



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

September 24, 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 6:29 p.m. 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, Janet Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, George Smiley, Jea Street (virtual), David Tackett, and Brandon Toole

Absent: Timothy Sheldon

B. Approval of Minutes

- A motion was made by Mr. Smiley, seconded by Ms. Kilpatrick to approve the minutes from September 17, 2024. The minutes were approved by voice vote.

C. Announcements

- Mr. Smiley announced he had something to discuss under Other.
- Mr. Carter announced at the appropriate time, he will be having discussion on Substitute No. 1 to °24-057.
- Mr. Hollins announced he would be requesting to suspend the rules to vote on °24-087 tonight and Ms. Durham requested to be Co-Sponsor.

D. Introduction of Ordinances

°24-148: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES FOR THE CLASS SPECIFICATION OF ASSISTANT CHIEF OF EMERGENCY COMMUNICATIONS FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY COMMUNICATIONS

Prime Sponsor(s): Ms. Hartley-Nagle

°24-149: TO ADOPT THE CLASS SPECIFICATION OF SENIOR ASSISTANT COUNTY ATTORNEY AND TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE AND NON-UNION CLASSIFIED SERVICE EMPLOYEES TO MAKE ORGANIZATIONAL CHANGES FOR THE FIRST ASSISTANT COUNTY ATTORNEY CLASS SPECIFICATION IN THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW

Prime Sponsor(s): Ms. Hartley-Nagle

°24-150: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS AND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES) AFL-CIO AND ITS AFFILIATE, LOCAL 3109

Prime Sponsor(s): Ms. Hartley-Nagle

°24-151: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES, NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE, NON-UNION CLASSIFIED SERVICE ROW OFFICE EMPLOYEES, NON-UNION UNCLASSIFIED SERVICE ROW OFFICE EMPLOYEES AND CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY FRATERNAL ORDER OF POLICE (FOP) LODGE #5 SWORN DEPUTY SHERIFFS

Prime Sponsor(s): Ms. Hartley-Nagle

E. Reports from Select and Special Committees

- Community Services Committee - Mr. Hollins stated that the Community Services Committee met today to discuss items on the agenda. There were 4 Ordinances -- one item is on the Agenda for tonight and 3 Ordinances will be voted on at a later date. There were also two presentations given regarding the Newark Free Library and Accessory Dwelling Units.

- Finance Committee Meeting - Mr. Smiley stated that the Finance Committee met today and reviewed Legislation on today's agenda, approved a couple Council Grants, and Council went into Executive Session to discuss pending litigation.

F. Consent Calendar

R24-170: APPOINTING BARBARA WARD TO THE NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW

Prime Sponsor(s): Ms. George

R24-171: APPOINTING RICHARD JESTER TO THE NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW

Prime Sponsor(s): Ms. George

Consent Note

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

Consent Calendar -- Adopted

Yes: William Bell, David Carter, John Cartier, Dee Durham, Valerie George, Janet Kilpatrick, Karen Hartley-Nagle, Penrose Hollins,

George Smiley, Jea Street, David Tackett, and Brandon Toole

Absent: Timothy Sheldon,

G. Presentations

- None.

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

R24-168: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE COLLECTIVE BARGAINING AGREEMENT WITH THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES) AFL-CIO AND ITS AFFILIATE, LOCAL 3109
Prime Sponsor(s): Ms. Hartley-Nagle

- It was moved by Ms. Hartley-Nagle and seconded by Mr. Tackett that R24-168 be read by title only and placed before Council for its consideration.
- No comments or discussion by Council.
- No public comments.

Resolution 24-168 - Adopted

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

Absent: Timothy Sheldon.

R24-169: TO ENCUMBER \$40,000 OF NEW CASTLE COUNTY COUNCIL CONTINGENCY TO FUND CERTAIN EXPENSES RELATED TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD, AS APPROVED BY COUNTY COUNCIL
Prime Sponsor(s): Ms. Kilpatrick
Co-sponsor(s): Mr. Smiley

- It was moved by Ms. Kilpatrick and seconded by Mr. Smiley that R24-169 be read by title only and placed before Council for its consideration.
- Comments made by Ms. Hartley-Nagle and Ms. Kilpatrick.
- No public comments.

