

NEW CASTLE COUNTY COUNCIL
August 25, 2020
6:30 p.m.
VIRTUAL ZOOM WEBINAR MEETING**

AGENDA
CORRECTED**

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

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°20-088: REVISE ZONING MAP: BRANDYWINE HUNDRED, EAST SIDE OF THE INTERSECTION OF SOCIETY DRIVE AND NAAMANS ROAD; 727 NAAMANS ROAD, TAX PARCEL NO. 06-036.00-105, 0.63 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO CN (COMMERCIAL NEIGHBORHOOD) (The Exploratory Plan and rezoning for 727 Naamans Road proposes to rezone 0.63 acres to CN to construct a 3,250 SF retail building. The property is owned by Tim and Loana Vo. [2019-0006-S/Z.](#)). Introduced by: Mr. Cartier

°20-089: REVISE ZONING MAP: BRANDYWINE HUNDRED, NORTHWEST SIDE OF MOUNT LEBANON ROAD, NORTHEAST OF THE INTERSECTION WITH ROCKLAND ROAD; 901 MOUNT LEBANON ROAD, TAX PARCEL NO. 06-075.00-006 & 06-075.00-026, 6.85 ACRES FROM NC40 (NEIGHBORHOOD CONSERVATION) TO NC40 AND H (HISTORIC) OVERLAY ZONE (The property owner is requesting the H (Historic) Overlay Zone for the subject parcel. [2020-0438 R/Z.](#)). Introduced by: Ms. Hartley-Nagle

°20-090: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), REGARDING ARTICLE 27 (“MAINTENANCE ORGANIZATIONS, OPEN SPACE, AND COMMON FACILITIES”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), AND APPENDIX 2 (“FEES”). Introduced by: Mr. Tackett, Ms. Kilpatrick

°20-091: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), SECTION 40.31.120. (“TEXT AMENDMENTS”) REGARDING THE PROCESS RELATED TO TEXT AMENDMENTS AND AMENDMENTS OR SUBSTITUTES THERETO. Introduced by: Ms. Durham

°20-092: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 4 (“BOARDS, COMMITTEES AND COMMISSIONS”) AND CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 30 (“COUNTY COUNCIL AND ADMINISTRATIVE BODIES”), SECTIONS 40.30.210. (“COUNTY COUNCIL”) AND 40.30.340. (“MEETINGS”) RELATING TO MEETINGS, HEARINGS, AND PROCEDURES FOR NEW CASTLE COUNTY BOARDS, COMMITTEES, AND COMMISSIONS AND NEW CASTLE COUNTY COUNCIL. Introduced by: Ms. Durham, Mr. Carter, Ms. Hartley-Nagle

°20-093: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 7 (“PROPERTY MAINTENANCE CODE”), ARTICLE 2 (“REGISTRATION AND PAYMENT OF FEES FOR VACANT PREMISES”) RELATING TO REGISTRATION OF AND FEES FOR VACANT PREMISES. Introduced by: Ms. Durham

°20-094: AMEND THE GRANTS BUDGET: APPROPRIATE THE REMAINING \$237,416,668.80 FROM THE UNITED STATES DEPARTMENT OF TREASURY TO THE CORONAVIRUS RELIEF FUND GRANT TO RESPOND TO THE COVID-19 PUBLIC HEALTH EMERGENCY, TO BE ADMINISTERED BY THE OFFICE OF FINANCE. Introduced by: Mr. Smiley

°20-095: AMEND THE FY2021 CAPITAL BUDGET: APPROPRIATE \$500,000 IN FUNDING FROM THE STATE OF DELAWARE FISCAL YEAR 2020 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT OF PUBLIC WORKS, GREENWAY SYSTEMS CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Woods

°20-096: AMEND THE GRANTS BUDGET: APPROPRIATE \$50,000 IN FUNDING FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2021 COLD CASE DNA GRANT TO BE ADMINISTERED BY THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street

