



# NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

April 9, 2024  
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**

FY2025 COUNTY EXECUTIVE CERTIFICATION MEMO

**D. Introduction of Ordinances**

°24-044: AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 2 ("ADMINISTRATION")  
RELATING TO CONTRACTS AND FUNDS Introduced by: Mr. Smiley

°24-045: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE  
\$2,223,018 OF SEWER RATE STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC  
WORKS SEWER FUND COMMUNICATION AND UTILITIES BUDGET LINE ITEM FOR SEWER  
SERVICE Introduced by: Mr. Sheldon, Mr. Carter

°24-046: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE  
\$1,800,000 IN ROOM RENTAL FEES AND \$626,115 FROM THE GENERAL FUND TAX  
STABILIZATION RESERVE ACCOUNT (HOPE CENTER SUB-FUND) TO THE DEPARTMENT  
OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING TO  
FUND HOPE CENTER OPERATIONS Introduced by: Mr. Hollins, Mr. Street

°24-047: AMEND THE GRANTS BUDGET: APPROPRIATE \$26,576.00 FROM THE  
STATE OF DELAWARE, DEPARTMENT OF JUSTICE – SPECIAL LAW ENFORCEMENT  
ASSISTANCE FUND (SLEAF) TO THE SLEAF FUMING CABINET GRANT, TO BE  
ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF  
POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°24-048: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 22 (“OFFENSES AND MISCELLANEOUS PROVISIONS”), SECTION 22.02.008 (“NOISE CONTROL”) RELATING TO REFUSE Introduced by: Ms. Kilpatrick

°24-049: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 3 (“OFFICERS AND EMPLOYEES”) TO MODIFY CERTAIN FEES CHARGED BY NEW CASTLE COUNTY SHERIFF’S OFFICE Introduced by: Mr. Smiley, Mr. Cartier

°24-050: THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2025 BEGINNING JULY 1, 2024 Introduced by: Mr. Smiley, Mr. Cartier

°24-051: CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2024 FOR FISCAL YEAR 2025 Introduced by: Mr. Smiley, Mr. Cartier

°24-052: AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS APPROVED IN THE FISCAL YEAR 2025 CAPITAL BUDGET Introduced by: Mr. Smiley, Mr. Cartier

°24-053: THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 Introduced by: Mr. Smiley, Mr. Cartier

°24-054: ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 Introduced by: Mr. Smiley, Mr. Cartier

°24-055: AMEND THE FY2025 APPROVED OPERATING BUDGET: REALLOCATE \$8,000,000 FROM THE REASSESSMENT RESERVE ACCOUNT TO THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT AND APPROPRIATE FUNDING FOR PAY PLAN INCREASES FOR ALL CERTIFIED POLICE CLASSIFICATIONS Introduced by: Mr. Smiley, Mr. Cartier

°24-056: AMEND THE PAY PLANS AND RATES OF PAY FOR ALL CERTIFIED POLICE CLASSIFICATIONS Introduced by: Ms. Hartley-Nagle

°24-057: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), ARTICLE 7 (“TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES”), ARTICLE 8 (“NONCONFORMING SITUATIONS”), ARTICLE 22 (“DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”) AND ARTICLE 33 (“DEFINITIONS”), REGARDING DEVELOPMENT AND REDEVELOPMENT Introduced by: Mr. Tackett, Ms. Kilpatrick

°24-058: AMENDING THE 2022 COMPREHENSIVE DEVELOPMENT PLAN UPDATE FOR NEW CASTLE COUNTY AND RELATED FUTURE LAND USE MAP Introduced by: Mr. Carter, Ms. Durham

°24-059: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), SECTION 40.03.410 (“ACCESSORY USES, RESIDENTIAL”) RELATING TO FENCE STANDARDS Introduced by: Mr. Cartier

#### **E. Reports from Select and Special Committees**

#### **F. Consent Calendar**

R24-090: CONGRATULATING COOPER PEDICONE ON ACHIEVING THE RANK OF EAGLE SCOUT Introduced by: Mr. Tackett

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**

R24-091: RESOLUTION APPROVING THE ISSUANCE OF CERTAIN BONDS OR NOTES BY FIVE POINTS FIRE COMPANY Introduced by: Mr. Toole

R24-092: (STATUS: TO BE TABLED UNTIL MAY 28, 2024) ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2025 THROUGH 2030 Introduced by: Mr. Smiley, Mr. Cartier

