

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

MINUTES

Tuesday, May 26, 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
Jea P. Street
David L. Tackett
Kenneth R. Woods

B. Approval of Minutes:

- Councilman Smiley moved to approve the May 12, 2020 council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Councilman Cartier announced that he was withdrawing E°20-006 and E°20-007.

D. Introduction of Ordinances:

- **°20-052: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE STREET LIGHTS IN THE SUMMIT CIRCLE SUBDIVISION LOCATED IN PENCADER HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Bell**
- **°20-053: AMEND THE GRANTS BUDGET: FOR FY2020, APPROPRIATE ADDITIONAL FEDERAL FUNDS OF \$326,455.24 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE FY2015 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**
- **°20-054: AMEND THE GRANTS BUDGET: APPROPRIATE \$290,288 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO A SPECIAL HOUSING CHOICE VOUCHER CARES ACT PROGRAM DESIGNATED AS SECTION 8 HCV-CV TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES TO RESPOND TO THE CORONAVIRUS PANDEMIC. Introduced by: Mr. Hollins, Ms. Diller**
- **°20-055: AMEND THE GRANTS BUDGET: APPROPRIATE \$278,000 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), \$452,380 IN LOCAL FUNDING FROM NEW CASTLE COUNTY 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 FY2021. Introduced by: Mr. Bell, Mr. Street**
- **°20-056: AMEND THE ANNUAL FY2021 OPERATING BUDGET: REDUCE THE FY2021 APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY, OFFICE OF**

EMERGENCY MANAGEMENT, BY \$452,380 TO PROVIDE THE ANNUAL COUNTY MATCH FOR THE OFFICE OF EMERGENCY MANAGEMENT GRANT FOR FY2021.

Introduced by: Mr. Bell, Mr. Street

- **20-057: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$70,000 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO THE EMERGENCY MANAGEMENT FY2020 GRANT. Introduced by: Mr. Bell, Mr. Street**
- **20-058: AMEND THE GRANTS BUDGET: APPROPRIATE \$75,000 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO THE FEDERAL EMPG-S FY20 COVID-19 SUPPLEMENT GRANT. Introduced by: Mr. Bell, Mr. Street**
- **20-059: AMEND THE FY2020 APPROVED SEWER FUND OPERATING BUDGET: APPROPRIATE \$30,000 TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE CONTRACTUAL SERVICES BUDGET LINE ITEM. Introduced by: Mr. Smiley, Mr. Cartier**
- **20-060: 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. Tackett**
- **20-061: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY COUNCIL TO THE 2020 NEW CASTLE COUNTY SUMMER YOUTH EMPLOYMENT GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Street**
- **20-062: AMEND THE FY2020 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. Tackett, Mr. Street**
- **20-063: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 7 (“PROPERTY MAINTENANCE CODE”), SECTION 7.01.002. (“AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE”), SECTION PM 102.6.1. (“MAINTENANCE OF PROPERTY IN HISTORIC OVERLAY ZONING DISTRICTS - DEMOLITION BY NEGLECT”) REGARDING HISTORIC PROPERTIES AND INSPECTION THEREOF. Introduced by: Ms. Durham**
- **20-064: TO AMEND *NEW CASTLE COUNTY CODE* ARTICLE 5 (“DEPARTMENTS AND OFFICES”) TO CREATE A NEW EXCEPTION TO THE PURCHASING OF SUPPLIES AND SERVICES RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY. Introduced by: Mr. Smiley, Mr. Cartier**
- **20-065: 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 THE COVID-19 PUBLIC HEALTH EMERGENCY. Introduced by: Mr. Smiley, Mr. Cartier**

E. Reports from Select and Special Committees:

- Councilwoman Kilpatrick reported that Personnel Subcommittee met on 5/19/20 to discuss a personnel matter.
- Councilman Tackett reported that the Land Use Committee met on 5/19/20 and discussed an item on tonight’s agenda.
- Councilman Smiley reported that the Executive Committee met on 5/19/20 for the purpose of appointing CARES Act Task Force members.
- Councilman Smiley reported that the Finance Committee met on 5/26/20 and discussed items on tonight’s agenda and approved grants.

F. Consent Calendar: None

G. Presentations: None

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

- **R20-083: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR ENVIREP, INC. FOR THE PURCHASE OF PUMP EQUIPMENT AND APPURTENANCES FOR THE DEPARTMENT OF PUBLIC WORKS IN THE AMOUNT OF \$115,287.50. Introduced by: Mr. Bell**

--It was moved and seconded that R20-083 be read by title only and placed before Council for its consideration.

Resolution 20-083—Adopted

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

- **R20-084: 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 R20-084 be read by title only and placed before Council for its consideration.

