



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

September 27, 2022

6:30 PM

VIRTUAL ZOOM WEBINAR MEETING &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801**

REVISED AGENDA

A. Call to Order

- **Moment of Silence**
- **Pledge of Allegiance**
- **Roll Call**

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°22-114: DECLARING 0.204± ACRES OF LAND IDENTIFIED ON NEW CASTLE COUNTY TAX MAPS AS TAX PARCEL NO. 10-023.00-001 AS SURPLUS LAND AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE DOCUMENTS NECESSARY TO TRANSFER SAID LAND TO DASH IN FOOD STORE, INC. IN EXCHANGE FOR IN KIND LAND FROM THE DELAWARE DEPARTMENT OF TRANSPORTATION Introduced by: Mr. Woods

°22-115: AMEND THE GRANTS BUDGET: APPROPRIATE \$31,748.98 IN PROGRAM INCOME IN THE FY2021 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-116: AMEND THE GRANTS BUDGET: APPROPRIATE \$357,263.94 IN PROGRAM INCOME AND REALIGN \$443,762.59 IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2022, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-117: AMEND THE GRANTS BUDGET: APPROPRIATE \$128,949.31 IN PROGRAM INCOME IN THE FY2022 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-118: AMEND THE GRANTS BUDGET: APPROPRIATE \$600,536.62 IN PROGRAM INCOME TO THE DOWN PAYMENT REVOLVING LOANS (DPS) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-119: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY COUNCIL FY2023 APPROVED OPERATING BUDGET TO THE ROCKWOOD MUSEUM GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Cartier

°22-120: AMEND THE FY2023 APPROVED OPERATING BUDGET: REDUCE THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO PROVIDE FUNDING FOR THE ROCKWOOD MUSEUM GRANT Introduced by: Mr. Cartier

°22-121: AMEND THE FY2023 CAPITAL PROGRAM AND BUDGET: INCREASE APPROPRIATIONS AND BOND AUTHORIZATIONS \$1,250,000 IN DELAWARE CLEAN WATER STATE REVOLVING LOAN FUNDS FROM THE STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO THE DEPARTMENT OF PUBLIC WORKS, AIRPORT ROAD SANITARY SYSTEM ORIGINAL INTERCEPTOR REVITALIZATION, AS PART OF THE AIRPORT ROAD SYSTEM REHABILITATION CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Woods

°22-122: AUTHORIZING THE ISSUANCE OF \$7,750,000 IN GENERAL OBLIGATION BONDS THROUGH THE DELAWARE CLEAN WATER STATE REVOLVING LOAN FUND FOR THE DEPARTMENT OF PUBLIC WORKS, AIRPORT ROAD SANITARY SYSTEM ORIGINAL INTERCEPTOR REVITALIZATION, AS PART OF THE AIRPORT ROAD SYSTEM REHABILITATION CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Woods

°22-123: TO APPROPRIATE \$5,000,000 IN THE NEW CASTLE COUNTY AFFORDABLE HOUSING FUND TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Ms. Diller

E. Reports from Select and Special Committees

F. Consent Calendar

R22-179: HONORING THE LIFE OF THE HONORABLE RYSHEEMA DIXON Introduced by: Ms. Hartley-Nagle, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Mr. Hollins, Ms. Kilpatrick, Mr. Sheldon, Mr. Smiley, Mr. Street, Mr. Tackett, Mr. Woods

R22-180: REAPPOINTING MICHAEL FINNIGAN TO THE NEW CASTLE COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES Introduced by: Mr. Cartier

R22-181: CONSENTING TO THE REAPPOINTMENT OF TERRY PARKER TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT Introduced by: Mr. Sheldon

R22-182: REAPPOINTING DOMENICK A. PERONTI TO THE NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW Introduced by: Mr. Woods

R22-183: CONSENTING TO THE APPOINTMENT OF GERALDINE KROLIN-TAYLOR TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD Introduced by: Ms. Kilpatrick

R22-184: CELEBRATING HISPANIC HERITAGE MONTH, SEPTEMBER 15 – OCTOBER 15, 2022 Introduced by: Mr. Carter, Mr. Smiley, Mr. Sheldon, Mr. Street, Mr. Bell, Mr. Cartier, Ms. Diller, Ms. Durham, Ms. Hartley-Nagle, Mr. Hollins, Ms. Kilpatrick, Mr. Tackett, Mr. Woods

