



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

September 17, 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 President Hartley-Nagle at 06:30 PM. A moment of silence was recognized, followed by the Pledge of Allegiance.

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

B. Approval of Minutes

- A motion was made by Mr. Cartier, seconded by Mr. Tackett to approve the minutes from August 27, 2024. The minutes were approved by voice vote.

C. Announcements

- Mr. Cartier announced that Substitute No. 1 to °24-032 will remain tabled.
- Ms. Durham announced that °24-008 will remain tabled.
- Ms. Kilpatrick announced that °24-134 would be withdrawn.
- Mr. Bell announced that R24-145 and R24-146 would be lifted from the table and moved forward for vote.

D. Introduction of Ordinances

°24-137: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), ARTICLE 4 ("DISTRICT AND BULK STANDARDS"), ARTICLE 5 ("SITE CAPACITY AND CONCURRENCY CALCULATIONS"), ARTICLE 7 ("TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES"), ARTICLE 20 ("SUBDIVISION AND LAND DEVELOPMENT DESIGN PRINCIPLES"), ARTICLE 25 ("DESIGN"), ARTICLE 26 ("MODIFICATION OF STANDARDS"), AND ARTICLE 33 ("DEFINITIONS"), REGARDING EQUITABLE AFFORDABLE

HOUSING OPPORTUNITIES AND POCKET NEIGHBORHOODS

Prime Sponsor(s): Mr. Hollins

°24-138: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), AND ARTICLE 33 ("DEFINITIONS"), REGARDING MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND RETAIL MARIJUANA STORES

Prime Sponsor(s): Mr. Tackett, Ms. Kilpatrick

°24-139: TO APPROPRIATE \$150,000 IN THE NEW CASTLE COUNTY AFFORDABLE HOUSING FUND, WITH FUNDS THAT ORIGINATED FROM THE GENERAL TAX STABILIZATION RESERVE, FOR A CONTRACT WITH CORNERSTONE WEST CDC TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES

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

°24-140: TO APPROPRIATE \$98,000 IN THE NEW CASTLE COUNTY AFFORDABLE HOUSING FUND, WITH FUNDS THAT ORIGINATED FROM THE GENERAL TAX STABILIZATION RESERVE, FOR A CONTRACT WITH GOOD NEIGHBORS TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES

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

°24-141: AMEND THE PAY PLAN AND RATES OF PAY FOR HOURLY RATED CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFFILIATE LOCAL 459 AND ADOPT THE REVISED CLASS SPECIFICATION FOR TELEVISION GROUTER EQUIPMENT OPERATOR FOR THE DEPARTMENT OF PUBLIC WORKS

Prime Sponsor(s): Ms. Hartley-Nagle

°24-142: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDS OF \$100,000 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE COC PERMANENT SUPPORTIVE HOUSING GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

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

°24-143: DECLARING TAX PARCEL 24-003.00-020 AS SURPLUS LAND AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE DOCUMENTS NECESSARY TO TRANSFER SAID LAND TO VETERANS WATCHMAKERS INITIATIVE FOR \$267,000

Prime Sponsor(s): Mr. Bell

°24-144: AUTHORIZING THE ISSUANCE OF UP TO \$40,000,000 IN A GENERAL OBLIGATION BOND THROUGH THE U.S. ENVIRONMENTAL PROTECTION AGENCY ACTING BY AND THROUGH THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY FOR THE DEPARTMENT OF PUBLIC WORKS CHRISTINA RIVER FORCE MAIN REHABILITATION PROJECT

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

°24-145: AMEND THE FY2025 CAPITAL PROGRAM AND BUDGET: INCREASE BOND AUTHORIZATIONS IN THE AMOUNT UP TO \$40,000,000 TO THE DEPARTMENT OF PUBLIC WORKS, CHRISTINA RIVER FORCE MAIN REHABILITATION PROJECT

