

NEW CASTLE COUNTY COUNCIL
December 8, 2020
6:30 p.m.
VIRTUAL ZOOM WEBINAR MEETING**

AGENDA

A. **Call to Order**
 Moment of Silence
 Pledge of Allegiance
 Roll Call

B. **Approval of Minutes**

C. **Announcements**

D. **Introduction of Ordinances**

°20-131: **REVISE ZONING MAP: BRANDYWINE HUNDRED, SOUTHERN CORNER OF BARLEY MILL ROAD AND KENNETT PIKE INTERSECTION; 3510 KENNETT PIKE, TAX PARCEL 07-030.01-007, 2.88 ACRES FROM S (SUBURBAN) TO S (SUBURBAN) AND H (HISTORIC OVERLAY ZONE)** (The property owner is requesting the H (Historic) Overlay Zone for the subject parcel. [2020-0617 R/Z.](#)) **Introduced by: Ms. Durham**

°20-132: **REVISE ZONING MAP: ST. GEORGES HUNDRED, EAST SIDE JAMISON ROAD, NORTH OF BOYDS CORNER ROAD; 1042 JAMISON CORNER ROAD, TAX PARCEL NO. 13-013.00-235, 132.30 ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION)** (The Exploratory Major Land Development Plan and Rezoning for **Winchelsea Subdivision** proposes to rezone the 132.30 acres to ST (Suburban Transition) to construct an age restricted open space planned development with 194 single family lots, 34 twin lots, and 108 townhouse lots. [2020-0577-S/Z.](#)) **Introduced by: Mr. Bell**

°20-133: **AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMERGENCY SERVICES EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3911.** **Introduced by: Ms. Hartley-Nagle**

°20-134: **TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”) TO CREATE THE AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE, AND THE OPEN SPACE ADVISORY COMMITTEE.** **Introduced by: Ms. Kilpatrick, Mr. Sheldon**

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

F. Consent Calendar

R20-225: REAPPOINTING EDWARD M. MILOWICKI TO THE NEW CASTLE COUNTY FINANCIAL ADVISORY COUNCIL. Introduced by: Mr. Cartier

R20-226: REAPPOINTING MARK OLLER TO THE NEW CASTLE COUNTY FINANCIAL ADVISORY COUNCIL WHERE HE CURRENTLY SERVES AS CHAIR. Introduced by: Ms. Durham

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**

R20-227: RESOLUTION APPROVING ISSUANCE OF CERTAIN BONDS OR NOTES BY THE MINQUADALE FIRE COMPANY. Introduced by: Mr. Street

R20-228: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR HABITAT FOR HUMANITY OF NEW CASTLE COUNTY INC. FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$250,000.00. Introduced by: Mr. Smiley, Mr. Cartier

R20-229: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR HERSA HOSPITALITY MANAGEMENT, LP FOR MANAGEMENT OF THE NEW HOMELESS SHELTER FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$2,536,600.00. Introduced by: Mr. Smiley, Mr. Cartier

R20-230: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR NEW CASTLE CONSERVATION DISTRICT FOR REPAIRS TO THE FAIRWAYS AT VANDERGRIFT MANOR STORMWATER POND FOR THE DEPARTMENT OF PUBLIC WORKS IN THE AMOUNT OF \$83,000.00. Introduced by: Mr. Smiley, Mr. Cartier

R20-231: AUTHORIZING THE ALLOCATION OF UP TO \$5,000,000.00 FROM THE RESERVE ALLOCATION CREATED PURSUANT TO ORDINANCE 20-094 FOR THE CONSTRUCTION OF A TESTING LAB FACILITY AT DELAWARE STATE UNIVERSITY'S KIRKWOOD HIGHWAY CAMPUS. Introduced by: Mr. Sheldon

R20-232: NEW CASTLE COUNTY COUNCIL RESPECTFULLY URGES THE DELAWARE GENERAL ASSEMBLY TO SUPPORT HOUSE BILL NO. 11, AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY PROPERTY TAX RATES. Introduced by: Mr. Smiley

R20-233: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES) (AFL-CIO), AND ITS AFFILIATE LOCAL 3911, COLLECTIVE BARGAINING AGREEMENT. Introduced by: Ms. Hartley-Nagle

