



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

October 24, 2023
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

°23-143: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDING OF \$198,854 TO THE JUSTICE ASSISTANCE GRANT (JAG) 2023 GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-144: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDING OF \$550,000 TO THE CONNECT AND PROTECT 911 JMHCP GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-145: AMEND THE FY2024 OPERATING BUDGET: APPROPRIATE \$100,000 IN FUNDING FROM THE STATE OF DELAWARE TO SUPPORT A FIRE SERVICE FINANCIAL REVIEW AND ANALYSIS TO BE ADMINISTERED BY THE OFFICE OF THE COUNTY EXECUTIVE Introduced by: Mr. Bell, Mr. Smiley, Mr. Cartier, Ms. Hartley-Nagle

°23-146: TO APPROPRIATE \$50,000 IN THE NEW CASTLE COUNTY HOUSING TRUST FUND TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Mr. Street

°23-147: AMEND THE FY2024 APPROVED OPERATING BUDGET: TRANSFER FUNDS FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE SALARIES AND WAGES AND EMPLOYEE BENEFITS BUDGET LINE ITEMS FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Smiley

°23-148: CREATING THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD AND A POSITION TO SUPPORT ITS OPERATION BY AMENDING NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 5 ("DEPARTMENTS AND OFFICES") AND AMENDING THE FY 2024 APPROVED OPERATING BUDGET TO INCREASE THE AUTHORIZED POSITION COUNT BY ONE GENERAL FUND POSITION WITHIN THE EXECUTIVE OFFICE AND AMENDING PAY PLAN AND RATES OF PAY FOR THE NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE Introduced by: Mr. Street, Mr. Bell, Ms. Hartley-Nagle

E. Reports from Select and Special Committees

F. Consent Calendar

R23-181: CONSENTING TO THE APPOINTMENT OF MELISSA MARLIN TO THE NEW CASTLE COUNTY FINANCIAL ADVISORY COUNCIL Introduced by: Mr. Hollins

R23-182: CONSENTING TO THE APPOINTMENT OF DONELL SOUSA TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD Introduced by: Mr. Toole

R23-183: CONSENTING TO THE APPOINTMENT OF NAKISHIA WILLIAMS BAILEY TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT Introduced by: Mr. Tackett

SUBSTITUTE NO. 1 TO R23-185: APPOINTING PABLO CHARRIEZ TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD 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

R23-184: TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE 2 REGARDING ORIGINATION OF PROPOSED LEGISLATION Introduced by: Ms. Durham, Ms. George

I. Consideration of Ordinances

°23-135: AMEND THE GRANTS BUDGET: APPROPRIATE \$160,000 FROM THE STATE OF DELAWARE FY2024 GRANT-IN-AID BILL TO THE FY2024 POLICE BEHAVIORAL HEALTH GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-136: AMEND THE GRANTS BUDGET: APPROPRIATE \$506,147.12 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2024 FUNDS TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-137: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS IN THE GARRETT WOODS SUBDIVISION LOCATED IN THE NEW CASTLE HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS Introduced by: Mr. Toole

°23-138: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$230,233 IN FEDERAL FUNDING RECEIVED FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, UNITED STATES FISH AND WILDLIFE SERVICE TO THE DEPARTMENT OF PUBLIC WORKS, WATER QUALITY IMPROVEMENT PLAN CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Carter

°23-139: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE FUNDS FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT IN THE AMOUNT OF \$129,000 TO THE DEPARTMENT OF ADMINISTRATION, RECORDER OF DEEDS HOA PORTAL CAPITAL PROJECT Introduced by: Mr. Smiley, Mr. Cartier

°23-140: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE \$8,000 IN FUNDING RECEIVED FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE CONTRACTUAL SERVICES BUDGET LINE ITEM Introduced by: Mr. Smiley, Mr. Cartier

°23-141: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 5 ("DEPARTMENTS AND OFFICES"), SECTION 303 ("PURCHASING OF CONTRACT CONSTRUCTION") AND SECTION 502 ("PURCHASING OF SUPPLIES AND CONTRACTUAL SERVICES") Introduced by: Mr. Smiley, Mr. Cartier

