

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

MINUTES

Tuesday, May 12, 2020

- 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
David L. Tackett
Kenneth R. Woods

B. Approval of Minutes:

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

C. Announcements:

- Councilman Cartier announced that he will introduce two emergency ordinances at the appropriate time.

D. Introduction of Ordinances:

20-041: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED POLICE EXECUTIVE STAFF AND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE. Introduced by: Ms. Hartley-Nagle

20-042: APPROPRIATE \$190,000 FROM THE GARSTIN TRUST PORTFOLIO TO THE GARSTIN TRUST FUND IN ORDER TO FUND PARK MAINTENANCE FOR FISCAL YEAR 2021, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS. Introduced by: Mr. Sheldon, Mr. Woods

20-043: AMEND THE GRANTS BUDGET: APPROPRIATE \$2,427,355 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND \$425,000 IN ESTIMATED PROGRAM INCOME TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2021, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

20-044: AMEND THE GRANTS BUDGET: FOR FY2021, APPROPRIATE FEDERAL FUNDS OF \$200,206 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO THE EMERGENCY SOLUTIONS GRANT FY2021, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

20-045: AMEND THE GRANTS BUDGET: FOR FY2021, APPROPRIATE FEDERAL FUNDS OF \$997,376 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ESTIMATED PROGRAM INCOME OF \$100,000 TO THE FY2021 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

20-046: AMEND THE GRANTS BUDGET: APPROPRIATE \$548,419 FROM THE U.S. DEPARTMENT OF JUSTICE TO THE CORONAVIRUS EMERGENCY FUNDS GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street

20-047: REVISE ZONING MAP: NEW CASTLE HUNDRED, NORTH SIDE OF SOUTH CHERRY LANE AND ON THE NORTH EAST SIDE OF THE INTERSECTION OF UNIQEMA BOULEVARD AND CHERRY LANE; 900 AND 1000 UNIQEMA BOULEVARD, TAX PARCELS 10-015.00-021 AND 10-015.00-022; 6.178 ACRES FROM HI (HEAVY INDUSTRIAL) TO I (INDUSTRIAL) AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH (The purpose of this County-initiated rezoning is to change the zoning of parcel 10-015.00-021 as well as the west-most 4.185 acres of parcel 10-015.00-022 from HI to I. App. No. 2020-0176-Z). Introduced by: Mr. Street

20-048: TO PROVIDE RELIEF FROM CERTAIN PENALTIES, TAXES, AND FEES DUE TO A PUBLIC HEALTH THREAT. Introduced by: Mr. Smiley, Mr. Cartier

20-049: AMEND THE FY2020 APPROVED OPERATING BUDGET: APPROPRIATE \$1,000,000 OF TAX STABILIZATION RESERVE TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE FOR THE PURPOSE OF FUNDING THE PURCHASE OF NEEDED SUPPLIES, TESTS, AND EQUIPMENT TO PROTECT NEW CASTLE COUNTY'S FIRST RESPONDERS AND RESIDENTS DURING A PUBLIC HEALTH EMERGENCY. Introduced by: Mr. Smiley, Mr. Cartier

20-050: AMEND THE FY2020 APPROVED OPERATING BUDGET: APPROPRIATE \$500,000 OF TAX STABILIZATION RESERVE TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE FOR THE PURPOSE OF FUNDING THE DELAWARE COMMUNITY FOUNDATION IN SUPPORT OF THE NONPROFIT COLLABORATIVE COVID-19 EMERGENCY RESPONSE INITIATIVE. Introduced by: Mr. Smiley, Mr. Cartier

20-051: TO APPROPRIATE \$500,000 IN THE NEW CASTLE COUNTY HOUSING TRUST FUND TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES FOR THE PURPOSE OF ASSISTING NEW CASTLE COUNTY RESIDENTS BY PROVIDING FUNDING FOR THE DELAWARE STATE HOUSING AUTHORITY'S DELAWARE HOUSING ASSISTANCE PROGRAM. Introduced by: Mr. Smiley, Mr. Cartier

E. Reports from Select and Special Committees:

- Councilman Sheldon reported that the Public Works Committee met on 5/5/20 and discussed COVID-19 wastewater testing, overview of construction projects, and held an executive session to discuss pending/potential litigation.
- Councilman Tackett reported that the Land Use Committee met on 5/5/20 and discussed items on tonight's agenda and discussed board and commission appointments.
- Councilman Bell reported that the Public Safety Committee met on 5/12/20 and discussed an ordinance that will be voted on at the 5/26/20 Council Meeting and received updates on the NCCPD, EMS, Communications, Emergency Management, and Volunteer Fire Service.
- Councilman Cartier reported that the Finance Committee met on 5/12/20 and discussed items on tonight's agenda, received updates on the Department of Finance, Checkbook, Community Services Library funding, approved grant requests, and heard comments from the Executive Branch.

