

**REGULAR MEETING OF THE NEW CASTLE COUNTY COUNCIL
VIRTUAL ZOOM WEBINAR MEETING**

MINUTES

Tuesday, August 25, 2020

- A. The meeting was called to order by President Hartley-Nagle at 6:32 p.m.
A moment of silence was recognized; members of Council performed the Pledge of Allegiance.

Roll Call

Present

William J. Bell
David Carter
John J. Cartier
Elisa Diller
Dee Durham
Karen Hartley-Nagle
Penrose Hollins
Janet T. Kilpatrick
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett
Kenneth R. Woods

B. Approval of Minutes:

- Councilman Smiley moved to approve the July 28, 2020 council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Councilman Cartier announced that he will move to table Ordinance 20-087 at the appropriate time.

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:

- Councilwoman Kilpatrick reported that the Land Use Committee met on 8/25/20 and discussed items on tonight’s agenda. Councilwoman Kilpatrick moved to suspend Council Rule 5.4 to allow for those affected resolutions and ordinances to be voted on this evening. Councilman Smiley seconded the motion and it was approved.
- Councilman Smiley reported that the Finance Committee met on 8/25/20 and discussed items on tonight’s agenda and reviewed grant requests.
- Councilman Smiley reported that the Executive Committee met on 8/25/20 and discussed an item on tonight’s agenda, discussed board and commission re/appointments, received updates from the Department of Human Resources, the Diversity Commission, received a CARES Act spending update, and voted on changes to the Council grant application.

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

Consent Calendar—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

G. Presentations: None

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**

--It was moved and seconded that R20-167 be read by title only and placed before Council for its consideration.

Resolution 20-167—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **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**

--It was moved and seconded that R20-168 be read by title only and placed before Council for its consideration.

Resolution 20-168—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **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**

--It was moved and seconded that R20-169 be read by title only and placed before Council for its consideration.

Resolution 20-169—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **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**

--It was moved and seconded that R20-170 be read by title only and placed before Council for its consideration.

Resolution 20-170—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

R20-171: PLAN OF MIDDLETOWN VETERINARY HOSPITAL; ST. GEORGES AND APPOQUINIMINK 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

--It was moved and seconded that R20-171 be read by title only and placed before Council for its consideration.

Resolution 20-171—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **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**

--It was moved and seconded that R20-172 be read by title only and placed before Council for its consideration.

Resolution 20-172—Adopted

Yes: Bell, Carter, Cartier, Diller, Hartley-Nagle, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods
Present: Durham, Hollins

- **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**

--It was moved and seconded that R20-173 be read by title only and placed before Council for its consideration.

Resolution 20-173—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

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**

--It was moved and seconded that °20-083 be read by title only and placed before Council for its consideration.

Ordinance 20-083—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **°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**

--It was moved and seconded that °20-084 be read by title only and placed before Council for its consideration.

--Public comment: Saul Polish

Ordinance 20-084—Adopted

Yes: Bell, Carter, Durham, Hartley-Nagle, Hollins, Sheldon, Tackett, Woods
No: Cartier, Diller, Kilpatrick, Smiley, Street

- **°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**

--It was moved and seconded that °20-085 be read by title only and placed before Council for its consideration.

--Public comment:

- Col. Bond, Chief of Police
- Mr. Harvey

Ordinance 20-085—Rejected

Yes: Durham, Hollins, Street

No: Bell, Carter, Cartier, Diller, Hartley-Nagle, Kilpatrick, Sheldon, Smiley, Tackett, Woods

- **°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**

--It was moved and seconded that °20-086 be read by title only and placed before Council for its consideration.

Ordinance 20-086—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **°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**

--It was moved and seconded that °20-087 be read by title only and placed before Council for its consideration.

--Councilman Cartier moved to table °20-087. The motion was seconded and approved.

- **°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, Ms. Hartley-Nagle**

--It was moved and seconded that °20-038 be read by title only and placed before Council for its consideration.

Ordinance 20-038—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

- **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, Ms. Hartley-Nagle, Ms. Durham**

--It was moved and seconded that Substitute No. 1 to °20-070 be read by title only and placed before Council for its consideration.

--Henry Miller spoke

Substitute No. 1 to Ordinance 20-070—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

J. Time Sensitive Congratulatory/Honorary Resolutions: None

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other: None

M. Motion to Adjourn

There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded, and the meeting was adjourned at 8:00 pm.

A recording of the meeting is available upon request.

Respectfully submitted by Anthony deFiore, Legislative Aide.