

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

MINUTES

Tuesday, September 8, 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 August 25, 2020 council meeting minutes, it was seconded, and all were in favor.

C. **Announcements:** None

D. **Introduction of Ordinances:**

20-098: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE ROW OFFICE EMPLOYEES AND REVISE THE CLASS SPECIFICATION FOR THE CHIEF DEPUTY POSITION. Introduced by: Ms. Hartley-Nagle

20-099: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 (“FINANCE AND TAXATION”), ARTICLE 5 (“ABATEMENT OF PROPERTY TAXES AND PENALTY”) TO PROVIDE THE CHIEF FINANCIAL OFFICER ADDITIONAL AUTHORITY TO ABATE PENALTIES FOR TAXPAYERS AFFECTED BY THE COVID-19 PUBLIC HEALTH EMERGENCY. Introduced by: Mr. Smiley

20-100: TO AMEND *NEW CASTLE COUNTY CODE* ARTICLE 5 (“DEPARTMENTS AND OFFICES”), SECTION 2.05.510. (“NEW CASTLE COUNTY DIVERSITY COMMISSION - POWERS AND DUTIES”) RELATING TO THE DIVERSITY COMMISSION’S POWERS AND DUTIES. Introduced by: Mr. Hollins, Mr. Carter, Mr. Street, Ms. Durham

20-101: AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 28 (“PLANNING”), SECTION 28.01.003 (“COMPREHENSIVE DEVELOPMENT PLAN”) TO REQUIRE A SOCIAL JUSTICE ELEMENT, AN ENVIRONMENTAL JUSTICE ELEMENT, AND A HAZARDS MITIGATION ELEMENT BE EXPLICITLY INCLUDED IN THE 2022 COMPREHENSIVE DEVELOPMENT PLAN AND ALL FUTURE COMPREHENSIVE DEVELOPMENT PLANS AND PLAN UPDATES. Introduced by: Mr. Carter, Mr. Cartier, Ms. Durham, Mr. Hollins, Mr. Street

20-102: AMENDING CHAPTER 7 (“PROPERTY MAINTENANCE CODE”), ARTICLE 1. (“STANDARDS FOR PROPERTY MAINTENANCE”) TO ALLOW FOR TEMPORARY EMERGENCY HOUSING AS A RESULT OF A NATURAL DISASTER. Introduced by: Mr. Carter, Mr. Bell

E. Reports from Select and Special Committees:

- Councilman Tackett reported that the Land Use Committee met on 9/1/20 and discussed items on tonight's agenda and held an executive session for a confidential legal discussion regarding a land use litigation matter.
- Councilman Cartier reported that the Finance Committee met on 9/8/20 and discussed items on tonight's agenda, received a presentation from the County Auditor regarding CARES Act funds, and reviewed grant requests.
- Councilman Hollins reported that the Executive Committee met on 9/8/20 and discussed items on tonight's agenda and board and commission re/appointments.
- Councilman Hollins announced that he will have comments during the Public Comment section at the end of the meeting.

F. Consent Calendar:

- Mr. Street requested that R20-177 be removed from the consent calendar.

R20-174: HONORING THE LIFE OF KEITH DORMAN AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Hollins, Mr. Street

R20-175: HONORING THE LIFE OF MR. YUSEF THEO JACKSON AND EXTENDING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Street, Mr. Hollins

R20-176: REAPPOINTING SALLY JENSEN TO THE NEW CASTLE COUNTY ETHICS COMMISSION. Introduced by: Mr. Woods

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:

R20-177: CONSENTING TO THE APPOINTMENT OF CHARLES H. TOLIVER, IV, ESQUIRE, TO THE NEW CASTLE COUNTY ETHICS COMMISSION. Introduced by: Mr. Hollins

--It was moved and seconded that R20-177 be read by title only and placed before Council for its consideration.

Resolution 20-177—Adopted

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

Not voting: Street

- Mr. Sheldon moved to go out of order in order to consider R20-178 and 20-095 together.

R20-178: AMEND THE FY2021 CAPITAL PROGRAM: APPROPRIATE \$500,000 IN FUNDING FROM THE STATE OF DELAWARE FISCAL YEAR 2020 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT OF PUBLIC WORKS, GREENWAY SYSTEMS CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Woods

20-095: AMEND THE FY2021 CAPITAL BUDGET: APPROPRIATE \$500,000 IN FUNDING FROM THE STATE OF DELAWARE FISCAL YEAR 2020 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT OF PUBLIC WORKS, GREENWAY SYSTEMS CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Woods

--It was moved and seconded that R20-178 and 20-095 be read by title only and placed before Council for its consideration.

Resolution 20-178 and Ordinance 20-095—Adopted

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

R20-179: TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE 2.3 AND ITS SUBPARTS REGARDING LEGISLATION REVIEW AND SUBMITTAL DEADLINES.