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

R22-185: ESTABLISHING A TASK FORCE TO REVIEW AND CONSIDER ISSUES RELATING TO CONDOMINIUMS AND OTHER COMMON INTEREST COMMUNITY BUILDINGS AND STRUCTURES IN NEW CASTLE COUNTY Introduced by: Mr. Cartier, Ms. Diller, Ms. Kilpatrick

R22-186: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH SUPPORTING KIDDS, INC., FOR THE AMOUNT OF \$175,500.00 Introduced by: Mr. Smiley, Mr. Cartier

R22-187: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH DUFFY'S HOPE INC. TO SUPPORT CLIENT SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$10,000.00 Introduced by: Mr. Smiley, Mr. Cartier

R22-188: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH YWCA DELAWARE INC. TO SUPPORT CLIENT SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$9,500.00 Introduced by: Mr. Smiley, Mr. Cartier

R22-189: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH YWCA DELAWARE INC. TO SUPPORT CLIENT SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$15,000.00 Introduced by: Mr. Smiley, Mr. Cartier

R22-190: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER WITH THE NEW CASTLE CONSERVATION DISTRICT FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF SEWER OPERATIONS ADMINISTRATION IN THE AMOUNT OF \$75,000.00 Introduced by: Mr. Smiley, Mr. Cartier

R22-191: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FINANCING AGREEMENT WITH THE DELAWARE CLEAN WATER STATE REVOLVING LOAN FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, IN AN AMOUNT NOT TO EXCEED \$7,750,000, TO FUND INCREASED CAPACITY FOR THE AIRPORT ROAD SANITARY SYSTEM ORIGINAL INTERCEPTOR REVITALIZATION, AS PART OF THE AIRPORT ROAD SYSTEM REHABILITATION CAPITAL PROJECT; PROVIDING FOR THE PURCHASE OF THE BOND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH Introduced by: Mr. Sheldon, Mr. Woods

R22-192: PLAN OF 3420 KIRKWOOD HIGHWAY; CHRISTIANA HUNDRED; SOUTH SIDE OF KIRKWOOD HIGHWAY, 448 FEET WEST OF NEWPORT GAP PIKE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 104,016 SQUARE FOOT SELF-STORAGE FACILITY; CR ZONING; [APPLICATION NO. 2021-0297-S](#); COUNCIL DISTRICT 1 Introduced by: Mr. Woods

I. Consideration of Ordinances

°22-113: AMEND THE FY2023 APPROVED OPERATING BUDGET: APPROPRIATE \$60,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF COUNTY EXECUTIVE TO FUND STRATEGIC ADVISORY SERVICES Introduced by: Mr. Smiley, Mr. Cartier

°22-072 : (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR "UDC"), REGARDING ARTICLE 3 ("USE REGULATIONS"), ARTICLE 4 ("DISTRICT INTENSITY AND BULK STANDARDS"), ARTICLE 6 ("SIGN REGULATIONS"), ARTICLE 8 ("NONCONFORMING SITUATIONS"), ARTICLE 20 ("SUBDIVISION AND LAND DEVELOPMENT DESIGN PRINCIPLES"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING"), ARTICLE 23 ("LANDSCAPING, TREES, PLANT MAINTENANCE, AND EROSION AND SEDIMENT CONTROL"), ARTICLE 31 ("PROCEDURES AND ADMINISTRATION"), ARTICLE 33 ("DEFINITIONS"), APPENDIX 1 ("APPLICATION AND PLAN REQUIREMENTS"), APPENDIX 2 ("FEES"), AND TO ESTABLISH ARTICLE 18 ("BYWAY PROTECTION"), AND APPENDIX 8 ("BYWAY AREA RESOURCES") REGARDING BYWAY PROTECTION Introduced by: Ms. Durham, Mr. Carter, Ms. Kilpatrick, Mr. Hollins

SUBSTITUTE NO. 1 TO °22-107: (STATUS: TABLED) TO APPROPRIATE \$9,450,000 IN THE NEW CASTLE COUNTY AFFORDABLE HOUSING FUND TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Ms. Diller

J. Time Sensitive Congratulatory/Honorary Resolutions


R22-193: CELEBRATING THE VILLAGE OF ARDENTOWN'S CENTENNIAL 1922-2022 Introduced by: Mr. Cartier

K. Introduction/Consideration of Emergency Ordinances**L. Public Comment/Other****M. Motion to Adjourn****REVISED AGENDA POSTED: September 21, 2022**

AGENDA POSTED: September 20, 2022

*The revised agenda was posted less than (7) seven days in advance of the meeting to add 22-123 under "Introduction of Ordinances" as the funding appropriation is time sensitive and the consideration of which cannot wait until the second Council meeting in October. 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.