

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

MINUTES

Tuesday, July 28, 2020

- 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 July 14, 2020 council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Mr. Carter announced that he will move to lift Substitute No. 1 to Ordinance 20-075 and Substitute No. 1 to Ordinance 20-076 from the table and will have a presentation.
- Mr. Bell announced that he and Mr. Street will withdrawl Substitute No. 1 to Ordinance 19-116 at the appropriate time.

D. Introduction of Ordinances:

20-083: AMENDING *NEW CASTLE COUNTY CODE* CH. 20 (“LAW ENFORCEMENT”) IN RELATION TO JUVENILE INFORMATION. Introduced by: Ms. Durham, Mr. Hollins, Mr. Street, Mr. Carter

20-084: AMEND THE GRANTS BUDGET: APPROPRIATE \$5,000,000 FROM THE UNITED STATES DEPARTMENT OF TREASURY TO THE CORONAVIRUS RELIEF FUND GRANT FOR HAZARD PAY FOR ELIGIBLE INDIVIDUALS EMPLOYED BY GOVERNMENTAL ENTITIES CONSISTENT WITH GUIDANCE OF THE U.S. DEPARTMENT OF TREASURY AND ANY OTHER APPLICABLE LAW RELATED THERETO, TO BE ADMINISTERED BY THE OFFICE OF FINANCE. Introduced by: Ms. Hartley-Nagle

20-085: AMEND THE FY2021 APPROVED OPERATING BUDGET: TRANSFER \$882,688 FROM THE FY2021 APPROVED BUDGET FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE AND DIVISION OF ADMINISTRATION, FROM THE DEPARTMENT’S *SALARIES AND WAGES AND BENEFITS* BUDGET LINE ITEMS TO THE DEPARTMENT OF COMMUNITY SERVICES FY2021 APPROVED BUDGET *CONTRACTUAL SERVICES* BUDGET LINE ITEM WITH SUCH FUNDS TO SUPPORT COMMUNITY INITIATIVES AND RACIAL JUSTICE IN NEW CASTLE COUNTY. Introduced by: Mr. Street, Mr. Hollins

20-086: AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”), SECTION 2.05.515 (“COUNTY

INVESTMENT ADVISORY BOARD; CREATED; DUTIES GENERALLY”) REGARDING THE COUNTY INVESTMENT ADVISORY BOARD. Introduced by: Ms. Durham, Mr. Smiley
’20-087: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$25,000,000 FROM THE UNITED STATES DEPARTMENT OF TREASURY TO THE CORONAVIRUS RELIEF FUND GRANT FOR HEALTHY COMMUNITIES DELAWARE, TO BE ADMINISTERED BY THE OFFICE OF FINANCE. Introduced by: Mr. Cartier, Mr. Carter

E. Reports from Select and Special Committees:

- Councilwoman Durham reported that the Boards and Commissions Subcommittee met on 7/21/20 and discussed items on tonight’s agenda and potential upcoming legislation.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 7/21/20 and discussed items on tonight’s agenda.
- Councilman Smiley reported that the Executive Committee met on 7/28/20 and discussed items on tonight’s agenda.
- Councilman Smiley reported that the Finance Committee met on 7/28/20 and discussed items on tonight’s agenda and approved grants.

F. Consent Calendar:

- **R20-156: APPOINTING SCOTT FARNAN TO THE NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW. Introduced by: Ms. Kilpatrick**
- **R20-157: APPOINTING RICHARD R. SCHNEIDER TO THE NEW CASTLE COUNTY FINANCIAL ADVISORY COUNCIL. Introduced by: Ms. Durham**
- **R20-158: APPOINTING TERRELL WILLIAMS TO THE NEW CASTLE COUNTY DIVERSITY COMMISSION. Introduced by: Mr. Bell**

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:

- **R20-159: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR RAVE MOBILITY SAFETY TO RENEW THE ANNUAL LICENSE AND SERVICE CONTRACT FOR THE RAVE PANIC BUTTON APPLICATION FOR THE DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$149,800.00. Introduced by: Mr. Smiley, Mr. Cartier, Ms. Hartley-Nagle**

--It was moved and seconded that R20-159 be read by title only and placed before Council for its consideration.

Resolution 20-159—Adopted

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

- **R20-160: APPROVING REVISED POSITION DESCRIPTION FOR CHIEF OF CONSTRUCTION SUPPORT PURSUANT TO NEW CASTLE COUNTY CODE SECTION 26.03.105(F). Introduced by: Mr. Sheldon, Mr. Woods**

--It was moved and seconded that R20-160 be read by title only and placed before Council for its consideration.

Resolution 20-160—Adopted

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

- **R20-161: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING CONCERNING THE ACQUISITION, PRESERVATION AND FUTURE USE OF HOCKESSIN COLORED SCHOOL #107 AS A PERMANENT CENTER FOR**

DIVERSITY, INCLUSION, AND SOCIAL EQUITY. Introduced by: Mr. Sheldon, Mr. Woods, Ms. Kilpatrick, Mr. Hollins, Mr. Street, All of Council

--It was moved and seconded that R20-161 be read by title only and placed before Council for its consideration.

