

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

MINUTES

Tuesday, May 11, 2021

- A.** The meeting was called to order by President Hartley-Nagle at 6:30 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

Absent

Kenneth R. Woods

B. Approval of Minutes:

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

C. Announcements:

- Councilwoman Durham will move to table ordinance 21-066.

D. Introduction of Ordinances: None

E. Reports from Select and Special Committee:

- Councilman Bell reported that the Public Safety Committee met on 5/11/21 and received an update on Emergency Communications/911, discussed an item on tonight's agenda, received a year end review for NCCPD in 2020, and discussed NCCPD cameras.
- Councilman Tackett reported that the Land Use Committee met on 5/4/21 and discussed items on tonight's agenda.
- Councilman Sheldon reported that the Public Works Committee met on 5/4/21 and received an update on sanitary sewer projects, additional forestry funds, and discussed items on tonight's agenda, and the May 25th, 2021 Council meeting agenda.
- Councilman Cartier reported that the Finance Committee met on 5/11/21 and discussed items on tonight's agenda, discussed county council workshops regarding ARP funding, and reviewed grant requests.

F. Consent Calendar:

R21-081: CELEBRATING NATIONAL NURSES WEEK 2021. Introduced by: Mr. Smiley, Ms. Kilpatrick, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Ms. Hartley-Nagle, Mr. Hollins, Mr. Sheldon, Mr. Street, Mr. Tackett, Mr. Woods

Consent Calendar

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

Absent: Woods

G. Presentations:

- R21-065 was presented to Council.

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

R21-082: APPROVING INVESTMENT LISTING CHANGES TO THE DEFERRED COMPENSATION PLAN PURSUANT TO NEW CASTLE COUNTY CODE SECTION 26.03.206. Introduced by: Mr. Smiley

--It was moved and seconded that R21-082 be read by title only and placed before Council for its consideration.

Resolution 21-082—Adopted

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

Absent: Woods

R21-083: AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL ASSISTANCE WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT, AS AMENDED. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that R21-083 be read by title only and placed before Council for its consideration.

Resolution 21-083—Adopted

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

Absent: Woods

R21-084: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE CORRECTED COLLECTIVE BARGAINING AGREEMENT WITH THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES ("AFSCME"), AFFILIATE LOCAL 459. Introduced by: Ms. Hartley-Nagle

--It was moved and seconded that R21-084 be read by title only and placed before Council for its consideration.

Resolution 21-084—Adopted

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

Absent: Woods

I. Consideration of Ordinances:

°21-051: AMEND THE GRANTS BUDGET: APPROPRIATE \$194,102 OF FEDERAL FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE VICTIMS OF CRIME ACT (VOCA) VICTIM ASSISTANCE PROGRAM THROUGH THE DELAWARE CRIMINAL JUSTICE COUNCIL (CJC) TO THE CRIMINAL JUSTICE COUNCIL NEW CASTLE COUNTY POLICE DEPARTMENT EXPANSION OF VICTIM SERVICES – FIFTH YEAR GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Ms. Hartley-Nagle

--It was moved and seconded that °21-051 be read by title only and placed before Council for its consideration.

Ordinance 21-051—Adopted

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

Absent: Woods

°21-052: AMEND THE FY2021 APPROVED OPERATING BUDGET: APPROPRIATE \$7,240 IN FUNDING RECEIVED FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF COMMUNITY SERVICES, COMMUNITY RESOURCES DIVISION EQUIPMENT BUDGET LINE ITEM. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-052 be read by title only and placed before Council for its consideration.

Ordinance 21-052—Adopted

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

Absent: Woods

°21-053: AMEND THE GRANTS BUDGET: APPROPRIATE \$2,421,287 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND \$425,000 IN ESTIMATED PROGRAM INCOME TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2022, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES.

Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-053 be read by title only and placed before Council for its consideration.

--Mike Migliore, Counsel to Council, answered a question from Council.