°20-097: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), REGARDING ARTICLE 2 (“ESTABLISHMENT OF ZONING DISTRICTS”), ARTICLE 4 (“DISTRICT INTENSITY AND BULK STANDARDS”), ARTICLE 18 (“BYWAY PROTECTION OVERLAY DISTRICT”), ARTICLE 30 (“COUNTY COUNCIL AND ADMINISTRATIVE BODIES”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), ARTICLE 33 (“DEFINITIONS”), APPENDIX 1 (“APPLICATION AND PLAN REQUIREMENTS”), APPENDIX 2 (“FEES”), APPENDIX 6 (“MISCELLANEOUS ITEMS”) AND TO ESTABLISH APPENDIX 8 (“BYWAY OVERLAY AREA RESOURCES”). Introduced by: Ms. Durham

E. Reports from Select and Special Committees

F. Consent Calendar

R20-166: CONGRATULATING THE OFFICE OF FINANCE FOR EARNING THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR NEW CASTLE COUNTY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THIRTY-NINE CONSECUTIVE YEARS. Introduced by: Mr. Smiley, Mr. Cartier

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**

R20-167: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR AZTECA SYSTEMS HOLDINGS LLC FOR LICENSE AND SUPPORT FOR CITYWORKS® SOFTWARE FOR THE OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$72,500.00. Introduced by: Mr. Smiley, Mr. Cartier

R20-168: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR INFOR PUBLIC SECTOR, INC. FOR THE RENEWAL OF THE MAINTENANCE CONTRACT FOR ANNUAL TECHNICAL SERVICES AGREEMENT FOR THE OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$189,926.80. Introduced by: Mr. Smiley, Mr. Cartier

R20-169: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR PENNROSE LLC FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$125,000.00. Introduced by: Mr. Smiley, Mr. Cartier

R20-170: AN ACT TO APPROVE THE ANNEXATION OF A PARCEL OF LAND TOTALING 15.25 ACRES LOCATED AT 0 SUMMIT BRIDGE ROAD, TAX PARCEL NO. 14-016.01-043 BY THE TOWN OF TOWNSEND IN ACCORDANCE WITH ITS COMPREHENSIVE PLAN. Introduced by: Mr. Carter

R20-171: PLAN OF MIDDLETOWN VETERINARY HOSPITAL; ST. GEORGES AND APOQUINIMINK HUNDREDS; SOUTH SIDE OF WARWICK ROAD (ROUTE 299) AT MIDDLETOWN-WARWICK ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CONVERT 6.76 ACRES FROM TAX PARCEL NO. 14-010.00-991 TO TAX PARCEL NO. 13-026.00-025 TO CONSTRUCT AN ADDITIONAL 13,856 SQUARE FEET OF BUILDINGS WITH ASSOCIATED PARKING AND IMPROVEMENTS; 15.60 +/- ACRES ; CR ZONING; [APPLICATION NO. 2017-0539-S](#); COUNCIL DISTRICT 6. Introduced by: Mr. Carter

-- Supporting Documents: [Record Plan](#), [Land Use Memo](#)

R20-172: PLAN OF VALLEY GROVE; MILL CREEK HUNDRED; WEST SIDE OF VALLEY ROAD, 2700 FEET NORTH OF LIMESTONE ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES AN OPEN SPACE PLANNED DEVELOPMENT CONSISTING OF 56 DWELLING UNITS; ST ZONING; **APPLICATION NO. 2016-0130-S**; COUNCIL DISTRICT 3. Introduced by: Ms. Kilpatrick-
- Supporting Documents: [Record Plan](#), [Land Use Memo](#)