R20-234: URGING THE COUNTY EXECUTIVE TO NEGOTIATE IN GOOD FAITH TOWARDS THE EXECUTION OF AN AGREEMENT TO ACCEPT A DONATION OF LAND AT 2822 SHIPLEY ROAD FROM SHIPLEY ROAD INVESTMENTS, LLC FOR LAND PRESERVATION. Introduced by: Ms. Durham, Mr. Cartier, Mr. Carter, Ms. Hartley-Nagle, Mr. Street

I. Consideration of Ordinances

°20-116: RELEASING THE BALANCE OF FUNDS IN THE RESERVE ALLOCATION CONTAINED IN THE GRANT/FIXED CHARGES BUDGET LINE ITEM FROM THE REQUIREMENT OF PRIOR APPROVAL BY WAY OF RESOLUTION BEFORE BEING EXPENDED, TRANSFERRED, OR RELEASED BY THE NEW CASTLE COUNTY OFFICE OF FINANCE. Introduced by: Mr. Smiley, Mr. Cartier

°20-117: AMEND THE GRANTS BUDGET: APPROPRIATE \$450,000 IN FUNDS FROM THE DELAWARE STATE HOUSING AUTHORITY TO THE STRONG NEIGHBORHOODS HOUSING PROGRAM ROUND IV GRANT TO BE ADMINISTERED BY THE NEW CASTLE COUNTY DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°20-118: AMEND THE GRANTS BUDGET: APPROPRIATE \$365,104 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO A SPECIAL HOUSING CHOICE VOUCHER CARES ACT PROGRAM DESIGNATED AS SECTION 8 HCV-CV II TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°20-119: AMEND THE GRANTS BUDGET: APPROPRIATE ADDITIONAL FEDERAL FUNDS OF \$468,000 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ALSO REALIGN \$130,000 IN THE SECTION 8 HOUSING CHOICE VOUCHERS – 2020 GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°20-120: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDING OF \$153,017 TO THE JUSTICE ASSISTANCE GRANT (JAG) 2020 – SAFE POLICING FOR SAFE COMMUNITIES GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street

°20-121: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$10,000 OF FEDERAL FUNDS THROUGH THE DELAWARE CRIMINAL JUSTICE COUNCIL (CJC) TO THE ABH – CJC CASE MANAGER GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street

°20-122: AMEND THE FY2021 APPROVED OPERATING BUDGET: INCREASE THE AUTHORIZED POSITION COUNT FOR THE DEPARTMENT OF PUBLIC SAFETY BY FIFTEEN POLICE OFFICER POSITIONS TO ACCOMMODATE THE UPCOMING 48TH NEW CASTLE COUNTY POLICE ACADEMY. Introduced by: Mr. Bell, Mr. Street

°20-123: AMEND THE GRANTS BUDGET: APPROPRIATE \$252,400 IN FEDERAL FUNDING FROM THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, \$733,000 IN FEDERAL FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO A SPECIAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, \$500,000 IN COUNTY FUNDING FROM THE HOUSING TRUST FUND AND \$1,051,200 IN ANTICIPATED PROGRAM INCOME TO THE 2021 HOMELESS SHELTER GRANT WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°20-124: REDUCE APPROPRIATION TO THE HOUSING TRUST FUND BY \$500,000 TO APPROPRIATE FUNDING FOR THE 2021 HOMELESS SHELTER GRANT. Introduced by: Mr. Hollins, Ms. Diller

°20-125: AMEND THE GRANTS BUDGET: APPROPRIATE \$2,476,428.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO A SPECIAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM DESIGNATED AS CDBG-CARES ACT ROUND III TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°20-126: AMEND THE GRANTS BUDGET: APPROPRIATE ANTICIPATED FEDERAL FUNDS OF \$17,692,142 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE SECTION 8 HOUSING CHOICE VOUCHERS – 2021 GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°20-127: AMEND THE FY2020 APPROVED SEWER FUND OPERATING BUDGET: REALIGN BUDGETARY FUNDING OF \$1,085,397.07 WITHIN THE DEPARTMENT OF PUBLIC WORKS FOR SEWER SERVICE CHARGES. Introduced by: Mr. Sheldon, Mr. Woods

°20-128: AMEND THE FY2021 APPROVED OPERATING BUDGET: APPROPRIATE \$25,000 IN FUNDING RECEIVED FROM THE CLERK OF THE PEACE TECHNOLOGY FEE ACCOUNT TO THE CONTRACTUAL SERVICES BUDGET LINE ITEM FOR PROGRAM MODIFICATIONS REQUIRED BY SB194. Introduced by: Mr. Smiley, Mr. Cartier