F. Consent Calendar:

R20-073: CONSENTING TO THE REAPPOINTMENT OF KAREN ANDERSON TO THE NEW CASTLE COUNTY HISTORIC REVIEW BOARD. Introduced by: Ms. Durham

R20-074: REAPPOINTING TERRY STONE TO THE NEW CASTLE COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES. Introduced by: Ms. Kilpatrick

R20-075: CONSENTING TO THE APPOINTMENT OF ROSE PASSARELLA, Ph.D., J.D. TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD, A SUBCOMMITTEE OF THE DEPARTMENT OF COMMUNITY SERVICES BOARD. Introduced by: Ms. Durham

R20-076: APPOINTING WILLIAM E. SMITH TO THE NEW CASTLE COUNTY FINANCIAL ADVISORY COUNCIL. Introduced by: Mr. Cartier

R20-077: CONGRATULATING EILEEN LATHAM FOR OVER 21 YEARS OF SERVICE AND RETIREMENT AS AN EMPLOYEE OF THE NEW CASTLE COUNTY GOVERNMENT.

Introduced by: Mr. Hollins, Ms. Diller

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:

- **R20-078: APPOINTING ROBERT HICKS, CPA, PMP, TO THE NEW CASTLE COUNTY ETHICS COMMISSION.** **Introduced by: Mr. Tackett**

--It was moved and seconded that R20-078 be read by title only and placed before Council for its consideration.

Resolution 20-078—Adopted

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

No: Diller, Smiley

Present: Bell, Woods

- **R20-079: PLAN OF LIDL; NEW CASTLE HUNDRED; SOUTH SIDE OF PULASKI HIGHWAY, APPROXIMATELY 1100 FEET EAST OF SALEM CHURCH ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES CONSTRUCTION OF A 29,089 SQUARE FOOT GROCERY STORE AND 7,200 SQUARE FOOT RETAIL BUILDING WITH ASSOCIATED SITE IMPROVEMENTS AND A TILE SUBDIVISION TO CREATE 3 SEPARATE LOTS ON 4.69 ACRES; CR ZONING; APPLICATION NO. 2018-0399-S/Z; COUNCIL DISTRICT 12.** **Introduced by: Mr. Bell**

--It was moved and seconded that R20-079 be read by title only and placed before Council for its consideration.

--Adrienne Taylor, member of the public, spoke in favor of the project

Resolution 20-079—Adopted

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

- **Substitute No. 1 to R20-080: NEW CASTLE COUNTY COUNCIL'S CURRENT NEW CASTLE COUNTY AIRPORT CONTRACT RECOMMENDATION.** **Introduced by: Mr. Smiley, Mr. Woods**

--It was moved and seconded that Substitute No. 1 to R20-080 be read by title only and placed before Council for its consideration.

--Council President Hartley-Nagle moved to introduce Floor Amendment No 1. to Substitute No. 1 to R20-080. The motion was not seconded.

Substitute No. 1 to Resolution 20-080—Adopted

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

Recuse: Bell

Present: Street

I. Consideration of Ordinances:

- **20-035: AMEND THE GRANTS BUDGET: FOR FY2021, APPROPRIATE \$1,924,805 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES TO: (A) LIBRARY ADMINISTRATION \$1,698,488; (B) APPOQUINIMINK LIBRARY \$12,809; (C) BEAR LIBRARY \$30,318; (D) CLAYMONT LIBRARY \$12,707; (E)**

BRANDYWINE HUNDRED LIBRARY \$69,740; (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 °20-035 be read by title only and placed before Council for its consideration.

Ordinance 20-035—Adopted

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

- **°20-036: AMEND THE FY2020 APPROVED SEWER FUND OPERATING BUDGET: REALIGN BUDGETARY FUNDING OF \$315,000 WITHIN THE DEPARTMENT OF PUBLIC WORKS TO FUND LEGAL FEES. Introduced by: Mr. Sheldon, Mr. Woods**

--It was moved and seconded that °20-036 be read by title only and placed before Council for its consideration.