--Councilman Street moved to introduce floor amendment number 1 to ordinance 21-053, moving \$15,000 from the police patrol on Rt. 9 into emergency shelters. The motion was seconded by Councilman Carter.

-- Wilson Davis, attorney for New Castle County, spoke.

--Carrie Casey, Department of Community Services, spoke.

Floor Amendment No. 1 to Ordinance 21-053—Rejected

Yes: Carter, Cartier, Durham, Hollins, Street

No: Bell, Diller, Hartley-Nagle, Kilpatrick, Sheldon, Tackett

Not voting: Smiley

Absent: Woods

Ordinance 21-053—Adopted

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

Not voting: Carter

Present: Street

Absent: Woods

°21-054: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE FEDERAL FUNDS OF \$207,012 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO THE EMERGENCY SOLUTIONS GRANT FY2022, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-054 be read by title only and placed before Council for its consideration.

Ordinance 21-054—Adopted

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

Absent: Woods

°21-055: AMEND THE GRANTS BUDGET: FOR FY2021, APPROPRIATE FEDERAL FUNDS OF \$1,013,204 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ESTIMATED PROGRAM INCOME OF \$100,000 TO THE FY2022 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-055 be read by title only and placed before Council for its consideration.

Ordinance 21-055—Adopted

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

Absent: Woods

°21-056: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE ANTICIPATED \$2,247,190 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES TO: (A) LIBRARY ADMINISTRATION \$2,017,943; (B) APPOQUINIMINK LIBRARY \$12,809; (C) BEAR LIBRARY \$30,318; (D) CLAYMONT LIBRARY \$12,707; (E) BRANDYWINE HUNDRED LIBRARY \$72,670; (F) ELSMERE LIBRARY \$12,706; (G) HOCKESSIN LIBRARY \$15,448; (H) KIRKWOOD LIBRARY \$19,150; (I) NEWARK LIBRARY \$26,727; (J) ROUTE 9 LIBRARY \$10,300; AND (K) WOODLAWN LIBRARY \$16,412 WHICH ARE ALL ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-056 be read by title only and placed before Council for its consideration.

Ordinance 21-056—Adopted

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

Absent: Woods

°21-057: AMEND THE GRANTS BUDGET: APPROPRIATE NEW CASTLE COUNTY FUNDING OF \$64,800 FROM THE DEPARTMENT OF COMMUNITY SERVICES FY2021 APPROVED OPERATING BUDGET TO THE SUMMER RECREATION CAMPS GRANT. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-057 be read by title only and placed before Council for its consideration.

Ordinance 21-057—Adopted

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

Absent: Woods

°21-058: AMEND THE ANNUAL OPERATING BUDGET: APPROPRIATE \$64,800 FROM THE CONTRACTUAL SERVICES BUDGET LINE ITEM OF THE DEPARTMENT OF COMMUNITY SERVICES TO THE SUMMER RECREATION CAMPS GRANT. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-058 be read by title only and placed before Council for its consideration.

Ordinance 21-058—Adopted

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

Absent: Woods

°21-059: AMEND THE FY2021 APPROVED SEWER FUND OPERATING BUDGET: APPROPRIATE \$198,000 OF SEWER RATE STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC WORKS SEWER FUND CONTRACTUAL SERVICES BUDGET LINE ITEM TO FUND OVERSIGHT COSTS IN CONNECTION WITH THE ARMY CREEK LANDFILL SITE. Introduced by: Mr. Sheldon, Mr. Woods

--It was moved and seconded that °21-059 be read by title only and placed before Council for its consideration.

Ordinance 21-059—Adopted

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

Absent: Woods

°21-060: APPROPRIATE \$190,000 FROM THE GARSTIN TRUST PORTFOLIO TO THE GARSTIN TRUST FUND IN ORDER TO FUND PARK MAINTENANCE FOR FISCAL YEAR 2022, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS. Introduced by: Mr. Sheldon, Mr. Woods

--It was moved and seconded that °21-060 be read by title only and placed before Council for its consideration.