Resolution 20-161—Adopted

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

- **R20-162: TO AMEND RULES 4.5.7. AND 4.5.7.1. OF NEW CASTLE COUNTY COUNCIL RULES REGARDING THE PROCESS FOR NOMINATIONS TO NEW CASTLE COUNTY BOARDS AND COMMISSIONS. Introduced by: Ms. Durham**

--It was moved and seconded that R20-162 be read by title only and placed before Council for its consideration.

Resolution 20-162—Adopted

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

- **R20-163: PLAN OF CAVALIERS COUNTRY CLUB; WHITE CLAY CREEK HUNDRED; SOUTH SIDE OF CHURCHMANS ROAD AT THE TERMINUS OF ADDISON DRIVE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES AN OPEN SPACE PLANNED AND AGE-RESTRICTED OPEN SPACE PLANNED DEVELOPMENT CONSISTING OF 715 DWELLING UNITS, ALONG WITH A 15,390 SQUARE FOOT BANQUET CENTER ADDITION; ST AND CR ZONING; APPLICATION NO. 2016-0491-S; COUNCIL DISTRICT 1. Introduced by: Mr. Woods**

--It was moved and seconded that R20-163 be read by title only and placed before Council for its consideration.

--Public comment: Suzanne Herel, Joseph Ross, Yong Alev, Frank Maher, Kathy Herel, Sandy Maher

Resolution 20-163—Adopted

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

Present: Durham

- **R20-164: PLAN OF SAFSTOR CHAPMAN ROAD; WHITE CLAY CREEK HUNDRED; SOUTH SIDE OF CHAPMAN ROAD, 136 FEET EAST OF N. WAKEFIELD ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSED CONSTRUCTION OF A FOUR STORY, 104,000 SQUARE FOOT SELF STORAGE BUILDING WITH ASSOCIATED SITE IMPROVEMENTS ON 4+/- ACRES; OR ZONING; APPLICATION NO. 2019-0357-S; COUNCIL DISTRICT 11. Introduced by: Mr. Tackett**

--It was moved and seconded that R20-164 be read by title only and placed before Council for its consideration.

Resolution 20-164—Adopted

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

I. Consideration of Ordinances:

- **°20-077: AMEND THE GRANTS BUDGET: APPROPRIATE \$205,375 IN ANTICIPATED STATE OF DELAWARE GRANT-IN-AID FUNDS TO THE ABSALOM JONES SENIOR CENTER FY2021, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °20-077 be read by title only and placed before Council for its consideration.

Ordinance 20-077—Adopted

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

- **°20-078: AMEND THE GRANTS BUDGET: FOR FY2020, APPROPRIATE \$30,000 FROM THE STATE OF DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SERVICES FOR AGING AND ADULTS WITH PHYSICAL DISABILITIES TO THE ABSALOM JONES SENIOR CENTER-VIRTUAL SOCIAL ACTIVITIES PROGRAM GRANT WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °20-078 be read by title only and placed before Council for its consideration.

Ordinance 20-078—Adopted

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

- **°20-079: AMEND THE GRANTS BUDGET: APPROPRIATE \$1,582,960 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO A SPECIAL EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM DESIGNATED AS ESG-CVII 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 °20-079 be read by title only and placed before Council for its consideration.

Ordinance 20-079—Adopted

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

- **°20-080: AMEND THE FY2020 APPROVED OPERATING BUDGET: APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE NEW CASTLE COUNTY POLICE EMPLOYEE'S RETIREMENT SYSTEM TO THE DEPARTMENT OF PUBLIC SAFETY EMPLOYEE BENEFITS BUDGETARY LINE ITEM. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °20-080 be read by title only and placed before Council for its consideration.

Ordinance 20-080—Adopted

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

- **°20-081: TO DECLARE SURPLUS CERTAIN LANDS OF NEW CASTLE COUNTY ASSOCIATED WITH THE NEW CASTLE COUNTY AIRPORT AND TO AUTHORIZE THE TRANSFER OF LANDS TO THE STATE OF DELAWARE FOR A PUBLIC PURPOSE. Introduced by: Mr. Smiley**

--It was moved and seconded that °20-081 be read by title only and placed before Council for its consideration.

Ordinance 20-081—Adopted

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

- **°20-082: AMEND THE FY2021 APPROVED OPERATING BUDGET: INCREASE THE AUTHORIZED POSITION COUNT FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING, BY THREE TEMPORARY GRANT POSITIONS. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °20-082 be read by title only and placed before Council for its consideration.

Ordinance 20-082—Adopted

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

- **20-014: REVISE ZONING MAP: ST. GEORGES HUNDRED, EAST SIDE OF SUMMIT BRIDGE ROAD, NORTH OF BOYDS CORNER ROAD; 4353 SUMMIT BRIDGE ROAD, TAX PARCEL 13-007.00-078, 1.64 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO NC21 AND H (HISTORIC) OVERLAY ZONE** (The property owner is requesting the H (Historic) Overlay Zone for the subject parcel. **2019-0676-R/Z.**) **Introduced by: Mr. Bell**
--It was moved and seconded that 20-014 be read by title only and placed before Council for its consideration.