R20-173: PLAN OF THE CASCADES; PENCADER HUNDRED; NORTHWESTERLY CORNER OF PULASKI HIGHWAY AND PLEASANT VALLEY ROAD INTERSECTION; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO DEVELOP THE PROPERTY INTO AN AGE-RESTRICTED, OPEN SPACE PLANNED DEVELOPMENT CONSISTING OF 89 VILLAGE LOTS AND 24 LOT LINE LOTS AND ASSOCIATED IMPROVEMENTS; 77.64 +/- ACRES; S ZONING; **APPLICATION NO. 2016-0558-S**; COUNCIL DISTRICT 11. Introduced by: Mr. Tackett
-- Supporting Documents: [Record Plan](#), [Land Use Memo](#)

I. Consideration of Ordinances

°20-083: AMENDING *NEW CASTLE COUNTY CODE* CH. 20 (“LAW ENFORCEMENT”) IN RELATION TO JUVENILE INFORMATION. Introduced by: Ms. Durham, Mr. Hollins, Mr. Street, Mr. Carter

°20-084: AMEND THE GRANTS BUDGET: APPROPRIATE \$5,000,000 FROM THE UNITED STATES DEPARTMENT OF TREASURY TO THE CORONAVIRUS RELIEF FUND GRANT FOR HAZARD PAY FOR ELIGIBLE INDIVIDUALS EMPLOYED BY GOVERNMENTAL ENTITIES CONSISTENT WITH GUIDANCE OF THE U.S. DEPARTMENT OF TREASURY AND ANY OTHER APPLICABLE LAW RELATED THERETO, TO BE ADMINISTERED BY THE OFFICE OF FINANCE. Introduced by: Ms. Hartley-Nagle

°20-085: AMEND THE FY2021 APPROVED OPERATING BUDGET: TRANSFER \$882,688 FROM THE FY2021 APPROVED BUDGET FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE AND DIVISION OF ADMINISTRATION, FROM THE DEPARTMENT’S *SALARIES AND WAGES* AND *BENEFITS* BUDGET LINE ITEMS TO THE DEPARTMENT OF COMMUNITY SERVICES FY2021 APPROVED BUDGET *CONTRACTUAL SERVICES* BUDGET LINE ITEM WITH SUCH FUNDS TO SUPPORT COMMUNITY INITIATIVES AND RACIAL JUSTICE IN NEW CASTLE COUNTY. Introduced by: Mr. Street, Mr. Hollins

°20-086: AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”), SECTION 2.05.515 (“COUNTY INVESTMENT ADVISORY BOARD; CREATED; DUTIES GENERALLY”) REGARDING THE COUNTY INVESTMENT ADVISORY BOARD. Introduced by: Ms. Durham, Mr. Smiley

°20-087: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$25,000,000 FROM THE UNITED STATES DEPARTMENT OF TREASURY TO THE CORONAVIRUS RELIEF FUND GRANT FOR HEALTHY COMMUNITIES DELAWARE, TO BE ADMINISTERED BY THE OFFICE OF FINANCE. Introduced by: Mr. Cartier, Mr. Carter

°20-038: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), SECTION 40.03.410. (“ACCESSORY USES, RESIDENTIAL”) REGARDING NEIGHBORHOOD BOOK EXCHANGE BOXES. Introduced by: Ms. Durham

--Supporting Documents: [Land Use Recommendation](#)

SUBSTITUTE NO. 1 TO °20-070: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), ARTICLE 3 (“USE REGULATIONS”) REGARDING OUTDOOR SALES AND SERVICES. Introduced by: Mr. Tackett, Ms. Kilpatrick

--Supporting Documents: [Land Use Recommendation](#), [Substitution Markup](#)

J. Time Sensitive Congratulatory/Honorary Resolutions

K. Introduction/Consideration of Emergency Ordinances

L. Public Comment/Other

M. Motion to Adjourn

AGENDA POSTED: August 18, 2020

CORRECTED AGENDA POSTED: August 19, 2020

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

**The corrected agenda was posted on August 19, 2020 to correct a typo in the title of 20-092, under introductions.

****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.