

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

MINUTES

Tuesday, April 13, 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
Kenneth R. Woods

B. Approval of Minutes:

- Councilman Smiley moved to approve the March 23, 2021 council meeting minutes, it was seconded by Councilman Bell, and all were in favor.

C. Announcements:

- Councilman Smiley announced that, at the appropriate time, he will move to have R21-059 read into the record, followed by a motion to have it tabled till such time as they consider the FY22 budget, also this evening I will have some comments at the end of the Council meeting under public comment/other section.
- Councilman Carter announced that he will delay introduction of °21-050 until the April 27th Council meeting in order to obtain a detailed fiscal note, and will at the appropriate time, move to table °21-034 and will come back at the April 27th Council meeting with a substitute.

D. Introduction of Ordinances:

°21-037: THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2022 BEGINNING JULY 1, 2021. Introduced by: Mr. Smiley, Mr. Cartier

°21-038: CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2021 FOR FISCAL YEAR 2022. Introduced by: Mr. Smiley, Mr. Cartier

°21-039: AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS APPROVED IN THE FISCAL YEAR 2022 CAPITAL BUDGET. Introduced by: Mr. Smiley, Mr. Cartier

°21-040: THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2021. Introduced by: Mr. Smiley, Mr. Cartier

°21-041: ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2021. Introduced by: Mr. Smiley, Mr. Cartier

°21-042: AMEND THE GRANTS BUDGET: APPROPRIATE \$107,945.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DIVISION OF EMPLOYMENT AND TRAINING, TO

THE 2021 STATE SUMMER YOUTH EMPLOYMENT PROGRAM – CITY OF WILMINGTON; THE GRANT WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES.

Introduced by: Mr. Hollins, Ms. Diller

°21-043: AMEND THE GRANTS BUDGET: APPROPRIATE \$94,727.52 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR WITH FUNDS PROVIDED BY THE DELAWARE WORKFORCE INVESTMENT BOARD TO THE 2021/2022 STATE YEAR-ROUND YOUTH EMPLOYMENT PROGRAM GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°21-044: AMEND THE GRANTS BUDGET: APPROPRIATE \$119,303.26 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DIVISION OF EMPLOYMENT AND TRAINING TO THE 2021 STATE SUMMER YOUTH EMPLOYMENT PROGRAM – SUBURBAN NEW CASTLE GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°21-045: AMEND THE GRANTS BUDGET: REALIGN \$278,763 IN FUNDING FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES IN THE FY2021 STATE AID FOR LIBRARIES GRANT WITHIN LIBRARY ADMINISTRATION, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°21-046: AMEND THE PAY PLAN AND RATES OF PAY FOR HOURLY RATED CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFFILIATE LOCAL 459. Introduced by: Ms. Hartley-Nagle

°21-047: AMEND THE FY2021 CAPITAL BUDGET: APPROPRIATE \$100,000 IN FUNDING FROM THE STATE OF DELAWARE FISCAL YEAR 2021 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT OF PUBLIC SAFETY, PUBLIC SAFETY EQUIPMENT CAPITAL PROJECT. Introduced by: Mr. Bell, Mr. Street

°21-048: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 38 (“UTILITIES”), ARTICLE 2 (“SEWAGE AND SEWAGE DISPOSAL”) REGARDING AN EQUIVALENT DWELLING UNIT (“EDU”) CHARGE EFFECTIVE JULY 1, 2021. Introduced by: Mr. Smiley, Mr. Cartier

°21-049: AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 6 (“BUILDING CODE”), SECTION 6.04.002. (“AMENDMENTS TO THE INTERNATIONAL BUILDING CODE”) AND SECTION 6.05.002. (“AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE”), AND CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), APPENDIX 1 (“APPLICATION AND PLAN REQUIREMENTS”) RELATING TO CONSTRUCTION AND RECYCLING OF CERTAIN RELATED MATERIALS. Introduced by: Ms. Durham, Mr. Hollins, Mr. Carter, Mr. Sheldon

°21-050: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 7 (“TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES”) RELATING TO THE ESTABLISHMENT OF TRANSFER OF DEVELOPMENT RIGHTS SENDING AND RECEIVING AREA MAPS. Introduced by: Mr. Carter

E. Reports from Select and Special Committee:

- Councilwoman Kilpatrick reported that the Personnel Subcommittee met on 4/6/21 and discussed Council’s draft telecommuting policy.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 4/6/21 and discussed items on tonight’s agenda.
- Councilman Hollins reported that the Executive Committee met on 4/13/21 and discussed items on tonight’s agenda, received a presentation on sewer expense costs and revenue options, discussed the process for redistricting, and held an executive session related to pending litigation.
- Councilman Street reported that the Public Safety Committee met on 4/13/21 and discussed an item on the April 27th Council agenda, and received an update on the County’s paramedics.
- Councilman Cartier reported that the Finance Committee met on 4/13/21 and discussed items on tonight’s agenda, received an overview of the American Rescue Plan and discussed strategy, and reviewed grant requests.
- Councilman Sheldon reported that the Public Works Committee met on 4/6/21 and discussed stormwater management and districts, capital budget authorizations and planned spending, and received an update on diversity and inclusivity.