--Jason Zern, Department of Public Works, answered a question.

Ordinance 20-036—Adopted

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

Absent: Diller

- **°20-037: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5. Introduced by: Ms. Hartley-Nagle**

--It was moved and seconded that °20-037 be read by title only and placed before Council for its consideration.

Ordinance 20-037—Adopted

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

Absent: Diller

- **°20-039: AMEND THE GRANTS BUDGET: APPROPRIATE \$1,427,933 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO A SPECIAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM DESIGNATED AS CDBG-CV TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES TO RESPOND TO THE CORONAVIRUS PANDEMIC. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °20-039 be read by title only and placed before Council for its consideration.

Ordinance 20-039—Adopted

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

Absent: Diller

- **°20-040: AMEND THE GRANTS BUDGET: APPROPRIATE \$690,366 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO A SPECIAL EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM DESIGNATED AS ESG-CV TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES TO RESPOND TO THE CORONAVIRUS PANDEMIC. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °20-0240 be read by title only and placed before Council for its consideration.

Ordinance 20-040—Adopted

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

- **°20-021: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 26 (“HUMAN RESOURCES”) REGARDING THE REEMPLOYMENT OF PENSIONERS. Introduced by: Ms. Kilpatrick, Ms. Sheldon**

--It was moved and seconded that °20-021 be read by title only and placed before Council for its consideration.

Ordinance 20-021—Adopted

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

J. Time Sensitive Congratulatory/Honorary Resolutions:

- **R20-081: HONORING BARBARA BENSON, PH.D. ON HER RETIREMENT FROM THE NEW CASTLE COUNTY HISTORIC REVIEW BOARD. Introduced by: Ms. Durham**

--It was moved and seconded that R20-081 be read by title only and placed before Council for its consideration.

Resolution 20-081—Adopted

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

- **R20-082: CELEBRATING AND HONORING THE LIFE OF MARY BERNADETTE MURPHY AND EXPRESSING CONDOLENCES TO HER FAMILY AND FRIENDS. Introduced by: Mr. Cartier**

--It was moved and seconded that R20-082 be read by title only and placed before Council for its consideration.

Resolution 20-082—Adopted

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

K. Introduction/Consideration of Emergency Ordinances:

- **E°20-006: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 2 (“COUNTY COUNCIL”) AND ARTICLE 5 (“DEPARTMENTS AND OFFICES”) TO CREATE EXCEPTIONS TO THE APPROVAL OF CONTRACTS BY COUNTY COUNCIL AND THE PURCHASING OF SUPPLIES AND CONTRACTUAL SERVICES REGARDING THE EXPENDITURE OF APPROPRIATED FEDERAL FUNDING RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that E°20-006 be read by title only and placed before Council for its consideration.

-Wil Davis, County Attorney, spoke

- **Floor Amendment No. 1 to E°20-006: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 2 (“COUNTY COUNCIL”) AND**

ARTICLE 5 (“DEPARTMENTS AND OFFICES”) TO CREATE EXCEPTIONS TO THE APPROVAL OF CONTRACTS BY COUNTY COUNCIL AND THE PURCHASING OF SUPPLIES AND CONTRACTUAL SERVICES REGARDING THE EXPENDITURE OF APPROPRIATED FEDERAL FUNDING RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that Floor Amendment No. 1 to E°20-006 be read by title only and placed before Council for its consideration.

Floor Amendment No. 1 to Emergency Ordinance 20-006—Adopted

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

Emergency Ordinance 20-006 as Amended by Floor Amendment No. 1—Tabled

- **E°20-007: AMEND THE GRANTS BUDGET: APPROPRIATE \$322,766,668.80 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, Mr. Cartier**

--It was moved and seconded that E°20-007 be read by title only and placed before Council for its consideration.

--Mike Smith, Department of Finance, spoke.

Emergency Ordinance 20-007—Tabled

L. Public Comment/Other:

- Chris Dietrich spoke regarding the County’s property maintenance code.
- Henry Miller spoke regarding a property tax holiday.
- Nellie Hill, Clerk of Council, announced that Councilwoman Diller was forced to leave the meeting early when her power went out.

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 8:50 p.m.

Karen Hartley-Nagle
Council President
New Castle County

*A recording of the meeting is available upon request.
Respectfully submitted by Anthony deFiore, Legislative Aide*