

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

**MINUTES
Tuesday, July 27, 2021**

- A.** The meeting was called to order by President Pro Temp Penrose Hollins at 6:30 p.m. A moment of silence was recognized; members of Council performed the Pledge of Allegiance.

Roll Call

11 Present

William J. Bell

David Carter

John J. Cartier

Dee Durham

Penrose Hollins

Janet T. Kilpatrick

Timothy P. Sheldon

George Smiley

Jea P. Street

David L. Tackett

Kenneth R. Woods

2 Absent

Elisa Diller

Karen Hartley-Nagle

B. Approval of Minutes

Councilman Smiley moved to approve the July 27, 2021 council meeting minutes, it was seconded by Councilman Carter, and all were in favor.

C. Announcements

Councilman Hollins announced that this is the final meeting before Council's recess and will return on Aug. 31.

Also, that the public has an opportunity to speak for three minutes after each resolution or ordinance and at the end of the meeting.

D. Introduction of Ordinances

°21-090: REVISE ZONING MAP: BRANDYWINE HUNDRED, WEST SIDE OF SHIPLEY ROAD, IMMEDIATELY SOUTH OF SUMMERSET ROAD; BRANDYWINE COUNTRY CLUB, REZONE TAX PARCEL NO. 06-040.00-004, 0.46 ACRES FROM S (SUBURBAN) TO CR (COMMERCIAL REGIONAL) AND 67.42 ACRES FROM SUBURBAN (S) TO SUBURBAN TRANSITION (ST). (The Exploratory Plan and rezoning for Brandywine Country Club proposes to convey 0.46 acres of tax parcel 06-040.00-004 to tax parcel 06-040.00-005 and rezone this acreage from "S" (Suburban) to "CR" (Commercial Regional), amend the 2012 Comprehensive Development Plan land use designation. Rezone 67.42 acres of tax parcel 06-040.00-004 from "S" (Suburban) to "ST" (Suburban Transition) to develop an open space planned subdivision to construct forty-one (41) single family lots and twenty-four (24) townhouse lots with associated improvements and a separate parcel to construct three hundred (300) apartment units, a 5,000 square foot clubhouse and pool

area, and associated improvements. The remainder of tax parcel 06-040.00-004 will remain "S" (Suburban) and be dedicated to the Brandywine School District. Demolish a 7,020 square foot portion of the existing Concord Square shopping center building on tax parcel 06-040.00-005 to allow construction of a boulevard on tax parcel 06-040.00-004, to provide access to the proposed open space planned subdivision. Construct 12,200 square feet of retail on two (2) pad sites on tax parcel 06-040.00-005 within the existing shopping center parking lot to replace the portion of the building demolished for the construction of the road. The property is owned by Shipley Road Investments LLC. 2020-0566-S/Z.) Introduced by: Ms. Durham

°21-091: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 4 ("ANIMALS"), ARTICLE 2 ("ANIMAL CONTROL"), SECTION 4.02.001. ("LICENSES; RESTRAINT; IMPOUNDMENT; DESTRUCTION; NUISANCES; ENFORCEMENT GENERALLY") AND SECTION 4.02.002. ("ENFORCEMENT OF SECTION 4.02.001"), AND *NEW CASTLE COUNTY CODE* CHAPTER 22 ("OFFENSES AND MISCELLANEOUS PROVISIONS"), ARTICLE 2 ("OFFENSES GENERALLY"), SECTION 22.02.008. ("NOISE CONTROL") RELATING TO DOGS AND OTHER ANIMALS. Introduced by: Mr. Smiley, Mr. Carter

°21-092: AMEND THE GRANTS BUDGET: APPROPRIATE ADDITIONAL FEDERAL FUNDS OF \$555,756 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE EMERGENCY HOUSING CHOICE VOUCHERS GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING. Introduced by: Mr. Hollins, Ms. Diller

