



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

April 23, 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**

MINUTES

A. Call to Order

Moment of Silence

Pledge of Allegiance

Roll Call

The meeting was called to order by Council President Hartley-Nagle at 6:30 p.m. A moment of silence was recognized, followed by the Pledge of Allegiance.

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

B. Approval of Minutes

-A motion was made by Mr. Smiley, seconded by Mr. Tackett, to approve the minutes from April 9, 2024 meeting. The minutes were approved by voice vote.

C. Announcements

- Mr. Smiley stated that R24-050 through R24-055 be read by title only as a group and tabled.
- Mr. Bell stated he had a presentation celebrating Telecommunicators Week.
- Mr. Carter stated that R23-220 would remain tabled.
- Ms. Hartley-Nagle stated she had a presentation to Donald Sharpe.
- Ms. Kilpatrick stated that °24-048 would be tabled.

D. Introduction of Ordinances

°24-060: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE \$1,800,000 IN ROOM RENTAL FEES AND \$626,115 FROM THE GENERAL FUND HOPE CENTER SUB-FUND TO THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING TO FUND HOPE CENTER OPERATIONS
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-061: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM NEW CASTLE COUNTY COUNCIL FY2024 APPROVED OPERATING BUDGET TO THE 2023 NEW CASTLE COUNTY YOUTH EMPLOYMENT GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES

Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-062: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE 2023 NEW CASTLE COUNTY YOUTH EMPLOYMENT PROGRAM GRANT

Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-063: AUTHORIZING THE ISSUANCE OF \$1,850,000 IN GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE DEPARTMENT OF PUBLIC SAFETY, POLICE RANGE / EVOC CAPITAL PROJECT

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle

°24-064: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: INCREASE BOND AUTHORIZATIONS IN THE AMOUNT OF \$1,850,000 TO THE DEPARTMENT OF PUBLIC SAFETY, POLICE RANGE / EVOC CAPITAL PROJECT

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle

°24-065 AMEND THE FY2024 APPROVED OPERATING BUDGET: TRANSFER FUNDS FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE EQUIPMENT BUDGET LINE ITEM FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PARKS

Prime Sponsor(s): Ms. George

°24-066: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$67,900 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT AND \$67,900 FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF ADMINISTRATION, HUMAN RESOURCES SCANNING CAPITAL PROJECT

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-067: COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 12 REGARDING THE FOLLOWING TAX PARCELS: NEW CASTLE HUNDRED: 10-030.00-046 (0 RIVER RD), 10-035.00-002 (300 S DUPONT HWY), 10-035.00-056 (790 GRANTHAM LN, DELLAVERSANO SUBDIVISION); RED LION HUNDRED: 12-002.00-024 (0 S DUPONT HWY), 12-006.00-041 (1535 RED LION RD, HARRIS SUBDIVISION), 12-007.00-020 (4120 WRANGLE HILL RD, BEAR BABE RUTH KODIAK PARK), 12-013.00-081 (4110 WRANGLE HILL RD, BEAR BABE RUTH KODIAK PARK), 12-036.00-001 (0 BIGGS LN, UNION CARBIDE CORP); ST GEORGES HUNDRED: 13-008.00-019 (2093 DUPONT PKY), 13-008.00-028 (2105 DUPONT PKY, LESTER SUBDIVISION), 13-008.00-044 (310 HYETTS CORNER RD, HYETTS CORNER ROAD WATER TREATMENT PLANT), 13-013.00-029 (2344 DUPONT PKY), 13-013.00-030 (2348 DUPONT PKY), 13-013.00-035 (2398 DUPONT PKY, SHOPPES OF ST GEORGES), 13-013.00-148 (2356 DUPONT PKY, SHOPPES OF ST GEORGES), 13-013.00-249 (0 DUPONT PKY)

Prime Sponsor(s): Mr Bell

E. Reports from Select and Special Committees

Budget Hearing- 4-11-24: Mr. Smiley stated a Budget Hearing was held on April 11, 2024, that went well.

Personnel Subcommittee: Mr. Sheldon stated the Personnel Subcommittee met on Tuesday, April 16, 2024, and Human Resource provided training on Sexual Harassment.

Boards and Commissions Subcommittee: Mr. Smiley stated the Boards and Commission Subcommittee met on Tuesday, April 16, 2024 and discussed 4 new appointments and 1 reappointment.

Land Use Committee: Ms. Kilpatrick stated that the Land Use Committee met on Tuesday, April 16, 2024, and discussed legislation regarding noise control.

Budget Hearing 4-18-24: Mr. Cartier stated that a Budget Hearing was held on April 18, 2024, for the Land Use Department and Row Offices.

Executive Committee: Mr. Smiley stated that the Executive Committee met today and had a presentation and discussion on the outside single audit.

Community Services Committee: Mr. Hollins stated the Community Services Committee met today and discussed several items that will appear on the May 14, 2024 Council Agenda, he announced that Ordinance 24-046 would be withdrawn, and had several presentations.

Finance Committee: Mr. Smiley stated the Finance Committee met today and discussed items on this evenings Council Agenda and approved 3 grants.