°22-088: REVISE ZONING MAP: NEW CASTLE HUNDRED, SOUTH SIDE OF SCHOOL BELL ROAD, NORTH SIDE OF PULASKI HIGHWAY; REZONE A PORTION OF TAX PARCEL 10-034.00-012, AND ALL OF TAX PARCEL 10-034.00-013, 0.821 ACRES FROM NC6.5 (NEIGHBORHOOD CONSERVATION 6.5) TO CR (COMMERCIAL REGIONAL). (The Exploratory Plan and rezoning for Royal Farms Store #369 proposes to rezone a portion of tax parcel 10-034.00-012 and all of tax parcel 10-034.00-013 from "NC6.5" (Neighborhood Conservation 6.5) to "CR" (Commercial Regional) in order to combine a portion of tax parcel 10-034.00-012 and all of tax parcel 10-034.00-013 and tax parcel 10-034.00-097 into a single tax parcel to construct a 4,649 square foot convenience store with associated gasoline pumps, and associated site improvements. App. 2021-0317-SZ.) Introduced by: Mr. Smiley

°23-121: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE") REGARDING ARTICLE 1 ("GENERAL"), ARTICLE 2 ("DEFINITIONS"), ARTICLE 3 ("ADMINISTRATION"), ARTICLE 4 ("BUILDING CODE"), ARTICLE 5 ("RESIDENTIAL CODE"), ARTICLE 9 ("EXISTING BUILDING CODE"), ARTICLE 10 ("ENERGY CONSERVATION CODE"), ARTICLE 11 ("SWIMMING POOL AND SPA CODE"), ARTICLE 12 ("VIOLATIONS, ENFORCEMENT, AND PENALTIES") AND SCHEDULE OF PERMIT AND REVIEW FEES Introduced by: Mr. Bell, Mr. Cartier

°23-128: (STATUS: TABLED) AUTHORIZING THE ISSUANCE OF \$22,033,016 IN GENERAL OBLIGATION BONDS THROUGH THE DELAWARE CLEAN WATER STATE REVOLVING LOAN FUND FOR THE DEPARTMENT OF PUBLIC WORKS, UPPER WEST WING SANITARY SEWER AS PART OF THE SOUTHERN SEWER SERVICE AREA CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Carter

°23-131: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 10 ("REAL PROPERTY TRANSFER TAX") TO PROVIDE AN INCOME QUALIFIED EXEMPTION FROM THE NEW CASTLE COUNTY PORTION OF REAL ESTATE TRANSFER TAX RELATING TO NEWLY BUILT HOUSES WITH RESIDENTIAL FIRE PROTECTION SPRINKLERS Introduced by: Mr. Carter, Mr. Smiley, Mr. Bell

°23-134: (STATUS: TO BE TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 7 ("PROPERTY MAINTENANCE CODE"), SECTION 7.01.002 ("AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE"), AS AMENDED, SECTION PM 308 ("RUBBISH AND GARBAGE") AND CHAPTER 19 ("RESIDENTIAL RENTAL PROPERTIES"),

ARTICLE 3 ("RENTAL CODE"), ARTICLE 4 ("ENFORCEMENT"), AND APPENDIX RELATING TO REMOVAL OF RUBBISH AND GARBAGE Introduced by: Ms. George

J. Time Sensitive Congratulatory/Honorary Resolutions

R23-186: CONGRATULATING THE EDMOOR TRACK TEAM FOR ITS OUTSTANDING ACHIEVEMENTS Introduced by: Mr. Cartier, Mr. Bell, Mr. Carter, Ms. Durham, Ms. George, Ms. Hartley-Nagle, Mr. Hollins, Ms. Kilpatrick, Mr. Smiley, Mr. Street, Mr. Tackett

R23-187: THANKING DAVID H. BURT FOR HIS DEDICATED PUBLIC SERVICE TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT Introduced by: Mr. Cartier, Ms. Durham, Mr. Bell, Mr. Carter, Ms. Kilpatrick, Ms. George, Ms. Hartley-Nagle, Mr. Tackett

K. Introduction/Consideration of Emergency Ordinances

L. Public Comment/Other


M. Motion to Adjourn

REVISED AGENDA POSTED: October 19, 2023

AGENDA POSTED: October 17, 2023

*The revised agenda was posted less than 7 days in advance of the meeting to include the addition of R23-185, which was inadvertently left off the original posting. 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.nccode.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.