Ordinance 20-014—Adopted

Poll Vote

Bell: Yes, based on the positive recommendations of the Department of Land Use and Historic Review Board and input from neighboring properties and support of the historic overlay.

Carter: Yes, based on the positive recommendations of the Department of Land Use and the Planning Board and because it is an excellent project and one that meets our code requirements and should move forward.

Cartier: Yes, based on the positive recommendations of the Historic Review Board and the Department of Land Use and it is a great adaptive reuse provided by the plan.

Diller: Yes, based on the positive recommendations of the Department of Land Use and the Historic Review Board and it is a great reuse of the property

Durham: Yes, based on the H-zoning and the recommendation of the Department of Land Use.

Hartley-Nagle: Yes, based on the positive recommendations of the Department of Land Use and the Planning Board and because it is a great use.

Hollins: Yes, based on the positive recommendation of the Department of Land Use, and echos comments made by his colleagues, and it is an excellent and rare opportunity to preserve this property.

Kilpatrick: Yes, based on the positive recommendations of the Department of Land Use and for the adaptive reuse.

Sheldon: Yes, based on the positive recommendations of the Department of Land Use.

Smiley: Yes, based on the positive recommendations of the Department of Land Use and the fact that the property owner is making the request.

Street: Yes, based on the positive recommendations of the Department of Land Use.

Tackett: Yes, based on the positive recommendations of the Department of Land Use and Historic Review Board.

Woods: Yes, based on the positive recommendations of the Department of Land Use and Historic Review Board, and it is a very good project.

- Mr. Carter moved to lift Substitute No. 1 to Ordinance 20-075 and Substitute No. 1 to Ordinance 20-076 from the table. The motion was seconded and approved.
- **SUBSTITUTE NO. 1 TO 20-075: (STATUS: TABLED) AMENDING NEW CASTLE COUNTY CODE CH. 20 (“LAW ENFORCEMENT”) TO BAN THE USE OF KNEE HOLDS, CHOKEHOLDS, AND SIMILAR PROCEDURES AS A METHOD OF RESTRAINT OR USE OF FORCE PROCEDURE.** **Introduced by: Mr. Carter, Mr. Hollins, Ms. Durham**
--It was moved and seconded that Substitute No.1 to 20-075 be read by title only and placed before Council for its consideration.
--Public comment: Coby Owens, Col. Vaughn Bond, Chief of Police, Desmond Kahn, Dora Williams, Mike Brickner

Substitute No. 1 to Ordinance 20-075—Adopted

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

- **SUBSTITUTE NO. 1 TO 20-076: (STATUS: TABLED) AMENDING NEW CASTLE COUNTY CODE CH. 20 (“LAW ENFORCEMENT”) REGARDING NEW CASTLE COUNTY POLICE**

OFFICERS AND THE DUTY TO INTERVENE AND REPORT IN RELATION TO UNAUTHORIZED OR EXCESSIVE USE OF FORCE. Introduced by: Mr. Carter, Mr. Hollins, Mr. Street, Ms. Durham

--It was moved and seconded that Substitute No.1 to °20-076 be read by title only and placed before Council for its consideration.

Substitute No. 1 to Ordinance 20-076—Adopted

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

- **SUBSTITUTE NO. 1 TO °19-116: (STATUS: TABLED) AMENDING NEW CASTLE COUNTY CODE CH. 20 (“LAW ENFORCEMENT”) REGARDING NEW CASTLE COUNTY POLICE OFFICERS AND THE DUTY TO INTERVENE AND REPORT IN RELATION TO UNAUTHORIZED OR EXCESSIVE USE OF FORCE. Introduced by: Mr. Carter, Mr. Hollins, Mr. Street, Ms. Durham**

--It was moved and seconded that Substitute No.1 to °19-116 be lifted from the table and withdrawn

J. Time Sensitive Congratulatory/Honorary Resolutions:

- **R20-165: URGING THE DELAWARE GENERAL ASSEMBLY TO IMMEDIATELY SUSPEND ALL TAX PENALTIES ESTABLISHED BY DELAWARE CODE TITLE 9, SECTION 8604(A)(1) AND TITLE 14, SECTION 1917(A), AS APPLICABLE TO NEW CASTLE COUNTY, FOR A PERIOD OF SIX (6) MONTHS. Introduced by: Mr. Smiley**

--It was moved and seconded that R20-165 be read by title only and placed before Council for its consideration.

Resolution 20-165—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:

- Mr. Carter, Mr. Hollins, and Mr. Street thanked Council for their votes on Ordinances 20-075 and 20-076.
- Col. Bond, Chief of Police, thanked Mr. Carter for bringing forward those ordinances.
- Ms. Kilpatrick announced that she forwarded Council an email regarding the Hockessin Colored School.

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 9:37 pm.

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