

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

MINUTES

Tuesday, October 13, 2020

- A. The meeting was called to order by President Hartley-Nagle at 7:06 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

Absent

Kenneth R. Woods

B. Approval of Minutes:

- Councilman Smiley moved to approve the September 22, 2020 council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Councilman Sheldon announced that he will have a presentation at the appropriate time.

D. Introduction of Ordinances:

20-107: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES, NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE, NON-UNION CLASSIFIED SERVICE ROW OFFICE AND NON-UNION UNCLASSIFIED SERVICE ROW OFFICE EMPLOYEES. Introduced by: Ms. Hartley-Nagle

20-108: AMEND THE PAY PLAN AND RATES OF PAY FOR UNCLASSIFIED EMPLOYEES OF COUNTY COUNCIL. Introduced by: Mr. Smiley

20-109: AMEND THE GRANTS BUDGET: APPROPRIATE \$533,593.49 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2021 FUND TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street

20-110: AMEND THE GRANTS BUDGET: APPROPRIATE \$220,817.15 IN PROGRAM INCOME AND REALIGN \$280,000.00 IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2020 WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

20-111: REVISE ZONING MAP: BRANDYWINE HUNDRED, NORTH SIDE OF MOUNT LEBANON ROAD, EAST OF SEVERN ROAD; 501 MOUNT LEBANON ROAD, TAX PARCEL NO. 06-064.00-030, 1.13 ACRES FROM NC15 (NEIGHBORHOOD CONSERVATION) TO NC15 AND H (HISTORIC) OVERLAY ZONE (The property owner is requesting the H (Historic) Overlay Zone for the subject parcel. 2019-0709 R/Z). Introduced by: Ms. Durham

20-112: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 15 (“HISTORIC RESOURCES”) RELATING TO HISTORIC ZONING OF ELIGIBLE NEW CASTLE COUNTY PROPERTIES. Introduced by: Ms. Durham

E. Reports from Select and Special Committees:

- Councilman Cartier reported that the Finance Committee met on 10/13/20 and discussed items on tonight’s agenda, held a checkbook update, approved travel requests, heard comments from the Executive Branch, and reviewed grant requests.
- Councilman Hollins reported that the Executive Committee met on 10/13/20 and discussed committee assignments.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 10/6/20 and discussed items on tonight’s agenda and heard a briefing from the Department of Land Use on pending land use ordinances.
- Councilman Bell reported that the Public Safety Committee met on 10/13/20 and discussed items on tonight’s agenda and an item on the October 27, 2020 Council meeting, discussed a hazard mitigation plan, jurisdictional responsibilities, received an update on Emergency Medical Services and on the Communications Division.
- Councilman Sheldon reported that the Public Works Committee met on 10/6/20 for a presentation on tree issues

F. Consent Calendar: None

G. Presentations: Councilman Sheldon honored Girl Scout Troop 1198 for their community work.

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

R20-189: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR DOCUMENT TECHNOLOGY SYSTEMS FOR ANNUAL MAINTENANCE CONTRACT FOR RECORDER OF DEEDS TRAKRECORD SOFTWARE FOR THE OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$53,000.00. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R20-189 be read by title only and placed before Council for its consideration.

Resolution 20-189—Adopted

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

Absent: Woods

R20-190: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR 2 FISH HOME RENOVATIONS FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$150,000.00. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R20-190 be read by title only and placed before Council for its consideration.

Resolution 20-190—Adopted

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

Absent: Woods

R20-191: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR CONNECTIONS CSP INC. FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$150,000.00. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R20-191 be read by title only and placed before Council for its consideration.

Resolution 20-191—Adopted

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

Absent: Woods

R20-192: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR INTERFAITH HOUSING DELAWARE, INC. FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$150,000.00. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R20-192 be read by title only and placed before Council for its consideration.

Resolution 20-192—Adopted

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

Absent: Woods

R20-193: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR INTERFAITH HOUSING DELAWARE, INC. FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$150,000.00. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R20-193 be read by title only and placed before Council for its consideration.

Resolution 20-193—Adopted

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

Present: Street

Absent: Woods

R20-194: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR THE ARC OF DELAWARE FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$110,000.00. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R20-194 be read by title only and placed before Council for its consideration.

Resolution 20-194—Adopted

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

Absent: Woods

- Councilman Cartier moved to have R20-195 and °20-103 considered together. The motion was seconded and approved.

R20-195: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR PICTOMETRY INTERNATIONAL CORPORATION FOR RENEWAL OF AERIAL PHOTOGRAPHY SOFTWARE LICENSES FOR THE DEPARTMENT OF LAND USE IN THE AMOUNT OF \$71,899.00. Introduced by: Mr. Smiley, Mr. Cartier

°20-103: 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

--It was moved and seconded that R20-195 and °20-103 be read by title only and placed before Council for its consideration.

Resolution 20-195 and Ordinance 20-103—Adopted

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

Absent: Woods

R20-196: RESOLUTION ADOPTING THE NEW CASTLE COUNTY MULTI-JURISDICTIONAL ALL HAZARD MITIGATION PLAN 2020 UPDATE AS APPROVED BY FEMA. Introduced by: Mr. Bell, Mr. Street

--It was moved and seconded that R20-196 be read by title only and placed before Council for its consideration.