F. Consent Calendar

R24-095: CONSENTING TO THE APPOINTMENT OF NEAL D. CANTRELL TO THE NEW CASTLE COUNTY PLANNING BOARD

Prime Sponsor(s): Mr. Carter

R24-096: CONSENTING TO THE APPOINTMENT OF JAMES E. JORDAN, JR. TO THE NEW CASTLE COUNTY AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE

Prime Sponsor(s): Ms. Kilpatrick

R24-097: CONSENTING TO THE APPOINTMENT OF SHARON STEELE TO THE NEW CASTLE COUNTY AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE

Prime Sponsor(s): Mr. Carter

R24-098: CONSENTING TO THE RE-APPOINTMENT OF RACHEL STUCKER TO THE NEW CASTLE COUNTY HOUSING ADVISORY BOARD

Prime Sponsor(s): Mr. Sheldon

R24-099: CONSENTING TO THE APPOINTMENT OF MICHELE WALES QUINLAN TO THE NEW CASTLE COUNTY AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE

Prime Sponsor(s): Ms. Durham

R24-100: RECOGNIZING AND HONORING DONALD SHARPE AS A TRUE PIONEER OF PRESERVATION IN NEW CASTLE COUNTY AND BEYOND

Prime Sponsor(s): Ms. Hartley-Nagle

R24-101: RECOGNIZING NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK
APRIL 14 – 20, 2024

Prime Sponsor(s): Mr. Bell

Co-sponsor(s): Ms. Hartley-Nagle, Mr. Hollins

Consent Note

-Motion by Mr. Smiley, seconded by Mr. Tackett to adopt the Consent Calendar.

Consent Calendar-- Adopted

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

Absent: Dee Durham, Brandon Toole

G. Presentations

-Ms. Hartley-Nagle presented Donald Sharpe with a Resolution.

-Mr. Bell presented the Emergency Communication Center Staff with a Resolution. He also congratulated Chief Holden on his recent promotion.

-Mr. Street commented on the Resolution to the 911 Center.

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

R24-102: TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE NO. 3.1 ("SPONSORSHIP") RELATING TO SPONSORSHIP OF LEGISLATION

Prime Sponsor(s): Mr. Smiley

- It was moved by Mr. Smiley and seconded by Mr. Cartier that Resolution 24-102 be read by title only and placed before Council for its consideration.
- Mr. Smiley briefly discussed the resolution.
- Questions and comments by Ms. Hartley-Nagle and Mr. Smiley.
- No public comment.

Resolution 24-102 -- Adopted

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

Absent: Dee Durham, Brandon Toole

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

Prime Sponsor(s): Mr. Carter

- Mr. Carter stated that R23-220 would remain tabled.

I. Consideration of Ordinances

°24-044: AMENDING NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION") RELATING TO CONTRACTS AND FUNDS

Prime Sponsor(s): Mr. Smiley

- It was moved by Mr. Smiley and seconded by Mr. Cartier that °24-044 be read by title only and placed before Council for its consideration.
- Mr. Smiley briefly discussed the ordinance.
- No questions or comments by Council.
- No public comment.

Ordinance 24-044 -- Adopted

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

Absent: Dee Durham, Brandon Toole

°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

Prime Sponsor(s): Mr. Sheldon, Mr. Carter

- It was moved by Mr. Carter and seconded by Mr. Tackett that °24-045 be read by title only and placed before Council for its consideration.
- No comments or discussion by Council.
- No public comment.

Ordinance 24-045 -- Adopted

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

Absent: Dee Durham, Brandon Toole

°24-046: (STATUS: TO BE WITHDRAWN) 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

Prime Sponsor(s): Mr. Hollins, Mr. Street

- Mr. Hollins withdrew °24-046.

°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

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle

- It was moved by Mr. Bell and seconded by Mr. Tackett that °24-047 be read by title only and placed before Council for its consideration.
- No comments or discussion by Council.
- No public comment.

Ordinance 24-057 -- Adopted

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

Absent: Dee Durham, Brandon Toole

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

Prime Sponsor(s): Ms. Kilpatrick

- It was moved by Ms. Kilpatrick and seconded by Mr. Tackett that °24-048 be read by title only and placed before Council for its consideration.
- Ms. Kilpatrick moved to table °24-048. The motion was seconded by Mr. Cartier and approved.

Ordinance 24-048 -- Tabled

°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

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

- It was moved by Mr. Smiley and seconded by Mr. Tackett that °24-049 be read by title only and placed before Council for its consideration.
- Mr. Smiley moved Oral Amendment No. 1 to °24-049. The Oral Amendment amends lines 214-215 and adds the following language after the period: Buybacks are fee exempt. The motion was seconded by Mr. Cartier and Floor Amendment No. 1 was approved.
- It was moved by Mr. Smiley and seconded by Mr. Cartier that °24-049 as amended by Oral Amendment No. 1 be read by title only and placed before Council for its consideration.
- No comments or discussion by Council.
- No public comment.