R24-093: PLAN OF THE OVERLOOK AT BAYBERRY; ST. GEORGES HUNDRED; NORTH SIDE OF BOYDS CORNER ROAD, APPROXIMATELY 1400 FEET WEST OF JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO REZONE PARCEL 13-013.00-002 FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION), SUBDIVIDE THE PARCEL INTO 137 SINGLE FAMILY DETACHED LOTS AND 38 SINGLE FAMILY ATTACHED LOTS (175 TOTAL LOTS) USING THE OPEN SPACE PLANNED SUBDIVISION OPTION, AND TO CONSTRUCT A 4,000 SQUARE FOOT CLUBHOUSE WITH ASSOCIATED IMPROVEMENTS; ST ZONING; [APPLICATION NO. 2021-0504-S/Z](#); COUNCIL DISTRICT 6 Introduced by: Mr. Carter

R24-094: (STATUS: TO BE TABLED UNTIL MAY 28, 2024) TO SET NEW CASTLE COUNTY'S FISCAL YEAR 2025 CONTRIBUTION RATE FOR THE COUNTY'S PENSION PLANS Introduced by: Mr. Smiley, Mr. Cartier

R24-088: (STATUS: TABLED) PLAN OF LOT E - WAREHOUSE; NEW CASTLE HUNDRED; EAST SIDE OF PIGEON POINT ROAD, 1100 FEET SOUTH OF TERMINAL AVENUE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CONSTRUCT A 108,000 SQUARE FOOT WAREHOUSE; HI ZONING; [APPLICATION NO. 2021-0400](#); COUNCIL DISTRICT 10 Introduced by: Mr. Street

R23-220: (STATUS: TABLED) PLAN OF LOGISTICENTER AT NEW CASTLE COUNTY; ST. GEORGES HUNDRED; SOUTHWESTERLY CORNER OF ROUTE 301 AND JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 1,409,850 SF WAREHOUSE AND A 962,000 SF WAREHOUSE WITH ASSOCIATED SITE IMPROVEMENTS; BP ZONING; [APPLICATION NO. 2021-0470](#); COUNCIL DISTRICT 6 Introduced by: Mr. Carter

**I. Consideration of Ordinances**

°24-035: AMEND NEW CASTLE COUNTY CODE CHAPTER 7 ("PROPERTY MAINTENANCE CODE") Introduced by: Ms. George , Ms. Durham, Mr. Cartier

°24-036: AMEND *NEW CASTLE COUNTY CODE*, CHAPTER 2 AND CHAPTER 26, BY REALLOCATING THE ADMINISTRATION OF THE PENSION AND RETIREMENT SYSTEM FROM THE OFFICE OF HUMAN RESOURCES TO THE OFFICE OF FINANCE WITHIN THE DEPARTMENT OF ADMINISTRATION Introduced by: Mr. Cartier, Mr. Smiley

°24-037: AMEND THE GRANTS BUDGET: APPROPRIATE \$137,650.40 IN ACTUAL PROGRAM INCOME AND \$100,000.00 IN ANTICIPATED PROGRAM INCOME TO THE SUMMER RECREATION CAMPS GRANT Introduced by: Mr. Hollins, Mr. Street

°24-038: 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 FOR THE CLASS SPECIFICATION OF ASSISTANT

PROCUREMENT AGENT FOR THE DEPARTMENT OF ADMINISTRATION, DIVISION OF TECHNOLOGY AND ADMINISTRATIVE SERVICES Introduced by: Ms. Hartley-Nagle

°24-039: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE \$299,595 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF PUBLIC SAFETY, GRANTS TO FIRE COMPANIES GRANTS AND FIXED CHARGES BUDGET LINE ITEM Introduced by: Mr. Smiley, Mr. Cartier, Mr. Bell, Ms. Hartley-Nagle

SUBSTITUTE NO. 3 TO °23-122: (STATUS: TABLED) AMENDING NEW CASTLE COUNTY CODE CHAPTER 40 (THE "UNIFIED DEVELOPMENT CODE"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING") AND ARTICLE 33 ("DEFINITIONS") RELATING TO LIGHT POLLUTION IN NEW CASTLE COUNTY Introduced by: Ms. Durham, Ms. George

**J. Time Sensitive Congratulatory/Honorary Resolutions**

**K. Introduction/Consideration of Emergency Ordinances**

**L. Public Comment/Other**

**M. Motion to Adjourn**

### **AGENDA POSTED: April 2, 2024**

\*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.