEPARTMENT OF PUBLIC WORKS Introduced by: Mr. Sheldon, Mr. Carter

- It was moved by Mr. Sheldon and seconded by Mr. Cartier that Resolution 23-178 be read by title only and placed before Council for its consideration.
- No questions or comments by Council.
- No public comment.

Resolution 23-178 -- Adopted

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

Absent: Janet Kilpatrick

I. Consideration 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

- It was moved by Mr. Bell and seconded by Mr. Tackett that Ordinance 23-125 be read by title only and placed before Council for its consideration.
- No questions or comments by Council.
- No public comment.

Ordinance 23-125 -- Adopted

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

Absent: Janet Kilpatrick

°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

- It was moved by Ms. Hartley-Nagle and seconded by Mr. Tackett that Ordinance 23-126 be read by title only and placed before Council for its consideration.
- Comment by Mr. Street.
- No public comment.

Ordinance 23-126-- Adopted

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

Absent: Janet Kilpatrick

°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

- It was moved by Mr. Cartier and seconded by Mr. Tackett that Ordinance 23-127 be read by title only and placed before Council for its consideration.
- Comment by Mr. Cartier.
- No public comment.

Ordinance 23-127 -- Adopted

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

Absent: Janet Kilpatrick

°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

- It was moved by Mr. Carter and seconded by Mr. Smiley that Ordinance 23-128 be read by title only and placed before Council.
- Mr. Carter moved to table Ordinance 23-128. The motion was seconded by Mr. Cartier and approved.

Ordinance 23-128 -- Tabled

°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

- It was moved by Mr. Smiley and seconded by Mr. Tackett that Ordinance 23-129 be read by title only and placed before Council for its consideration.
- No questions or comments by Council.
- No public comment.

Ordinance 23-129 -- Adopted

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

Absent: Janet Kilpatrick

°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

- It was moved by Mr. Tackett and seconded by Mr. Cartier that Ordinance 23-130 be read by title only and placed before Council for its consideration.
- Comment by Mr. Tackett.
- No public comment.

Ordinance 23-130 -- Adopted

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

Absent: Janet Kilpatrick

°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, Mr. Bell

- It was moved by Mr. Carter and seconded by Mr. Tackett that Ordinance 23-131 be read by title only and placed before Council for its consideration.
- After discussion amongst the members of council, Mr. Carter announced that he would table the ordinance.
- A motion was made by Mr. Carter, seconded by Mr. Smiley, to table the Ordinance. The motion was approved.

Ordinance 23-131 -- Tabled

°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

- It was moved by Mr. Smiley and seconded by Mr. Cartier that Ordinance 23-133 be read by title only and placed before Council for its consideration.
- Mr. Hollins requested to be a co-sponsor.
- Comment by Mr. Street.
- No public comment.

Ordinance 23-133 -- Adopted

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

No: Jea Street

Absent: Janet Kilpatrick

°23-134: (STATUS: TO BE TABLED) 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

- It was moved by Ms. George and seconded by Mr. Tackett that Ordinance 23-125 be read by title only.
- Ms. George moved to table Ordinance 23-134. The motion was seconded by Mr. Cartier and approved.

Ordinance 23-134 -- Tabled

J. Time Sensitive Congratulatory/Honorary Resolutions

R23-179: CONGRATULATING JUDITH MONEY PUCKETT ON RECEIVING THE "DISTINGUISHED SERVICE TO AGRICULTURE AWARD" Introduced by: Mr. Carter, Mr. Bell, Ms. Durham, Ms. Hartley-Nagle, Mr. Toole

- It was moved by Mr. Carter and seconded by Mr. Tackett that Resolution 23-179 be read by title only and placed before Council for its consideration.
- Mr. Toole requested to be a co-sponsor.
- No public comment.

Resolution 23-179 -- Adopted

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

Absent: Janet Kilpatrick and Mr. Sheldon

R23-180: HONORING THE PHIPPS FAMILY FOR RECEIVING THE "NEW CASTLE COUNTY FARM FAMILY OF THE YEAR AWARD" FOR 2023 Introduced by: Mr. Carter, Mr. Bell, Ms. Durham, Ms. Hartley-Nagle, Mr. Toole

- It was moved by Mr. Carter and seconded by Mr. Tackett that Resolution 23-180 be read by title only and placed before Council for its consideration.
- No questions or comments by Council.
- No public comment.

Resolution 23-180 -- Adopted

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

Absent: Janet Kilpatrick

K. Introduction/Consideration of Emergency Ordinances

- None

L. Public Comment/Other

- Dominic Donofrio addressed Council regarding Code Enforcement.

M. Motion to Adjourn

- Mr. Smiley made a motion, seconded by Mr. Tackett, to adjourn the meeting. The meeting was adjourned at 7:43 p.m.

Respectfully submitted by Ruby Dillmore, Legislative Assistant to Ms. Karen Hartley-Nagle, President of County Council. The meeting was recorded and available on-line.