°20-129: TO PROVIDE FOR THE INSTALLATION OF ARLINGTON STREET LIGHTS WITH WADSWORTH POLES IN THE WHISPERING WOODS SUBDIVISION LOCATED IN ST GEORGES HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Bell

°20-130: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 26 (“HUMAN RESOURCES”), ARTICLE 3 (“MERIT SYSTEM”), SECTION 26.03.206 (“DEFERRED COMPENSATION PLAN”) REGARDING THE COMPOSITION OF THE MEMBERS OF THE DEFERRED COMPENSATION COMMITTEE. Introduced by: Mr. Smiley

°20-101: (STATUS: TABLED) AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 28 (“PLANNING”), SECTION 28.01.003 (“COMPREHENSIVE DEVELOPMENT PLAN”) TO REQUIRE A SOCIAL JUSTICE ELEMENT, AN ENVIRONMENTAL JUSTICE ELEMENT, AND A HAZARDS MITIGATION ELEMENT BE EXPLICITLY INCLUDED IN THE 2022 COMPREHENSIVE DEVELOPMENT PLAN AND ALL FUTURE COMPREHENSIVE DEVELOPMENT PLANS AND PLAN UPDATES. Introduced by: Mr. Carter, Mr. Cartier, Ms. Durham, Mr. Hollins, Mr. Street, Ms. Hartley-Nagle

°20-115: (STATUS: TABLED) TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”), DIVISION 2.05.300. (“DEPARTMENT OF PUBLIC WORKS”) TO CREATE A NEW CASTLE COUNTY OPEN SPACE CONSERVATION COMMISSION. Introduced by: Ms. Durham, Mr. Carter

°17-095: (STATUS: TABLED) REVISE PREVIOUSLY APPROVED PRELIMINARY MAJOR LAND DEVELOPMENT PLAN WITH REZONING FOR VISTA AT RED LION – SECTION 1; RED LION HUNDRED; NORTH SIDE OF OLD PORTER ROAD, WEST OF RED LION ROAD, EAST OF GRISSOM LANE. (The revised plan for Vista at Red Lion – Section 1 proposes to revise the previously approved design of the subdivision. This new plan will supersede the previously approved preliminary plan and rezoning. Former section 40.31.114 of the New Castle County Code (which applies to former process plans) requires that all subsequent land development plans to a previously approved preliminary and rezoning plan be in strict conformity with the development on the approved preliminary plan that was relied upon by County Council when it granted the rezoning. County Council adopted Ordinance 09-091 in March, 2011. ST (Suburban Transition) zoning district; [Application 2008-0002-S/Z](#)). Introduced by: Mr. Bell

Supporting Documents: [Department of Land Use & Planning Board Recommendation](#)

°17-096: (STATUS: TABLED) REVISE PREVIOUSLY APPROVED PRELIMINARY MAJOR LAND DEVELOPMENT PLAN WITH REZONING FOR VISTA AT RED LION – SECTION 2; RED LION HUNDRED; SOUTH SIDE OF OLD PORTER ROAD, WEST OF RED LION ROAD, EAST OF GRISSOM LANE. (The revised plan for Vista at Red Lion – Section 2 proposes to revise the previously approved design of the subdivision. This new plan will supersede the previously approved preliminary plan and rezoning. Former section 40.31.114 of the New Castle County Code (which applies to former process plans) requires that all subsequent land development plans to a previously approved preliminary and rezoning plan be in strict conformity with the development on the approved preliminary plan that was relied upon by County Council when it granted the rezoning. County Council adopted Ordinance 09-092 in March, 2011. ST (Suburban Transition) zoning district; [Application 2008-0003-S/Z](#)). Introduced by: Mr. Bell

Supporting Documentation: [Department of Land Use & Planning Board Recommendation](#)

- J. Time Sensitive Congratulatory/Honorary Resolutions**
- K. Introduction/Consideration of Emergency Ordinances**
- L. Public Comment/Other**
- M. Motion to Adjourn**

AGENDA POSTED: December 1, 2020

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2).

In accordance with Governor Carney's recently issued *Proclamation*, coupled with the Governor's *Declaration of a State of Emergency*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing **zoom Webinar. 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://nccde.org/AgendaCenter/County-Council-1>

Members of the public joining the meeting utilizing the link or the call-in number will be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone has an opportunity to comment. You will not be able to speak until called upon by the moderator. There are functions in the program that allow you to do this. Please see the link in the previous paragraph.