Ordinance 21-060—Adopted

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

Absent: Woods

°21-061: AMEND THE FY2021 APPROVED OPERATING BUDGET: INCREASE THE FY2021 APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE, BY \$80,000 TO FUND THE STREET LIGHT PROGRAM. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that °21-061 be read by title only and placed before Council for its consideration.

Ordinance 21-061—Adopted

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

Absent: Woods

°21-062: AMEND THE FY2021 APPROVED OPERATING BUDGET: REALIGN BUDGETARY FUNDING OF \$300,000 WITHIN THE DEPARTMENT OF ADMINISTRATION TO FUND ATTORNEY FEES. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that °21-062 be read by title only and placed before Council for its consideration.

Ordinance 21-062—Adopted

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

Absent: Woods

°21-063: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, AFFILIATE LOCAL 3109, TO REVISE THE POSITION TITLE OF GEOGRAPHIC INFORMATION SYSTEMS COORDINATOR TO GEOGRAPHIC INFORMATION SYSTEMS MANAGER AND TO ADOPT THE REVISED CLASS SPECIFICATION. Introduced by: Ms. Hartley-Nagle

--It was moved and seconded that °21-063 be read by title only and placed before Council for its consideration.

Ordinance 21-063—Adopted

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

Absent: Woods

°21-064: AMEND THE PAY PLAN AND RATES OF PAY FOR EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES), AFL-CIO, AFFILIATE LOCAL 3911 AND APPROVE THE CLASS SPECIFICATIONS FOR SENIOR ASSISTANT PLATOON LEADER – FIRE/MEDICAL AND SENIOR ASSISTANT PLATOON LEADER - POLICE. Introduced by: Ms. Hartley-Nagle

--It was moved and seconded that °21-064 be read by title only and placed before Council for its consideration.

--Public comment: Saul Polish, President of Local 3911, spoke.

Ordinance 21-064—Adopted

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

Absent: Woods

°21-066: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”), SECTION 2.05.306 (“OPEN SPACE ADVISORY COMMITTEE”) RELATING TO MEMBERSHIP OF THE OPEN SPACE ADVISORY COMMITTEE. Introduced by: Ms. Durham, Mr. Carter

--It was moved and seconded that °21-066 be read by title only and placed before Council for its consideration.

-- It was moved and seconded that °21-066 be tabled.

SUBSTITUTE NO. 1 TO °20-112: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 15 (“HISTORIC RESOURCES”) RELATING TO HISTORIC ZONING OF ELIGIBLE NEW CASTLE COUNTY PROPERTIES. Introduced by: Ms. Durham

--It was moved and seconded that Substitute No. 1 to °20-112 be read by title only and placed before Council for its consideration.

--Public comment: Vince Watchorn, Rich Hall (General Manager, Department of Land Use),

Substitute No. 1 to Ordinance 20-112—Adopted

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

No: Kilpatrick

Not voting: Sheldon

Absent: Woods

°21-006: REVISE ZONING MAP: CHRISTIANA HUNDRED, SOUTHERN CORNER OF BARLEY MILL ROAD AND KENNETT PIKE INTERSECTION; 3510 KENNETT PIKE, TAX PARCELS 07-030.10-007 & 07-030.10-070, 2.88 ACRES FROM S (SUBURBAN) TO S (SUBURBAN) AND H (HISTORIC OVERLAY ZONE) (The property owner is requesting the H (Historic Overlay Zone) for the subject parcels. 2020-0617 R/Z.). Introduced by: Ms. Durham --It was moved and seconded that °21-006 be read by title only and placed before Council for its consideration.

Ordinance 21-006—Adopted

Bell: Yes, based upon the positive recommendations of the Department of Land Use and Planning Board.

Carter: Yes, based upon the positive recommendations of the Department of Land Use and Planning Board.