Resolution 24-169 - Adopted

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

Absent: Timothy Sheldon.

I. Consideration of Ordinances

°24-040: COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 5 REGARDING THE FOLLOWING TAX PARCEL: PENCADER HUNDRED: 11-025.00-026 (0 PULASKI HWY OFF, UPPER CHESAPEAKE CORPORATE CTR)
Prime Sponsor(s): Ms. George

- It was moved by Ms. George and seconded by Mr. Tackett that °24-040 be read by title only and placed before Council for its consideration.
- No comments or discussion by Council.
- No public comments.

°24-040 - Adopted

Poll Vote

- Mr. Bell - Yes, based upon the positive recommendation from the Department of Land Use and the District Council Person.
- Mr. Cater - Not voting
- Mr. Cartier - Yes, based upon the positive recommendation for the Comprehensive Rezonings from the Department of Land Use and support of the District Council Person.
- Ms. Durham - Yes, in response of the District Council Person.

- Ms. George - Yes, based upon the positive recommendation from the Department of Land Use and overwhelming support from the community.
- Ms. Hartley-Nagle - Not voting.
- Mr. Hollins - Yes, in support of the positive recommendation from the Planning Board and Planning Department.
- Ms. Kilpatrick - Yes, based on the position of the Department of Land Use and the Planning Board.
- Mr. Sheldon - Absent.
- Mr. Smiley - Yes, based upon the positive recommendation from the Department of Land Use.
- Mr. Street - Yes, based upon the recommendation from the Department.
- Mr. Tackett - Yes, I will be joining Land Use in their positive recommendation, yes, in support of the District Council Person, as well as the excellent outreach the Department of Land Use did in the public workshops they hosted and the Councilwoman participated in.
- Mr. Toole - Yes, based upon the recommendation from the Department of Land Use and supporting the District Council Person's recommendation.

°24-041: COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 5 REGARDING THE FOLLOWING TAX PARCEL: WHITE CLAY CREEK HUNDRED: 09-033.00-038 (475 GENDER RD, BREEZEWOOD SEC III)

Prime Sponsor(s): Ms. George

- It was moved by Ms. George and seconded by Mr. Tackett that °24-041 be read by title only and placed before Council for its consideration.
- No comments or discussion by Council.
- No public comments.

°24-041 - Adopted

Poll Vote

- Mr. Bell - Yes, based upon the positive recommendation from the Department of Land Use, as well as the District Council Person.
- Mr. Carter - Not voting
- Mr. Cartier - Yes, based upon the positive recommendation from the Department of Land Use and positive endorsement of the District Council Person.
- Ms. Durham - Yes, in response to the support of the District Council Person and the Department of Land Use.
- Ms. George - Yes, based upon the positive recommendation from the Department of Land Use and again the overwhelming support of the community.
- Ms. Hartley-Nagle - Not voting.
- Mr. Hollins - Yes, in support of the Department of Land Use and the Planning Board.
- Ms. Kilpatrick - Yes, based upon the public input, support of the District Council Person, and positive recommendations.
- Mr. Sheldon - Absent.
- Mr. Smiley - Yes, based upon the recommendation from the Department of Land Use.
- Mr. Street - Yes, based upon the recommendation from the Department.
- Mr. Tackett - Yes, joining the Department of Land Use on their positive recommendation and commending Land Use for their hard work and due diligence and their public outreach with the District Council Person.
- Mr. Toole - Yes, in collaboration and based upon the information from the Land Use Department and support of the District Council Person.

SUBSTITUTE NO. 1 TO °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

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

- It was moved by Mr. Tackett, and seconded by Mr. Hollins that Substitute No. 1 to °24-057 be read by title only and placed before Council for its consideration.