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

°24-146: AMEND THE FY2025 CAPITAL PROGRAM AND BUDGET BY REDUCING BOND AUTHORIZATIONS IN THE AMOUNT OF \$403,310 IN THE ELECTRICAL VEHICLE INFRASTRUCTURE CAPITAL PROJECT AND AMEND THE GRANTS BUDGET BY APPROPRIATING \$403,310 FROM THE U.S. DEPARTMENT OF ENERGY TO THE EECBG EV

INFRASTRUCTURE DOE GRANT FOR THE DEPARTMENT OF PUBLIC WORKS

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

°24-147: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 7 ("PROPERTY MAINTENANCE CODE"), SECTION 7.01.002 ("AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE") REGARDING RUBBISH AND GARBAGE CONTAINERS

Prime Sponsor(s): Mr. Tackett

E. Reports from Select and Special Committees

Public Works Committee on September 3, 2024: Mr. Sheldon announced that there were two presentations - Parks and Recreation and an update on the Stormwater Maintenance Associations that were turned over to the County.

Land Use Committee: Mr. Tackett announced there was a Land Use Committee Meeting on September 3rd and discussed several Ordinances on the agenda. Mr. Tackett also announced that the Land Use Committee met again today (9/17/24) to discuss the Ordinances on the agenda.

Personnel Subcommittee Meeting: Ms. George announced that there was a Personnel Subcommittee Meeting today and were briefed on the U.S. Supreme Court decision on social media usage and a discussion regarding training. A motion was passed to approve hiring outside legal counsel to provide legal employment training to County Council Members and staff up to \$5,000. No other votes were taken.

Boards and Commissions Subcommittee: Ms. Durham announced the committee met today and two candidates were introduced. They will be voted on at the 9/24/24 Council Meeting.

Public Safety Committee: Mr. Bell announced that the Public Safety Committee met today and there were two presentations on NCCPD Missing Person Policy by Lt. Seth Polk and an update on the FACETS Study by Ken Dunn, Deputy CAO.

Finance Committee: Mr. Cartier announced that the Finance Committee met today and discussed three Resolutions and four Ordinances, and approved 9 Council grants. There was also a presentation by NCC Chief Procurement Officer Frank Penta and Kristie Arlotta, NCC Plant Operations on Green Procurement Initiatives.

F. Consent Calendar

R24-164: RECOGNIZING AND CELEBRATING THE CONTRIBUTIONS OF THE INDO AMERICAN ASSOCIATION OF DELAWARE (IAAD)

Prime Sponsor(s): Ms. Hartley-Nagle

Consent Note

- Motion by Mr. Tackett, seconded by Mr. Cartier 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, Janet Kilpatrick, Timothy Sheldon, George Smiley, David Tackett, Jea Street, Brandon Toole

G. Presentations

- None.

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

R24-165: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A MASTER LOAN AGREEMENT, OR SUCH OTHER SIMILAR AGREEMENTS, WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY ACTING BY AND THROUGH THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, IN AN AMOUNT NOT TO EXCEED \$40,000,000 TO FUND THE INSTALLATION OF APPROXIMATELY (A) 2,000 LINEAR FEET ("LF") OF NEW 84-INCH FORCE MAIN PIPING TO SERVE AS PERMANENT BYPASS PIPING AROUND THE HEALD STREET BRIDGE, (B) 5,700 LF OF 84-INCH FORCE MAIN PIPING TO SERVE AS PERMANENT BYPASS PIPING AROUND THE MARKET STREET BRIDGE AND (C) 2,000 LF OF A NEW 36-INCH FORCE MAIN EXTENDING FROM THE MARKET STREET PUMP STATION, ALL PART OF THE CHRISTINA RIVER FORCE MAIN REHABILITATION PROJECT;

PROVIDING FOR THE PURCHASE OF THE BOND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH.

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

- It was moved by Mr. Carter and seconded by Mr. Tackett that R24-165 be read by title only and placed before Council for its consideration.
- No comments or discussion by Council.
- No public comment.