Introduced by: Mr. Carter

--It was moved and seconded that R20-179 be read by title only and placed before Council for its consideration.

Resolution 20-179—Adopted

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

R20-180: URGING THE UNITED STATES CONGRESS TO ENACT THE ENERGY INNOVATION AND CARBON DIVIDEND ACT. Introduced by: Ms. Durham, Ms. Hartley-Nagle

--It was moved and seconded that R20-180 be read by title only and placed before Council for its consideration.

--Public comment: Michael Chajes, Peggy Schultz, Pearl Mallick, Matt Little, Eleri Phillips, Jill Gaumer, John Bland, Mr. Khan

Resolution 20-180—Adopted

Yes: Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Street

Present: Bell, Kilpatrick, Sheldon, Tackett, Woods

Not voting: Smiley

R20-181: PLAN OF DELAWARE NATIONAL; CHRISTIANA AND MILL CREEK HUNDREDS; SOUTH SIDE OF LANCASTER PIKE, EAST AND WEST SIDE OF HERCULES ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CONSOLIDATE FOUR EXISTING PARCELS AND SUBDIVIDE INTO 158 SINGLE FAMILY DETACHED LOTS, 100 TOWNHOUSE LOTS AND ASSOCIATED SITE IMPROVEMENTS, USING THE OPEN SPACE PLANNED DEVELOPMENT OPTION, 205 +/- ACRES; S ZONING; [APPLICATION NO. 2016-0461-S](#); COUNCIL DISTRICTS 2 AND 3. Introduced by: Ms. Durham, Ms. Kilpatrick

--It was moved and seconded that R20-181 be read by title only and placed before Council for its consideration.

--Public comment: Kate Andersen, Spiros Mantzavinos, Jill Gaumer, Alice Winkler

Resolution 20-181—Adopted

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

No: Durham

R20-182: DIRECTING THE OFFICE OF THE NEW CASTLE COUNTY AUDITOR TO CONDUCT AN AUDIT TO ENSURE THAT THE SYSTEM OF INTERNAL CONTROL ESTABLISHED BY NEW CASTLE COUNTY IN RELATION TO CARES ACT CRF MONIES PROVIDES REASONABLE ASSURANCE THAT THE COUNTY IS MANAGING THE FEDERAL AWARD IN ACCORDANCE WITH SINGLE AUDIT REQUIREMENTS, CARES ACT REQUIREMENTS, U.S. TREASURY DEPARTMENT GUIDANCE, AND ALL APPLICABLE LAW. Introduced by: Ms. Hartley-Nagle

--It was moved that R20-182 be read by title only and placed before Council for its consideration. Due to the failure to receive the requisite second in support of the motion, the Resolution was not considered

I. Consideration of Ordinances:

SUBSTITUTE NO. 1 TO °20-093: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 7 (“PROPERTY MAINTENANCE CODE”), ARTICLE 2 (“REGISTRATION AND PAYMENT OF FEES FOR VACANT PREMISES”) RELATING TO REGISTRATION OF AND FEES FOR VACANT PREMISES. Introduced by: Ms. Durham

--It was moved and seconded that Substitute No. 1 to °20-093 be read by title only and placed before Council for its consideration.

--Jim Smith, Department of Land Use, spoke

Substitute No. 1 to Ordinance 20-093—Adopted

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

°20-094: AMEND THE GRANTS BUDGET: APPROPRIATE THE REMAINING \$237,416,668.80 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

--It was moved and seconded that °20-094 be read by title only and placed before Council for its consideration.

Floor Amendment No. 1 to °20-094: AMEND THE GRANTS BUDGET: APPROPRIATE THE REMAINING \$237,416,668.80 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

--It was moved and seconded that Floor Amendment No. 1 to °20-094 be read by title only and placed before Council for its consideration.

Floor Amendment No. 1 to Ordinance 20-094—Adopted

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

--Public comment: Cheryl McDonough

Ordinance 20-094 as amended by Floor Amendment No. 1 —Adopted

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

- **°20-096: AMEND THE GRANTS BUDGET: APPROPRIATE \$50,000 IN FUNDING FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2021 COLD CASE DNA GRANT TO BE ADMINISTERED BY THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that °20-096 be read by title only and placed before Council for its consideration.

Ordinance 20-096—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: None

L. Public Comment/Other:

- Larry Tarabicos spoke regarding FOIA concerns with the County’s online public hearings.
- Councilman Hollins spoke regarding New Castle County F.O.P.’s endorsement of President Trump.
- Councilmembers Carter, Street, Kilpatrick, Smiley spoke regarding the same.
- Col. Bond, Chief of Police, spoke regarding the same.

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 9:03 pm.

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