- Mr. Carter introduced Floor Amendment 1 to Substitute No. 1 to °24-057, seconded by Ms. Durham.
- Mr. Carter explained the Floor Amendment 1.

- Comments by Council Members for Floor Amendment 1 were: Ms. Hartley-Nagle, Mr. Toole, Ms. George, Mr. Carter; and General Manager Patibanda, Department of Land Use.

- Mr. Carter then introduced Floor Amendment 2 to Substitute No. 1 to °24-057.

- Comments by Council Members for Floor Amendment 2 were: Mr. Tackett, Ms. Hartley-Nagle, Mr. Carter, Mr. Cartier, Ms. Durham; and General Manager Patibanda, Department of Land Use.

- Mr. Carter withdrew Floor Amendment 1 and Floor Amendment 2 to Substitute No. 1 to °24-057.

- Comments by Council Members were by Mr. Street

- Public Comments to Substitute No. 1 to °24-057 were made by Dora Williams, Rob Bulloch, Dale Swain, Fred Mitsdarfer, Elizabeth Keller, Alison West, and Sharon Steele.

Substitute No. 1 to °24-057 - Adopted

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

Absent: Timothy Sheldon.

°24-087: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), ARTICLE 4 ("DISTRICT AND BULK STANDARDS"), ARTICLE 33 ("DEFINITIONS"), AND APPENDIX 7 ("GUIDING PRINCIPLES FOR DEVELOPMENT") , REGARDING EXPANDING THE ACCESSORY DWELLING UNIT REGULATIONS TO PROVIDE EQUITABLE AFFORDABLE HOUSING OPPORTUNITIES AND THE ABILITY TO AGE IN PLACE, AND UPDATING THE GUIDING PRINCIPLES TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN

Prime Sponsor(s): Mr. Hollins

- Motion was made by Mr. Hollins, seconded by Mr. Tackett to suspend the rule to vote on Substitute No. 1 to °24-087 tonight.

- It was moved by Mr. Hollins, seconded by Mr. Tackett that Substitute No. 1 to °24-087 be read by title only and placed before Council for its consideration.

- Mr. Hollins explained the Substitute Ordinance.

- Ms. Durham, Mr. Bell, Mr. Cartier, Mr. Street, and Ms. Kilpatrick requested to be co-sponsors.

- Comments were made by Mr. Cartier, Mr. Bell, Mr. Street, and Mr. Hollins.

- No Public Comment.

Substitute No. 1 to °24-087 - Adopted

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

Absent: Timothy Sheldon.

J. Time Sensitive Congratulatory/Honorary Resolutions

R24-172: HONORING THE LIFE OF WAYNE PHILIP "PHIL" PROUD, SR. AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS

Prime Sponsor(s): Mr Bell

- It was moved by Mr. Bell and seconded by Mr. Tackett that R24-172 be read by title only and placed before Council for its consideration.

- Mr. Bell read Resolution into record.

- No Council or Public Comments.

Resolution 24-172 - Adopted

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

Absent: Timothy Sheldon.

R24-173: HONORING THE LIFE OF CHIEF JASPER HERMAN LAKEY AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS

Prime Sponsor(s): Mr Bell

- It was moved by Mr. Bell and seconded by Mr. Cartier that R24-173 be read by title only and placed before Council for its consideration.
- Mr. Bell stated he would like to read the Resolution into the record at the Council Meeting.
- No Council or Public Comments.

Resolution 24-173 - Adopted

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

Absent: Timothy Sheldon.

K. Introduction/Consideration of Emergency Ordinances

- None.

L. Public Comment/Other

- No Public Comment.
- Other
 - Mr. Smiley brought up the swearing-in for the elected Council Members who were elected in the November 5, 2024 election. It was decided that the swearing-in will be held on Monday, November 18, 2024, at 3:00 p.m., followed by light refreshments. This event will be live-streamed through Council.
 - Mr. Hollins recognized Helen Foster, Economic Development, for her leadership and work with diversity, equity and inclusion.

M. Motion to Adjourn

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