Resolution 20-196—Adopted

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

Absent: Woods

R20-197: PLAN OF LAGRANGE CENTER; PENCADER HUNDRED; NORTH SIDE OF PULASKI HIGHWAY, 2,800 FEET WEST OF GLASGOW AVENUE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CONSOLIDATE TAX PARCELS

11-026.20-002 AND 11-026.10-202, EXTINGUISH THE PARCEL CREATED FOR FUTURE PUMP STATION CONSTRUCTION AND THE ASSOCIATED CROSS-ACCESS EASEMENT TO BENEFIT NEW CASTLE COUNTY, IN ORDER TO CONSTRUCT A SHOPPING CENTER TO CONSIST OF 43,980 SQUARE FEET OF RETAIL AND OFFICE SPACE WITH ASSOCIATED SITE IMPROVEMENTS; AND A TITLE SUBDIVISION TO CREATE 6 SEPARATE LOTS; CR/H ZONING; APPLICATION NO. 2018-0674-S/Z; COUNCIL DISTRICT 11. Introduced by: Mr. Tackett

--It was moved and seconded that R20-197 be read by title only and placed before Council for its consideration.

Resolution 20-197—Adopted

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

Absent: Woods

R20-198: PLAN OF TRADITIONS AT WHITEHALL; ST. GEORGES HUNDRED; SOUTH SIDE OF LOREWOOD GROVE ROAD, EAST OF RATLEDGE ROAD, WEST OF JAMISON CORNER ROAD; AMEND THE PREVIOUSLY RECORDED PLAN FOR THE TRADITIONS OF WHITEHALL BY DEVELOPING A 3,780 SQUARE FOOT CIVIC BUILDING AND COMMUNITY OPEN SPACE AMENITIES WITH ASSOCIATED SITE IMPROVEMENTS, AND THE DEDICATION OF 50 FOOT RIGHT-OF -WAY FOR THE ESTABLISHMENT OF HIGHLAND STREET, 86 +/- ACRES; S ZONING; APPLICATION NO. 2018-0733-S; COUNCIL DISTRICT 12. Introduced by: Mr. Bell

--It was moved and seconded that R20-198 be read by title only and placed before Council for its consideration.

Resolution 20-198—Adopted

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

Absent: Woods

R20-199: AUTHORIZING THE ALLOCATION OF \$1,100,000 FROM THE RESERVE ALLOCATION CREATED PURSUANT TO ORDINANCE 20-094 TO THE DELAWARE DEPARTMENT OF LABOR FOR THE ADMINISTRATION OF A TRAINING PROGRAM PURSUANT TO THE DELAWARE RAPID WORKFORCE TRAINING AND REDEPLOYMENT INITIATIVE. Introduced by: Mr. Cartier

--It was moved and seconded that R20-199 be read by title only and placed before Council for its consideration.

Resolution 20-199—Adopted

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

Absent: Woods

R20-200: AUTHORIZING THE ALLOCATION OF \$300,000.00 FROM THE RESERVE ALLOCATION CREATED PURSUANT TO ORDINANCE 20-094 FOR THE ADMINISTRATION OF A WINTER-READY RESTAURANT GRANT PROGRAM. Introduced by: Mr. Smiley --It was moved and seconded that R20-200 be read by title only and placed before Council for its consideration.

- Councilman Smiley moved to introduce Floor Amendment No. 1 to R20-200:
- Councilman Smiley moved to insert the following language after "...administered by a third party." (Located in the Now, Therefore, Be It Resolved clause):
"...All funds shall be retained by the county and dispersed to applications and expenses approved by the county. There will be a \$30,000 cap on any cost submitted by the Committee of 100 for reimbursement."

Floor Amendment No. 1 to Resolution 20-200 —Adopted

Voice Vote

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

Absent: Woods

Resolution 20-200 as Amended by Floor Amendment No. 1 —Adopted

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

Absent: Woods

R20-201: AUTHORIZING THE ALLOCATION OF UP TO \$136,000,000 FROM THE RESERVE ALLOCATION CREATED PURSUANT TO ORDINANCE 20-094 TO THE STATE OF DELAWARE FOR PURPOSES OF COST-SHARING RELATED TO CERTAIN STATE PROGRAMS. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R20-201 be read by title only and placed before Council for its consideration.

Resolution 20-201—Adopted

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

Absent: Woods

I. Consideration of Ordinances:

°20-105: AMEND THE GRANTS BUDGET: APPROPRIATE \$150,000 FROM THE STATE OF DELAWARE FY2021 OPERATING BUDGET TO THE FY2021 POLICE BEHAVIORAL HEALTH 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 °20-105 be read by title only and placed before Council for its consideration.

Ordinance 20-105—Adopted

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

Absent: Woods

°20-106: AMEND THE GRANTS BUDGET: FOR FY2021, APPROPRIATE \$26,663.00 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES AS A FEDERAL PASS THROUGH GRANT FROM THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES (IMLS) CARES ACT GRANT TO BE DISTRIBUTED EQUALLY TO THE TEN NEW CASTLE COUNTY LIBRARIES WHICH ARE ALL ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °20-106 be read by title only and placed before Council for its consideration.

Ordinance 20-106—Adopted

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

Absent: Woods

J. Time Sensitive Congratulatory/Honorary Resolutions:

R20-202: CELEBRATING THE LIFE OF FIDEL OSEGUERA-GUERRERO. Introduced by: Mr. Cartier

--It was moved and seconded that R20-198 be read by title only and placed before Council for its consideration.

Resolution 20-198—Adopted

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

Absent: Woods

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other:

- Henry Miller spoke regarding 4185 Kirkwood – St. Georges Rd.
- Councilman Hollins spoke regarding equality in Delaware schools and thanked Councilman Street for his role.
- Councilman Street thanked Councilman Hollins for his comments.

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 7:58 pm.

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