

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

**MINUTES**

**Tuesday, May 25, 2021**

- A.** The meeting was called to order by President Hartley-Nagle at 6:31 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 May 11, 2021 council meeting minutes, it was seconded by Councilman Cartier, and all were in favor.

**C. Announcements**

**D. Introduction of Ordinances:**

°21-067: AMEND THE GRANTS BUDGET: APPROPRIATE \$205,375 IN ANTICIPATED STATE OF DELAWARE GRANT-IN-AID FUNDS TO THE ABSALOM JONES SENIOR CENTER FY2022, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°21-068: AMEND THE GRANTS BUDGET: APPROPRIATE \$17,450.28 IN ACTUAL PROGRAM INCOME TO THE NCC FARMER'S MARKET GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°21-069: AMEND THE GRANTS BUDGET: APPROPRIATE ACTUAL PROGRAM INCOME OF \$164,000 AND \$600,000 IN ANTICIPATED PROGRAM INCOME TO THE NEIGHBORHOOD STABILIZATION PROGRAM II GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°21-070: AMEND THE GRANTS BUDGET: APPROPRIATE \$40,462.33 FROM THE UNITED STATES DEPARTMENT OF JUSTICE AND \$9,537.67 IN INTEREST INCOME TO THE ASSET FORFEITURE-FEDERAL GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Ms. Hartley-Nagle

°21-071: AMEND THE GRANTS BUDGET: APPROPRIATE \$110.00 IN PROGRAM INCOME AND \$9,074.38 FROM SALE OF VEHICLES TO THE ASSET SEIZURE GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Ms. Hartley-Nagle

°21-072: AMEND THE GRANTS BUDGET: APPROPRIATE INVESTMENT AND PROGRAM INCOME TO JUSTICE ASSISTANCE GRANTS (JAG) 2017, 2018, 2019 AND 2020 FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Ms. Hartley-Nagle

°21-073: AMEND THE GRANTS BUDGET: APPROPRIATE \$285,490 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND \$75,000 IN PRIVATE FUNDING FROM THE PUBLIC SERVICE ENTERPRISE GROUP (PSEG) NUCLEAR TO FUND THE OPERATIONS OF THE NEW CASTLE COUNTY OFFICE OF EMERGENCY MANAGEMENT (OEM) FOR FY2022. Introduced by: Mr. Bell, Ms. Hartley-Nagle

°21-074: AMEND THE FY2021 CAPITAL BUDGET: APPROPRIATE \$750,000 IN FUNDING FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS 2021 CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Woods

°21-075: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM NEW CASTLE COUNTY COUNCIL TO THE SENIOR HOME REPAIR PROGRAM GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Smiley, Ms. Diller

°21-076: AMEND THE FY2021 APPROVED OPERATING BUDGET: REDUCE THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO PROVIDE FUNDING FOR NEW CASTLE COUNTY GRANTS. Introduced by: Mr. Smiley, Ms. Diller

#### **E. Reports from Select and Special Committee:**

- Councilwoman Diller reported that the Community Services Committee met on 5/25/21 and received a presentation on Crisis Intervention Services/988, and discussed items to be voted on at the June 8<sup>th</sup> Council meeting agenda.
- Councilman Tackett reported that the Land Use Committee met on 5/18/21 and discussed an item on tonight's agenda, and received an update on the Comprehensive Plan.
- Councilman Sheldon reported that the Personnel Subcommittee met on 5/25/21 and held an executive session for the purpose of discussing a confidential personnel matter and voted to hire a legislative assistant.
- Councilwoman Kilpatrick reported that the Personnel Subcommittee met on 5/18/21 and discussed Council's draft telecommuting policy, and considered board and commission appointments.
- Councilman Smiley reported that the Finance Committee met on 5/25/21 and discussed items on tonight's agenda, reviewed a travel request, and reviewed grant requests.

#### **F. Consent Calendar:**

- Councilman Street requested that R21-094 be removed from the consent calendar.