Resolution 24-165- 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

R24-166: SUPPORTING THE OFFICIAL RECOGNITION OF THE BATTLE OF COOCH'S BRIDGE AS A BONA FIDE MILITARY BATTLE AND URGING THE STATE OF DELAWARE TO FORMALLY RECOGNIZE IT AS SUCH AND TO RECOGNIZE ALL ASSOCIATED PROPERTIES IN AN APPROPRIATE MANNER

Prime Sponsor(s): Ms. George

Co-sponsor(s): Ms Durham, Mr. Tackett

- It was moved by Mr. Carter and seconded by Mr. Tackett that R24-166 be read by title only and placed before Council for its consideration.
- No comments or discussion by Council.
- No public comment.

Resolution 24-166- 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

R24-167: TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE NO. 13 ("COUNCIL GRANTS") REGARDING EXPENDITURES

Prime Sponsor(s): Mr. Smiley

- It was moved by Mr. Carter and seconded by Mr. Tackett that R24-167 be read by title only and placed before Council for its consideration.
- No comments or discussion by Council.
- No public comment.

Resolution 24-167- 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

R24-145: (STATUS: TABLED) PLAN OF VISTA AT RED LION – SECTION 1; NEW CASTLE HUNDRED; NORTH SIDE OF OLD PORTER ROAD, 2000 FEET WEST OF RED LION ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO SUBDIVIDE TAX PARCEL NO. 10-052.00-011 INTO 240 TOWNHOUSE UNITS UTILIZING THE SINGLE FAMILY ATTACHED OPTION; ST ZONING; [APPLICATION NO. 2008-0002](#); COUNCIL DISTRICT 12

Prime Sponsor(s): Mr. Bell, Ms. Kilpatrick

- Motion was made by Mr. Bell, seconded by Mr. Smiley to lift R24-145 from the table. Motion was approved by voice vote.
- It was moved by Mr. Bell and seconded by Mr. Tackett that R24-145 be read by title only and placed before Council for its consideration.
- Mr. Bell explained the resolution.
- Comments were made by Mr. Street and Ms. Durham.
- No public comment.

Resolution 24-145- Adopted

Yes: J. William Bell, John Cartier, Valerie George, Janet Kilpatrick, Timothy Sheldon, George Smiley, David Tackett, Brandon Toole.

No: David Carter, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Jea Street

R24-146: (STATUS: TABLED) PLAN OF VISTA AT RED LION – SECTION 2; NEW CASTLE HUNDRED; SOUTH SIDE OF OLD PORTER ROAD, 2700 FEET WEST OF RED LION ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO SUBDIVIDE TAX PARCEL NO. 10-052.00-011 AND TAX PARCEL NO. 10-052.00-018 INTO 279 AGE-RESTRICTED LOTS WITH A 4,800 SQUARE FOOT CLUBHOUSE UTILIZING THE SINGLE FAMILY DETACHED OPTION; ST ZONING; [APPLICATION NO. 2008-0003](#); COUNCIL DISTRICT 12

Prime Sponsor(s): Mr. Bell, Ms. Kilpatrick

- Motion was made by Mr. Bell, seconded by Mr. Cartier to lift R24-146 from the table. The motion was approved by voice vote.
- It was moved by Mr. Bell and seconded by Mr. Tackett that R24-146 be read by title only and placed before Council for its consideration.
- Mr. Bell explained the resolution.
- Comments were made by Mr. Street and Mr. Carter.
- No public comment.

