

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

MINUTES

Tuesday, October 27, 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 October 13, 2020 council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Councilwoman Durham announced that she will introduce amendments to Ordinance 20-071.
- Councilman Carter announced that Resolution 20-204 is withdrawn.
- Councilman Smiley announced that Resolution 20-203 is withdrawn.

D. Introduction of Ordinances:

20-113: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 3 (“OFFICERS AND EMPLOYEES”) TO MODIFY CERTAIN FEES CHARGED BY NEW CASTLE COUNTY SHERIFF’S OFFICE. Introduced by: Mr. Smiley

20-114: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”), DIVISION 2.05.100. (“DEPARTMENT OF LAND USE”) TO ESTABLISH A NEW CASTLE COUNTY AGRICULTURAL LAND PRESERVATION COMMISSION AND THE NEW CASTLE COUNTY FARMLAND PRESERVATION ADVISORY BOARD. Introduced by: Ms. Durham, Mr. Carter

20-115: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”), DIVISION 2.05.300. (“DEPARTMENT OF PUBLIC WORKS”) TO CREATE A NEW CASTLE COUNTY OPEN SPACE CONSERVATION COMMISSION. Introduced by: Ms. Durham, Mr. Carter

E. Reports from Select and Special Committees:

- Councilman Smiley reported that the Finance Committee met on 10/27/20 and discussed items on tonight’s agenda and reviewed grant requests.
- Councilman Carter reported that the Technology Subcommittee met on 10/20/20 and discussed Zoom usage, Civic Clerk Plus, Council email server, received a presentation regarding the IS Team, and the Digital Counties Survey, and held an executive session on cyber security.

- Councilman Smiley reported that the Executive Committee met on 10/27/20 and discussed items on tonight's agenda, approved the hiring of a legislative aide, and held an executive session regarding pending litigation.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 10/20/20 and discussed items on tonight's agenda.
- Councilwoman Diller reported that the Community Services Committee met on 10/27/20 and discussed items on tonight's agenda and held an executive session regarding a property acquisition.

F. Consent Calendar: None

G. Presentations: None

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

SUBSTITUTE #1 R20-205: AUTHORIZING AN ALLOCATION FROM THE RESERVE ALLOCATION CREATED PURSUANT TO ORDINANCE 20-094 FOR THE ACQUISITION OF TAX PARCEL NO. 10-013-00-001 LOCATED AT 365 AIRPORT ROAD, NEW CASTLE, DELAWARE 19720. Introduced by: Mr. Hollins, Ms. Diller, Mr. Smiley, Mr. Cartier, Mr. Sheldon, Mr. Woods, Mr. Carter

--It was moved and seconded that Substitute No. 1 to R20-205 be read by title only and placed before Council for its consideration.

--Public comment: Henry Miller, Ted Leach, Shannon Tiberi, Karen Miller

Substitute No. 1 to Resolution 20-205—Adopted

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

R20-206: AUTHORIZING THE ALLOCATION OF \$5,000,000 FROM THE RESERVE ALLOCATION CREATED PURSUANT TO ORDINANCE 20-094 TO THE STATE OF DELAWARE FOR THE DELAWARE NON-PROFIT SUPPORT FUND TO BE ADMINISTERED BY THE UNITED WAY AND DELAWARE COMMUNITY FOUNDATION. Introduced by: Mr. Smiley

--It was moved and seconded that R20-206 be read by title only and placed before Council for its consideration.

Resolution 20-206—Adopted

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

Abstain: Sheldon

I. Consideration 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

--It was moved and seconded that 20-107 be read by title only and placed before Council for its consideration.

Ordinance 20-107—Adopted

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

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

--It was moved and seconded that 20-108 be read by title only and placed before Council for its consideration.

Ordinance 20-108—Adopted

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

°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

--It was moved and seconded that °20-109 be read by title only and placed before Council for its consideration.

Ordinance 20-109—Adopted

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

Present: Hollins

°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

--It was moved and seconded that °20-110 be read by title only and placed before Council for its consideration.

Ordinance 20-110—Adopted

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

SUBSTITUTE NO. 1 TO °20-071: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 6 (“BUILDING CODE”), REGARDING ARTICLE 2 (“DEFINITIONS”) AND ARTICLE 3 (“ADMINISTRATION”), NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), REGARDING ARTICLE 7 (“TRANSFERABLE DEVELOPMENT RIGHTS AND BONUSES”), ARTICLE 15 (“HISTORIC RESOURCES”), AND ARTICLE 33 (“DEFINITIONS”) REGARDING CODE PROVISIONS RELATING TO HISTORIC RESOURCES. Introduced by: Ms. Durham, Mr. Cartier, Mr. Carter

--It was moved and seconded that Substitute No. 1 to °20-071 be read by title only and placed before Council for its consideration.

--Councilwoman Durham moved that Floor Amendment No. 1 to Substitute No. 1 to °20-071 be read in.

--Public comment: Nancy Willing

--Rich Hall, General Manager of the Department of Land Use, spoke

Floor Amendment No. 1 to Ordinance 20-071—Adopted

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

--Councilwoman Durham moved that Floor Amendment No. 2 to Substitute No. 1 to °20-071 be read in.

--Rich Hall, General Manager of the Department of Land Use, spoke

Floor Amendment No. 2 to Ordinance 20-071—Adopted

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

--Councilwoman Durham moved that Floor Amendment No. 3 to Substitute No. 1 to °20-071 be read in.

--Rich Hall, General Manager of the Department of Land Use, spoke

Floor Amendment No. 3 to Ordinance 20-071—Adopted

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

--Mike Migliore, Counsel to Council spoke

--Rich Hall, General Manager of the Department of Land Use, spoke

--Public comment: Henry Miller, Karen Miller

Substitute No. 1 to Ordinance 20-071 as Amended by Floor Amendments No. 1, 2, 3 —Adopted

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

No: Diller, Smiley

°20-074: TO AMEND CHAPTER 40 OF THE NEW CASTLE COUNTY CODE (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”) REGARDING MEZZANINE SPACE IN SITE CAPACITY CALCULATIONS. Introduced by: Mr. Tackett

--It was moved and seconded that °20-074 be read by title only and placed before Council for its consideration.

Ordinance 20-074—Adopted

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

J. Time Sensitive Congratulatory/Honorary Resolutions:

R20-207: HONORING THE LIFE OF MRS. NAOMI WHITTINGTON AND EXPRESSING CONDOLENCES TO HER FAMILY AND FRIENDS. Introduced by: Mr. Street

--It was moved and seconded that R20-207 be read by title only and placed before Council for its consideration.

Resolution 20-207—Adopted

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

R20-208: HONORING THE LIFE OF DAVID G. CARPENTER, SR. AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Bell

--It was moved and seconded that R20-208 be read by title only and placed before Council for its consideration.

Resolution 20-208—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:

- Dave Carpenter family spoke to thank Council for R20-208
- Shannon Tiberi spoke regarding Piece by Piece
- Councilman Smiley spoke regarding Council meeting schedule
- Henry Miller spoke regarding 4185 Kirkwood – St. Georges Rd.

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 8:07 pm.

A recording of the meeting is available upon request.

Respectfully submitted by Anthony deFiore, Legislative Assistant.