°21-093: AMEND THE FY2021 APPROVED OPERATING BUDGET: APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE NEW CASTLE COUNTY POLICE EMPLOYEE'S RETIREMENT SYSTEM TO THE DEPARTMENT OF PUBLIC SAFETY EMPLOYEE BENEFITS BUDGETARY LINE ITEM. Introduced by: Mr. Smiley, Mr. Cartier

°21-094: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 ("BUILDING CODE"), ARTICLE 3 ("ADMINISTRATION"), SECTION 6.03.013 ("SUBMITTAL DOCUMENTS"), ARTICLE 4 ("THE BUILDING CODE"), SECTION 6.04.002. ("AMENDMENTS TO THE INTERNATIONAL BUILDING CODE"), AND ARTICLE 5 ("THE RESIDENTIAL CODE"), SECTION 6.05.002. ("AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE") RELATING TO CERTAIN NEW RESIDENTIAL CONSTRUCTION, ELECTRIC VEHICLES, AND CHARGING INFRASTRUCTURE. Introduced by: Ms. Durham, Mr. Carter, Mr. Cartier, Mr. Tackett, Ms. Hartley-Nagle

E. Reports from Select and Special Committees

Councilwoman Durham reported that the BOARDS AND COMMISSIONS SUBCOMMITTEE met on Tuesday, July 20, and interviewed for three new appointments, and three reappointments Councilman Smiley reported that the Finance Committee met on July 27, and approved several grants and dealt with some personnel issues.

F. Consent Calendar

R21-129: CONSENTING TO THE APPOINTMENT OF SHERRI EVANS-STANTON TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD. Introduced by: Ms. Durham

R21-130: CONSENTING TO THE REAPPOINTMENT OF IZURU OSEGBU-RIVERS TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT. Introduced by: Mr. Woods

R21-131: CONSENTING TO THE REAPPOINTMENT OF FRANCIS E. WILLIAMS, III TO THE FIRE AND AMBULANCE ADVISORY BOARD. Introduced by: Mr. Woods

R21-132: CONSENTING TO THE APPOINTMENT OF MELISSA T. RUFO TO THE NEW CASTLE COUNTY HOCKESSIN VILLAGE DESIGN REVIEW ADVISORY COMMITTEE. Introduced by: Ms. Kilpatrick

R21-133: REAPPOINTING MARTIN TAYLOR TO THE NEW CASTLE COUNTY COUNCIL AUDIT COMMITTEE. Introduced by: Ms. Diller

R21-134: APPOINTING DORA WILLIAMS TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD. Introduced by: Mr. Street

Consent Calendar - Adopted

--It was moved and seconded that the Consent Calendar be read by title only and adopted.

G. Presentations

None

H. Consideration of Resolutions Removed from the Consent Calendar and Other Resolutions

R21-135: AMEND THE FY2021 CAPITAL PROGRAM: ADDING THE REASSESSMENT 2024 CAPITAL PROJECT IN THE DEPARTMENT OF ADMINISTRATION. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-135 be read by title only and placed before Council for its consideration.

Resolution 21-135 - Adopted

11 Yes: Bell, Carter, Cartier, Durham, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

2 Absent: Diller, Hartley-Nagle

R21-136: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH THE CORBIT CALLOWAY MEMORIAL LIBRARY TO PROVIDE LIBRARY SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES IN THE AMOUNT OF \$201,593.00. Introduced by: Mr. Bell, Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-136 be read by title only and placed before Council for its consideration.

Resolution 21-136 - Adopted

11 Yes: Bell, Carter, Cartier, Durham, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

2 Absent: Diller, Hartley-Nagle

R21-137: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH THE DELAWARE CITY LIBRARY TO PROVIDE LIBRARY SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES IN THE AMOUNT OF \$200,846.00. Introduced by: Mr. Bell, Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-137 be read by title only and placed before Council for its consideration.

Resolution 21-137 - Adopted

11 Yes: Bell, Carter, Cartier, Durham, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

2 Absent: Diller, Hartley-Nagle

R21-138: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH THE NEW CASTLE PUBLIC LIBRARY TO PROVIDE LIBRARY SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES IN THE AMOUNT OF \$387,385.00. Introduced by: Mr. Bell, Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-138 be read by title only and placed before Council for its consideration.