Cartier: Yes, based upon the positive recommendations of the Department of Land Use, Planning Board, Historic Review Board, and because it is a great measure to preserve an important piece of our local heritage.

Diller: Yes, based upon the positive recommendation of the Department of Land Use.

Durham: Yes, based upon the positive recommendation of the Department of Land Use and because of a deep appreciation to the owners and developers.

Hartley-Nagle: Yes, based upon the positive recommendations of the Department of Land Use and Planning Board.

Hollins: Yes, based upon the positive recommendations of the Department of Land Use and Planning Board.

Kilpatrick: Yes, based upon the request coming from the owner and positive recommendation of the Department of Land Use.

Sheldon: Yes, based upon the positive recommendation of the Department of Land Use.

Smiley: Yes, based upon the positive recommendation of the Department of Land Use and because it will keep county from buying it.

Street: Yes, based upon the positive recommendation of the Department of Land Use.

Tackett: Yes, based upon the positive recommendation of the Department of Land Use.

Woods: Absent

°21-007: REVISE ZONING MAP: ST. GEORGES HUNDRED, EAST SIDE OF ROUTE 301, APPROX. 4,600 FEET SOUTH OF BOYDS CORNER ROAD; 1405 CEDAR LANE ROAD, 5.81 ACRES OF TAX PARCEL NO. 13-012.00-045 FROM S (SUBURBAN) TO S (SUBURBAN) AND H (HISTORIC OVERLAY ZONE) (The property owner is requesting the H (Historic Overlay Zone) for the subject parcel. 2020-0210-S/Z). Introduced by: Mr. Bell --It was moved and seconded that °21-007 be read by title only and placed before Council for its consideration.

Ordinance 21-007—Adopted

Bell: Yes, based upon the support of property owner's request and based upon the positive recommendations of the Department of Land Use, Planning Board, and Historic Review Board.

Carter: Yes, based upon the positive recommendations of the Department of Land Use and Planning Board.

Cartier: Yes, based upon the positive recommendations of the Department of Land Use, Planning Board, Historic Review Board, and the fact that the property owner volunteered to accept historical zoning.

Diller: Yes, based upon the positive recommendation of the Department of Land Use.

Durham: Yes, based upon the positive recommendations of the Department of Land Use, Planning Board, Historic Review Board and because it is a creative use of Code to preserve this resource.

Hartley-Nagle: Yes, based upon the positive recommendations of the Department of Land Use and Planning Board.

Hollins: Yes, based upon the positive recommendations of the Department of Land Use and Planning Board.

Kilpatrick: Yes, based upon the request coming from the owner and positive recommendation of the Department of Land Use.

Sheldon: Yes, based upon the positive recommendation of the Department of Land Use.

Smiley: Yes, based upon the positive recommendation of the Department of Land Use.

Street: Yes, based upon the positive recommendation of the Department of Land Use.

Tackett: Yes, based upon the positive recommendation of the Department of Land Use.

Woods: Absent

J. Time Sensitive Congratulatory/Honorary Resolutions:

R21-085: RECOGNIZING NATIONAL POLICE WEEK MAY 9-15, 2021. Introduced by: Mr. Bell, Ms. Hartley-Nagle

--It was moved and seconded that R21-085 be read by title only and placed before Council for its consideration.

Resolution 21-085—Adopted

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

Present: Hollins, Street

Absent: Woods

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other:

- Councilman Sheldon told Councilman Hollins that he agreed with him earlier.
- Councilman Bell spoke regarding police week and the death of...
- Councilman Smiley spoke regarding the use of as per title and the proper use of the Presentations section.
- Jonathon Yard spoke regarding the vote on R21-085.
- Councilman Street spoke regarding policing issues.
- Nancy Willing spoke regarding issues she had with aspects of the meeting and concerns with policing.

M. Motion to Adjourn:

There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded by Councilman Carter, and the meeting was adjourned at 8:39 pm.

A recording of the meeting is available upon request.

Respectfully submitted by Anthony deFiore, Legislative Assistant.