F. Consent Calendar:

R21-058: HONORING THE LIFE AND LEGACY OF BEATRES R. DUNN. Introduced by: Mr. Street, Mr. Hollins

Consent Calendar

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:

R21-059: (STATUS: TO BE TABLED) ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2022 THROUGH 2027. Introduced by: Mr. Smiley, Mr. Cartier
--It was moved and seconded that R21-059 be read by title only and placed before Council for its consideration.

--It was moved and seconded that R21-059 be tabled. The motion was seconded and approved.

R21-060: AUTHORIZING THE INCREASE OF \$37,717.24 TO THE PURCHASE ORDER CONTRACT FOR ABS AVIATION CONSULTANCY INC. FOR CONSULTING AND ADVISORY SERVICES FOR THE OFFICE OF THE COUNTY EXECUTIVE FOR A TOTAL PURCHASE ORDER CONTRACT OF \$81,261.49. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-060 be read by title only and placed before Council for its consideration.

--Public comment: Mary Tucker

Resolution 21-060—Adopted

Yes: Carter, Cartier, Diller, Durham, Hollins, Kilpatrick, Sheldon, Smiley, Street, Woods

No: Hartley-Nagle

Not Voting Tackett

Recused: Bell

R21-061: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR STRYKER SALES CORP FOR ANNUAL PREVENTATIVE MAINTENANCE AND SERVICE FOR THE DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$92,341.08. Introduced by: Mr. Smiley, Mr. Cartier--It was moved and seconded that R21-061 be read by title only and placed before Council for its consideration.

Resolution 20-061—Adopted

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

R21-062: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR WRIGHT LINE LLC FOR MODULAR WORK STATIONS FOR THE DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$55,897.81. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-062 be read by title only and placed before Council for its consideration.

Resolution 20-062—Adopted

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

Present: Hollins

R21-063: URGING THE DELAWARE GENERAL ASSEMBLY TO ENACT ENABLING LEGISLATION AUTHORIZING NEW CASTLE COUNTY GOVERNMENT TO CREATE STORMWATER MAINTENANCE DISTRICTS. Introduced by: Ms. Kilpatrick, Mr. Sheldon --It was moved and seconded that R21-063 be read by title only and placed before Council for its consideration.

Resolution 20-063—Adopted

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

R21-064: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES) (AFL-CIO), AND ITS AFFILIATE LOCAL 459, COLLECTIVE BARGAINING AGREEMENT. Introduced by: Ms. Hartley-Nagle

--It was moved and seconded that R21-064 be read by title only and placed before Council for its consideration.

Resolution 20-064—Adopted

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

R21-065: URGING THE INTERNATIONAL INVESTIGATION OF CHINESE LABOR CAMPS WERE FALUN GONG PRACTITIONERS ARE CURRENTLY HELD. Introduced by: Ms. Hartley-Nagle, Ms. Kilpatrick

--It was moved and seconded that R21-065 be read by title only and placed before Council for its consideration.

Resolution 20-065—Adopted

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

I. Consideration of Ordinances:

°21-025: AMEND THE GRANTS BUDGET: REALIGN \$495,285.00 IN FEDERAL FUNDS WITHIN THE SPECIAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM DESIGNATED AS CDBG-CARES ACT ROUND III, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-025 be read by title only and placed before Council for its consideration.

Ordinance 21-025—Adopted

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

°21-026: AMEND THE GRANTS BUDGET: REALIGN \$158,296 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN THE SPECIAL EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM DESIGNATED AS ESG-CVII WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-026 be read by title only and placed before Council for its consideration.

Ordinance 21-026—Adopted

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

°21-027: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM THE COUNTY COUNCIL FY2021 APPROVED OPERATING BUDGET TO THE 2021 NEW CASTLE COUNTY SUMMER YOUTH EMPLOYMENT GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Mr. Street, Mr. Smiley, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Ms. Hartley-Nagle, Ms. Kilpatrick, Mr. Sheldon, Mr. Tackett, Mr. Woods

--It was moved and seconded that °21-027 be read by title only and placed before Council for its consideration.

--Public comment: Dora Williams

Ordinance 21-027—Adopted

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

°21-028: AMEND THE FY2021 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE 2021 NEW CASTLE COUNTY SUMMER YOUTH EMPLOYMENT PROGRAM GRANT. Introduced by: Mr. Hollins, Mr. Street, Mr. Smiley, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Ms. Hartley-Nagle, Ms. Kilpatrick, Mr. Sheldon, Mr. Tackett, Mr. Woods

--It was moved and seconded that °21-028 be read by title only and placed before Council for its consideration.