R21-086: CONGRATULATING SEAMUS OLIVER FOR ACHIEVING THE RANK OF EAGLE SCOUT. Introduced by: Ms. Durham

R21-087: CONGRATULATING CHRISTOPHER PRYZWARA FOR ACHIEVING THE RANK OF EAGLE SCOUT. Introduced by: Ms. Durham

R21-088: CONGRATULATING MATTHEW DECKERS FOR ACHIEVING THE RANK OF EAGLE SCOUT. Introduced by: Ms. Durham

R21-089: CONGRATULATING MATHEW GREENLEY FOR ACHIEVING THE RANK OF EAGLE SCOUT. Introduced by: Ms. Durham

R21-090: CONGRATULATING JACK MANCUSO FOR ACHIEVING THE RANK OF EAGLE SCOUT. Introduced by: Ms. Durham

R21-091: CONGRATULATING JOSEPH MANCUSO FOR ACHIEVING THE RANK OF EAGLE SCOUT. Introduced by: Ms. Durham

R21-092: CONGRATULATING AIDAN KEENER FOR ACHIEVING THE RANK OF EAGLE SCOUT. Introduced by: Ms. Durham

R21-093: HONORING THE LIFE AND LEGACY OF GOVERNOR PIERRE S. "PETE" DU PONT IV. Introduced by: Ms. Kilpatrick, Ms. Hartley-Nagle, Ms. Durham

R21-095: CONSENTING TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD MEMBERSHIP REALIGNMENT OF JAMES YOUNG FROM REPRESENTING THE FRIENDS OF APPOQUINIMINK LIBRARY TO REPRESENTING DISTRICTS 6 AND 12. Introduced by: Mr. Carter

R21-096: CONSENTING TO THE REAPPOINTMENT OF CHERYL RICE-MOORE TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD, A SUBCOMMITTEE OF THE DEPARTMENT OF COMMUNITY SERVICES BOARD. Introduced by: Mr. Tackett

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:**

R21-094: RECOGNIZING THE 67<sup>TH</sup> ANNIVERSARY OF THE SUPREME COURT'S *BROWN V. BOARD OF EDUCATION* DECISION AND HONORING THOSE WHO MADE IT POSSIBLE.

Introduced by: Ms. Kilpatrick

--It was moved and seconded that R21-094 be read by title only and placed before Council for its consideration.

Resolution 21-094—Adopted

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

No: Bell

R21-097: PLAN OF AVON COMMONS; WHITE CLAY CREEK HUNDRED; NORTH SIDE OF ROUTE 273, 3,699 FEET WEST OF RED MILL ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO INCREASE THE GROSS FLOOR AREA (GFA) OF THE SITE FROM 612,380 SQUARE FEET TO 700,347 SQUARE FEET; CR ZONING; APPLICATION NO. 2018-0531-S; COUNCIL DISTRICT 5. Introduced by: Ms. Diller

--It was moved and seconded that R21-097 be read by title only and placed before Council for its consideration.

Resolution 21-097—Adopted

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

Absent: Smiley

R21-098: TO AMEND NEW CASTLE COUNTY COUNCIL EMPLOYEE HANDBOOK CHAPTER 4 ("HOURS AND WAGES") AND TO APPROVE A POLICY AND AGREEMENT RELATING TO A TELECOMMUTING PROGRAM. Introduced by: Ms. Kilpatrick, Ms. Hartley-Nagle

--It was moved and seconded that R21-098 be read by title only and placed before Council for its consideration.

--Councilwoman Kilpatrick moved to introduce Floor Amendment No. 1 to 21-098. The motion was seconded by Councilman Cartier. Insert "that alternative work location as used herein shall be primarily an employee's home or any alternate location as agreed upon through the telecommunicating program agreement signed by the employee, the supervising councilperson and with the approval of the majority of Council."

Floor Amendment No. 1 to R21-098: TO AMEND NEW CASTLE COUNTY COUNCIL EMPLOYEE HANDBOOK CHAPTER 4 (“HOURS AND WAGES”) AND TO APPROVE A POLICY AND AGREEMENT RELATING TO A TELECOMMUTING PROGRAM.