Resolution 24-146- Adopted

Yes: J. William Bell, John Cartier, Valerie George, Janet Kilpatrick, Timothy Sheldon, George Smiley, David Tackett, Brandon Toole

No: David Carter, Dee Durham, Penrose Hollins, Jea Street

I. Consideration of Ordinances

°24-132: TO AUTHORIZE ABATEMENT OF OUTSTANDING NEW CASTLE COUNTY REAL PROPERTY TAXES AND PENALTIES AND INTEREST ON THE PROPERTY OF WILSON FARM ASSOCIATES, LLC LOCATED AT 100 DEAN DRIVE, NEWARK, DE, TAX PARCEL NUMBERS 18-024.00-422, 18-030.00-139, AND 18-030.00-138

Prime Sponsor(s): Ms. George

- It was moved by Ms. George and seconded by Mr. Tackett that °24-132 be read by title only and placed before Council for its consideration.
- No comments or discussion by Council.
- Public comment by Cheryl McDonough.

Ordinance 24-132 - 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

°24-133: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDS OF \$1,991,000 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE 2024 HOPE CENTER CAPITAL IMPROVEMENTS AND TRANSPORTATION GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

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

- It was moved by Mr. Hollins and seconded by Mr. Tackett that °24-133 be read by title only and placed before Council for its consideration.
- Mr Hollins explained the ordinance.
- No comments or discussion by Council.
- Public comment by Cheryl McDonough.

Ordinance 24-133 -- 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

°24-134: AMEND THE FY2025 APPROVED OPERATING BUDGET: REALIGN UP TO \$40,000 FROM COUNTY COUNCIL CONTINGENCY TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE, TO PROVIDE REIMBURSEMENT FOR CERTAIN EXPENSES RELATED TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

Prime Sponsor(s): Ms. Kilpatrick

Co-sponsor(s): Mr. Smiley

- Ms. Kilpatrick withdrew °24-134.

Ordinance 24-134 -- Withdrawn

°24-135: AMEND THE FY2025 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS AND RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE FOR A TRANSACTION MANAGEMENT SYSTEM

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

- It was moved by Mr. Cartier and seconded by Mr. Smiley that °24-135 be read by title only and placed before Council for its consideration.
- No comments or discussion by Council.
- No public comment.

Ordinance 24-135 - 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

°24-084: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), AND ARTICLE 33 ("DEFINITIONS"), REGARDING FIREARM RETAIL BUSINESSES

Prime Sponsor(s): Ms. Kilpatrick

- It was moved by Ms. Kilpatrick and seconded by Mr. Bell that °24-084 be read by title only and placed before Council for its consideration.
- Ms. Kilpatrick explained the ordinance.
- Mr. Bell asked to be a co-sponsor.
- Comments made by Mr. Street.
- Public comments were made by Traci Murphy, and Dora Williams.

Ordinance 24-084 - 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

SUBSTITUTE NO. 1 TO °24-032: (STATUS: TABLED) COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 8 REGARDING THE FOLLOWING TAX PARCELS: ARDENTOWN: 27-001.00-001(2206 MILLERS RD, ARDENTOWN); BRANDYWINE HUNDRED: 06-060.00-010 (1 NAAMANS RD, GILBERT SUBDIVISION), 06-122.00-081 (301 CARR RD, ROCKWOOD OFFICE PARK), 06-147.00-017 (1204 LIGHTHOUSE RD)

Prime Sponsor(s): Mr. Cartier

- Mr. Cartier stated that Substitute No. 1 to °24-032 would remain tabled.

°24-008: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 14 ("IMPACT FEES") REGARDING ADJUSTMENTS TO IMPACT FEES

Prime Sponsor(s): Ms. Durham, Mr. Carter, Mr. Toole

Co-sponsor(s): Mr. Cartier, Mr. Smiley

- Mr. Cartier stated that °24-008 would remain tabled.

J. Time Sensitive Congratulatory/Honorary Resolutions

- None

K. Introduction/Consideration of Emergency Ordinances

- None

L. Public Comment/Other

- Public Comments were made by Janette Swain.
- Comments were made by Councilman Street.

M. Motion to Adjourn

- Mr. Smiley made a motion, seconded by Mr. Cartier to adjourn the meeting. The meeting was adjourned at 7:18 p.m.