Resolution 20-084—Adopted

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

- **R20-085: PLAN OF 650 CHURCHMAN’S ROAD; NEW CASTLE HUNDRED; NORTH SIDE OF ROUTE 273, EAST OF CHURCHMAN’S ROAD, AND WEST OF NEW CHURCHMAN’S ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES CONSTRUCTION OF A 1,168,211 SQUARE FOOT WAREHOUSE FACILITY WITH ASSOCIATED SITE IMPROVEMENTS ON 58.9 ACRES; I ZONING; APPLICATION NO. 2018-0513-S/Z; COUNCIL DISTRICT 7. Introduced by: Mr. Smiley**

--It was moved and seconded that R20-085 be read by title only and placed before Council for its consideration.

Resolution 20-085—Adopted

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

-Councilman Smiley moved to go out of order and leave R20-068 tabled so that the resolution can be considered with the FY2021 Budget ordinances. The motion was seconded by Ms. Diller and unanimously approved.

I. Consideration 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**

--It was moved and seconded that °20-041 be read by title only and placed before Council for its consideration.

Ordinance 20-041—Adopted

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

- **°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

--It was moved and seconded that °20-042 be read by title only and placed before Council for its consideration.

Ordinance 20-042—Adopted

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

--It was moved and seconded that °20-043 be read by title only and placed before Council for its consideration.

Ordinance 20-043—Adopted

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

- **°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**

--It was moved and seconded that °20-044 be read by title only and placed before Council for its consideration.

Ordinance 20-044—Adopted

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

- **°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**

--It was moved and seconded that °20-045 be read by title only and placed before Council for its consideration.

Ordinance 20-045—Adopted

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

- **°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**

--It was moved and seconded that °20-046 be read by title only and placed before Council for its consideration.

Ordinance 20-046—Adopted

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

- **°20-048: TO PROVIDE RELIEF FROM CERTAIN PENALTIES, TAXES, AND FEES DUE TO A PUBLIC HEALTH THREAT. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that °20-048 be read by title only and placed before Council for its consideration.

Ordinance 20-048—Adopted

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

- **°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**
--It was moved and seconded that °20-049 be read by title only and placed before Council for its consideration.

Ordinance 20-049—Adopted

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

- **°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**
--It was moved and seconded that °20-050 be read by title only and placed before Council for its consideration.

Ordinance 20-050—Adopted

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

No: Street

--Councilman Smiley moved to lift Ordinances 20-030, 20-031, 20-032, 20-033, and 20-034 from the table. The motion was seconded by Councilman Cartier and unanimously approved.

- **°20-030: THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2021 BEGINNING JULY 1, 2020. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that °20-030 be read by title only and placed before Council for its consideration.

Ordinance 20-030—Adopted

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

- **°20-031: CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2020 FOR FISCAL YEAR 2021. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that °20-031 be read by title only and placed before Council for its consideration.

Ordinance 20-031—Adopted

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

- **°20-032: 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 2021 CAPITAL BUDGET. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °20-032 be read by title only and placed before Council for its consideration.

Ordinance 20-032—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 for the purpose of considering R20-068. The motion was seconded by Councilman Tackett and unanimously approved.

- **R20-068: ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2021 THROUGH 2026. Introduced by: Mr. Smiley, Mr. Cartier**

--Councilman Smiley moved to lift R20-068 from the table. The motion was seconded by Councilman Tackett and unanimously approved.

--Councilman Smiley moved and it was seconded that R20-068 read by title only and placed before Council for its consideration.

Resolution 20-068—Adopted

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

- **°20-033: THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2020. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °20-033 be read by title only and placed before Council for its consideration.

Ordinance 20-033—Adopted

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

- **°20-034: ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2020. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °20-034 be read by title only and placed before Council for its consideration.

Ordinance 20-034—Adopted

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

J. Time Sensitive Congratulatory/Honorary Resolutions: None

K. Introduction/Consideration of Emergency Ordinances:

- **E°20-008: AMEND THE GRANTS BUDGET: APPROPRIATE \$85,350,000 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. Cartier**

--It was moved and seconded that E°20-008 be read by title only and placed before Council for its consideration.

--Councilman Carter moved to amend E°20-008 by adding the following language into a section in the body of the ordinance: Whereas, County Council finds that additional review of Hero's Pay is required prior to its funding and it therefore does not authorize its' funding as part of this ordinance. The motion was seconded by Councilman Street.

--Councilman Carter withdrew his amendment.

--Councilman Smiley moved amend E°20-008 by striking the word Hero's from Exhibit A, page 2 of 2, Number 11 and Number 27 and to add additional language into Section 1 as proposed by Counsel to Council Migliore.

--Mr. Migliore proposed that Council add language at the end of Section 1 after the existing sentence: None of the appropriations immediately above shall be used for Hazzard Pay also known as Hero's Pay.

--The motion was seconded by Councilman Carter, 12 were in favor of the motion, one was against (Sheldon).

Floor Amendment No. 1 – Adopted

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

Not Voting: Kilpatrick

- It was moved and seconded that E°20-008 as amended by Floor Amendment No. 1 be read by title only and placed before Council for its consideration.

Emergency Ordinance 20-008 as amended by Floor Amendmnet No. 1 – Adopted

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

L. Public Comment/Other: None

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 9:12 pm.

A recording of the meeting is available upon request.

Respectfully submitted by Tara Finnigan, Deputy Clerk of Council.