Introduced by: Ms. Kilpatrick, Ms. Hartley-Nagle

--It was moved and seconded that Floor Amendment No. 1 to R21-098 be read by title only and placed before Council for its consideration.

Floor Amendment No. 1 to Resolution 21-098—Adopted

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

Not voting: Smiley, Street, Tackett

Resolution 21-098 as amended by Floor Amendment No. 1—Adopted

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

Not voting: Smiley, Street, Tackett

- Councilman Smiley moved to go out of order. The motion was seconded and approved.

## **I. Consideration of Ordinances:**

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

--It was moved and seconded that °21-037 be lifted from the table.

--It was moved and seconded that °21-037 be read by title only and placed before Council for its consideration.

Ordinance 21-037—Adopted

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

- Councilman Smiley moved that Ordinances 21-038, 21-039, 21-040, and 21-041 be lifted from the table. The motion was seconded and approved.

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

--It was moved and seconded that °21-038 be read by title only and placed before Council for its consideration.

Ordinance 21-038—Adopted

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

°21-039: (STATUS: TABLED) 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

--It was moved and seconded that °21-039 be read by title only and placed before Council for its consideration.

Ordinance 21-039—Adopted

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

- Councilman Smiley moved to return to the regular order of business and to consider R21-059. The motion was seconded and approved.

R21-059: (STATUS: 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 lifted from the tabled.

--It was moved and seconded that R21-059 be read by title only and placed before Council for its consideration.

Resolution 21-059—Adopted

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

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

--It was moved and seconded that °21-040 be read by title only and placed before Council for its consideration.

Ordinance 21-040—Adopted

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

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

--It was moved and seconded that °21-041 be read by title only and placed before Council for its consideration.

Ordinance 21-041—Adopted

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

**J. Time Sensitive Congratulatory/Honorary Resolutions:**

R21-099: RECOGNIZING NATIONAL EMERGENCY MEDICAL SERVICES WEEK

“THIS IS EMS: CARING FOR OUR COMMUNITIES” MAY 16-22, 2021. Introduced by: Mr. Bell, Ms. Hartley-Nagle

--It was moved and seconded that R21-099 be read by title only and placed before Council for its consideration.

Resolution 21-099—Adopted

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

R21-100: IN MEMORY OF THE LIFE OF JOHN TRIMBLE BROOK AND IN HONOR OF HIS SERVICE TO NEW CASTLE COUNTY AND THE STATE OF DELAWARE. Introduced by: Ms. Durham

--It was moved and seconded that R21-100 be read by title only and placed before Council for its consideration.

--Public comment: Nancy Willing

Resolution 21-100—Adopted

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

Absent: Street

R21-101: SUPPORTING THE SALVATION ARMY'S REQUEST FOR FUNDING FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THEIR RESTORATION NOW PROGRAM WHICH SUPPORTS VICTIMS OF HUMAN TRAFFICKING. Introduced by: Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Ms. Hartley-Nagle, Mr. Hollins, Ms. Kilpatrick, Mr. Sheldon, Mr. Tackett, Mr. Woods

--It was moved and seconded that R21-101 be read by title only and placed before Council for its consideration.

--Public comment: Dora Williams

Resolution 21-101—Adopted

Yes: Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Tackett, Woods  
Not voting: Bell, Smiley, Street

R21-102: RECOGNIZING AND SUPPORTING THE GROWING NEED FOR AFFORDABLE SENIOR HOUSING AND ELIMINATING BLIGHT. Introduced by: Ms. Hartley-Nagle

--It was moved and seconded that R21-102 be read by title only and placed before Council for its consideration.

--It was moved and seconded that R21-102 be tabled.

Resolution 21-102—Tabled

**K. Introduction/Consideration of Emergency Ordinances:** None

**L. Public Comment/Other:**

- Councilman Bell presented R21-099.
- Councilman Smiley asked Councilmembers to look at their outstanding grant reports.

**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 8:02 pm.

*A recording of the meeting is available upon request.*

*Respectfully submitted by Anthony deFiore, Legislative Assistant.*