Ordinance 24-049 as amended by Oral Amendment No. 1 -- Adopted

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

Absent: Dee Durham, Brandon Toole

°24-050: (STATUS: TO BE TABLED UNTIL MAY 28, 2024) THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2025 BEGINNING JULY 1, 2024

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-051: (STATUS: TO BE TABLED UNTIL MAY 28, 2024) CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2024 FOR FISCAL YEAR 2025

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-052: (STATUS: TO BE TABLED UNTIL MAY 28, 2024) 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

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-053: (STATUS: TO BE TABLED UNTIL MAY 28, 2024) THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-054: (STATUS: TO BE TABLED UNTIL MAY 28, 2024) ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-055: (STATUS: TO BE TABLED UNTIL MAY 28, 2024) 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

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

- It was moved by Mr. Smiley and seconded by Mr. Tackett that °24-050, °24-051, °24-052, °24-053, °24-054, °24-055 be read by title only and placed before Council for its consideration.

- Mr. Smiley moved to table °24-050, °24-051, °24-052, °24-053, °24-054, °24-055. The motion was seconded by Mr. Cartier and approved.

Ordinance 24-050, Ordinance 24-051, Ordinance 24-052, Ordinance 24-053, Ordinance 24-054, Ordinance 24-055 -- Tabled

°24-056: (STATUS: TO BE TABLED UNTIL MAY 28, 2024) AMEND THE PAY PLANS AND RATES OF PAY FOR ALL CERTIFIED POLICE CLASSIFICATIONS

Prime Sponsor(s): Ms. Hartley-Nagle

- It was moved by Ms. Hartley-Nagle and seconded by Mr. Tackett that °24-056 be read by title only and placed before Council for its consideration.

- Ms. Hartley-Nagle moved to table °24-056 until May 28, 2024. The motion was seconded by Mr. Cartier and approved.

Ordinance 24-056 -- Tabled

SUBSTITUTE NO. 4 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

Prime Sponsor(s): Ms. Durham, Ms. George

- Ms. George stated that Substitute 4 to °23-122 would remain tabled.

J. Time Sensitive Congratulatory/Honorary Resolutions

R24-103: RECOGNIZING AND CELEBRATING THE LIFE AND LEGACY OF SENATOR ROBERT I. MARSHALL

Prime Sponsor(s): Ms. Hartley-Nagle

- It was moved by Ms. Hartley-Nagle and seconded by Mr. Tackett that Resolution 24-103 be read by title only and placed before Council for its consideration.

- It was requested that all of Council be added as co-sponsors.

- No questions or comments by Council.

- No public comment.

Resolution 24-103 -- Adopted

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

Absent: Dee Durham, Brandon Toole

R24-104: CONGRATULATING AND COMMENDING TRACY SURLES ON HER RETIREMENT AFTER 25 YEARS AS AN EMPLOYEE OF NEW CASTLE COUNTY

Prime Sponsor(s): Mr. Carter, Mr. Sheldon

Co-sponsor(s): Mr. Bell, Mr. Cartier, Ms. Durham, Ms. George, Ms. Hartley-Nagle, Mr. Hollins, Ms. Kilpatrick, Mr. Smiley, Mr. Street, Mr. Tackett, Mr. Toole

- It was moved by Mr. Carter and seconded by Mr. Cartier that Resolution 24-104 be read by title only and placed before Council for its consideration.
- Mr. Carter briefly discussed the resolution.
- No public comment.

Resolution 24-104 -- Adopted

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

Absent: Dee Durham, Brandon Toole

R24-105: CELEBRATING THE RETIREMENT OF LINDA MURPHY AS EXECUTIVE DIRECTOR OF SELLERS SENIOR CENTER

Prime Sponsor(s): Mr. Cartier

- It was moved by Mr. Cartier and seconded by Mr. Tackett that Resolution 24-105 be read by title only and placed before Council for its consideration.
- Mr. Cartier briefly discussed the resolution.
- No questions or comments by Council.
- No public comment.

Resolution 24-105 -- Adopted

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

Absent: Dee Durham, Brandon Toole

R24-106: RECOGNIZING AND CELEBRATING THE LIFE AND LEGACY OF THELMA MARCH RAPPOLD

Prime Sponsor(s): Ms. Hartley-Nagle

Co-sponsor(s): Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Durham, Ms. George, Mr. Hollins, Ms. Kilpatrick, Mr. Sheldon, Mr. Smiley, Mr. Street, Mr. Tackett, Mr. Toole

- It was moved by Ms. Hartley-Nagle and seconded by Mr. Tackett that Resolution 24-106 be read by title only and placed before Council for its consideration.
- No questions or comments by Council.
- Public comment by Nellie Hill.

Resolution 24-106 -- Adopted

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

Absent: Dee Durham, Brandon Toole

K. Introduction/Consideration of Emergency Ordinances

- None

L. Public Comment/Other

- Public Comments were made by James Parker, Javier Paula, Robert Butler, Robin Bullock.
- Tracey Surles thanked Council for their support and recognition and responded to some comments made during public comment

M. Motion to Adjourn

- Mr. Smiley made a motion, seconded by Mr. Tackett to adjourn the meeting. The motion was approved and the meeting was adjourned at 7:32 p.m.