Ordinance 21-028—Adopted

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

°21-029: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE SWORN DEPUTY SHERIFFS REPRESENTED BY THE FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5. Introduced by: Ms. Hartley-Nagle

--It was moved and seconded that °21-029 be read by title only and placed before Council for its consideration.

Ordinance 21-029—Adopted

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

Absent: Smiley

°21-030: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS STREET LIGHTS WITH HIGH PRESSURE SODIUM (HPS) BULBS IN THE BAYMONT FARMS SUBDIVISION LOCATED IN THE ST GEORGES HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Bell

--It was moved and seconded that °21-030 be read by title only and placed before Council for its consideration.

Ordinance 21-030—Adopted

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

°21-031: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS STREET LIGHTS WITH HIGH PRESSURE SODIUM (HPS) BULBS IN THE VILLAGE AT PINE VIEW SUBDIVISION LOCATED IN THE PENCADER HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Tackett

--It was moved and seconded that °21-031 be read by title only and placed before Council for its consideration.

--Public comment: Mary Tucker

Ordinance 21-031—Adopted

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

°21-032: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 2 (“COUNTY COUNCIL”) TO CREATE A NEW EXCEPTION TO THE APPROVAL OF CONTRACTS BY COUNTY COUNCIL RELATED TO CHARGES FOR UTILITIES SUCH AS SEWER, WATER, ELECTRICITY, GAS, CABLE AND LANDFILL. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that °21-032 be read by title only and placed before Council for its consideration.

Ordinance 21-032—Adopted

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

°21-033: TO PROVIDE AMNESTY FROM PENALTY FOR HOMEOWNERS WHO PAY DELINQUENT TAX OBLIGATIONS ON IMPROVED RESIDENTIAL PROPERTY BY JUNE 25, 2021. Introduced by: Mr. Sheldon, Ms. Kilpatrick

--It was moved and seconded that °21-033 be read by title only and placed before Council for its consideration.

Ordinance 21-033—Adopted

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

°21-034: AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 14 (“FINANCE AND TAXATION”), SECTION 14.01.007. REGARDING FISCAL NOTES. Introduced by: Mr. Carter

--It was moved and seconded that °21-034 be read by title only and tabled.

SUBSTITUTE NO. 1 TO °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

--It was moved and seconded that Substitute No. 1 to °20-090 be read by title only and placed before Council for its consideration.

Substitute No. 1 to Ordinance 20-90—Adopted

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

SUBSTITUTE NO. 1 TO °20-132: REVISE ZONING MAP: ST. GEORGES HUNDRED, EAST SIDE JAMISON ROAD, NORTH OF BOYDS CORNER ROAD; 1042 JAMISON CORNER ROAD, TAX PARCEL NO. 13-013.00-235, 132.30 ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION) (The Exploratory Major Land Development Plan and Rezoning for Winchelsea Subdivision proposes to rezone the 132.30 acres to ST (Suburban Transition) to construct an age restricted open space planned development with 194 single family lots, 34 twin lots, and 108 townhouse lots. 2020-0577-S/Z.). Introduced by: Mr. Bell

--It was moved and seconded that Substitute No. 1 to °20-132 be read by title only and placed before Council for its consideration.

Substitute No. 1 to Ordinance 20-132—Adopted

Bell: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board and plan’s consistency with the comprehensive development plan, character of the neighborhood, zoning of nearby properties, and suitable for the property.

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

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

Diller: Yes, based upon the positive recommendation of the Department of Land Use and its suitability for the property.

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

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

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

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

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

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

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

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

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

J. Time Sensitive Congratulatory/Honorary Resolutions:

R21-066: HONORING THE LIFE OF JOHN T. "JACK" MANLOVE AND OFFERING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Ms. Hartley-Nagle, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Mr. Hollins, Ms. Kilpatrick, Mr. Sheldon, Mr. Smiley, Mr. Street, Mr. Tackett, Mr. Woods

--It was moved and seconded that R21-066 be read by title only and placed before Council for its consideration.

Resolution 21-066—Adopted

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

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other:

- Mary Tucker spoke to thank Council for a good meeting and that she will be attending again.
- Councilman Smiley spoke regarding past legislation regarding Dow-Dupont and their cutting of retiree benefits.
- Councilman Hollins spoke regarding past legislation regarding Dow-Dupont and their cutting of retiree benefits.
- Councilman Bell spoke regarding past legislation regarding Dow-Dupont and their cutting of retiree benefits.

M. Motion to Adjourn:

There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded by Councilwoman Kilpatrick, and the meeting was adjourned at 7:55 pm.

A recording of the meeting is available upon request.

Respectfully submitted by Anthony deFiore, Legislative Assistant.