Resolution 21-138 - Adopted

11 Yes: Bell, Carter, Cartier, Durham, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

2 Absent: Diller, Hartley-Nagle

R21-139: AMEND THE FY2022 CAPITAL PROGRAM: APPROPRIATE \$50,000 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, RECORDER OF DEEDS HOA PORTAL CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-139 be read by title only and placed before Council for its consideration.

Resolution 21-139 - Adopted

11 Yes: Bell, Carter, Cartier, Durham, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

2 Absent: Diller, Hartley-Nagle

R21-140: AMEND THE FY2022 CAPITAL PROGRAM: APPROPRIATE \$50,000 FROM THE REGISTER OF WILLS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, REGISTER OF WILLS SYSTEM CAPITAL PROJECT. Introduced

by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-140 be read by title only and placed before Council for its consideration.

Resolution 21-140 - Adopted

11 Yes: Bell, Carter, Cartier, Durham, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

2 Absent: Diller, Hartley-Nagle

R21-141: TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE 8.1.9 REGARDING COUNCIL MEETING PARTICIPATION. Introduced by: Ms. Durham

--It was moved and seconded that R21-141 be read by title only and placed before Council for its consideration.

Resolution 21-141 - Adopted

11 Yes: Bell, Carter, Cartier, Durham, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods

2 Absent: Diller, Hartley-Nagle

I. Consideration of Ordinances

°21-085: AMEND THE GRANTS BUDGET: APPROPRIATE \$72,461.96 IN ACTUAL PROGRAM INCOME TO THE INNOVATIVE DEVELOPMENT EMPOWERMENT AREA (IDEA) HOMEBUYER/HOMEOWNER REHAB GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-085 be read by title only and placed before Council for its consideration.

Ordinance °21-085—Adopted

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

°21-086: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$35,681 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2022, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-086 be read by title only and placed before Council for its consideration.

Ordinance °21-086—Adopted

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

°21-087: AMEND THE FY2022 CAPITAL BUDGET: APPROPRIATE \$50,000 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, RECORDER OF DEEDS HOA PORTAL CAPITAL PROJECT.

Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that °21-087 be read by title only and placed before Council for its consideration.

Ordinance °21-087—Adopted

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

°21-088: AMEND THE FY2022 CAPITAL BUDGET: APPROPRIATE \$50,000 FROM THE REGISTER OF WILLS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, REGISTER OF WILLS SYSTEM CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that °21-088 be read by title only and placed before Council for its consideration.

Ordinance °21-088—Adopted

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

J. Time Sensitive Congratulatory/Honorary Resolutions

R21-142: CELEBRATING S/CPL. LORRAINE K. WILLIAMS ON HER RETIREMENT AND THANKING HER FOR HER SERVICE TO NEW CASTLE COUNTY. Introduced by: Mr. Woods, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Ms. Hartley-Nagle, Mr. Hollins, Ms. Kilpatrick, Mr. Sheldon, Mr. Smiley, Mr. Street, Mr. Tackett

--It was moved and seconded that R21-142 be read by title only and placed before Council for its consideration.

Resolution 21-142 - Adopted

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

K. Introduction/Consideration of Emergency Ordinances

None

L. Public Comment/Other

- Councilman Smiley asked members of council to take a look at Ordinance 21-091.
- Councilman Street spoke about the shooting problems in the city of Wilmington.
- Councilman Carter spoke about the Hope commission plan, funding a committee to address the shooting problems.
- Councilman Cartier spoke about the shooting problems in Claymont and working together on the issue.
- Councilman Hollins spoke about the shootings in his district and working together on the shooting problems.
- Councilman Tackett spoke about the drug addiction and shootings in his district.

M. Motion to Adjourn

There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded by Councilman Cartier, and the meeting was adjourned at 7:15 pm.

A recording of the meeting is available upon request.

Respectfully submitted by Linwood Jackson, Legislative Assistant.