

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

MINUTES

Tuesday, September 28, 2021

- 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 September 14, 2021 council meeting minutes, it was seconded, all were in favor.

C. Announcements:

- The veto letter for Ordinance 21-089 was read into the record.
- Ms. Durham announced Ordinance 21-094 will remain tabled.
- Ms. Durham Ordinance 21-113 will be withdrawn.

D. Introduction of Ordinances:

°21-108: AMEND THE GRANTS BUDGET: APPROPRIATE \$188,726.83 IN PROGRAM INCOME AND REALIGN \$390,779.68 IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2021, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING. Introduced by: Mr. Hollins, Ms. Diller

°21-109: AMEND THE GRANTS BUDGET: REALIGN \$152,198.19 IN THE FY2019 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) GRANT WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING. Introduced by: Mr. Hollins, Ms. Diller

°21-110: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 1 ("IN GENERAL") TO ESTABLISH THE AFFORDABLE HOUSING FUND. Introduced by: Mr. Hollins, Ms. Diller

°21-111: TO AMEND THE FY2021 APPROVED OPERATING BUDGET: ALLOCATE \$15,000,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE AFFORDABLE HOUSING FUND. Introduced by: Mr. Hollins, Ms. Diller

°21-112: AMEND THE FY2021 APPROVED OPERATING BUDGET: REALIGN \$2,861,300 WITHIN THE GENERAL FUND AND \$336,000 WITHIN THE SEWER FUND IN ORDER TO PROVIDE FUNDING FOR SALARIES AND WAGES AND HEALTHCARE EXPENSES. Introduced by: Mr. Smiley, Mr. Cartier

°21-114: TO PROVIDE FOR THE INSTALLATION OF TRADITIONAIRE STREET LIGHTS WITH HIGH PRESSURE SODIUM (HPS) 70-WATT BULBS IN THE WHITEWOOD VILLAGE SUBDIVISION LOCATED IN THE PENCADER HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Tackett

°21-115: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION") TO ADOPT A REDISTRICTING PLAN AFTER A RECOMMENDATION AND REPORT BY THE NEW CASTLE COUNTY REDISTRICTING COMMISSION. Introduced by: MS. Hartley-Nagle, Mr. Hollins

°21-116: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE"), ARTICLE 3 ("ADMINISTRATION") AND ARTICLE 10 ("ENERGY CONSERVATION CODE") RELATING TO NEW RESIDENTIAL CONSTRUCTION, ELECTRIC VEHICLES, AND CHARGING INFRASTRUCTURE. Introduced by: Ms. Durham

E. Reports from Select and Special Committee:

- Mr. Carter reported that the Technology subcommittee met & discussed the new personnel system, updates on the computer systems, and went to executive Session about Cyber Security.
- Ms. Durham reported that the Boards & Commissions met and interviewed new nominations & one reappointment.
- Mr. Tackett reported that the Land Use Committee met and discussed tabling Ordinance 21-094.
- Mr. Smiley reported that the Executive committee met and had a presentation on the UBS County Investments, the New Castle County Pension Fund, the Civic Clerk Board Portal and a approved the modification of the payroll accounting system.
- Mr. Smiley reported that the Finance committee met and discussed legislation on the agenda, approved some grants, received an update on the New Castle County Airport RFI, and went into executive session on the Public Works Department to discuss the City of Wilmington Sewer plant.

F. Consent Calendar:

R21-163: CONSENTING TO THE APPOINTMENT OF NINA P. DAVID TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT. Introduced by: Ms. Kilpatrick

R21-164: CONSENTING TO THE APPOINTMENT OF LEE JARMON TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD. Introduced by: Mr. Street

R21-165: APPOINTING ROGER JONES TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD. Introduced by: Ms. Kilpatrick, Ms. Durham

R21-166: REAPPOINTING ERASTUS MONG'ARE TO THE NEW CASTLE COUNTY DIVERSITY COMMISSION. Introduced by: Mr. Tackett

R21-167: CONSENTING TO THE APPOINTMENT OF MATTHEW J. SARVER TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD. Introduced by: Ms. Durham

R21-168: CONSENTING TO THE APPOINTMENT OF ELENA MARIE STEWART TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD. Introduced by: Ms. Hartley-Nagle

R21-169: CONSENTING TO THE APPOINTMENT OF NANNETTE M. SWADEY, ESQUIRE TO THE NEW CASTLE COUNTY HISTORIC REVIEW BOARD. Introduced by: Mr. Cartier

R21-170: APPOINTING DAVID YAN TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD. Introduced by: Ms. Kilpatrick

NOTE: If an item on the Consent Calendar is objected to by a Council member, or a member of the public wishes to obtain additional information about the candidate or proposed legislation, or if a Councilmember intends to offer an amendment to a resolution, seek additional information, or state a conflict, it shall be removed from the Consent Calendar and voted upon separately.

Consent Calendar

Passed

13 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:

R21-171: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH 2 FISH HOME RENOVATIONS TO ASSIST WITH DEVELOPMENT OF AFFORDABLE HOUSING FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$100,000.00. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-171 be read by title only and placed before Council for its consideration.

Resolution 21-171—Adopted

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

R21-172: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH DUFFY'S HOPE TO ASSIST WITH DEVELOPMENT OF AN AFFORDABLE GROUP HOME FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$150,000.00. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-172 be read by title only and placed before Council for its consideration.

Resolution 21-172—Adopted

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

R21-173: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH HABITAT FOR HUMANITY OF NEW CASTLE COUNTY INC. TO ASSIST WITH DEVELOPMENT OF AFFORDABLE HOUSING IN MIDDLETOWN FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$250,000.00. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-173 be read by title only and placed before Council for its consideration.

Resolution 21-173—Adopted

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

R21-174: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH HABITAT FOR HUMANITY OF NEW CASTLE COUNTY INC. TO ASSIST WITH THE DEVELOPMENT OF AFFORDABLE HOUSING ALONG THE ROUTE 9 CORRIDOR FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$250,000.00. Introduced by: Mr. Smiley, Mr. Cartier
--It was moved and seconded that R21-174 be read by title only and placed before Council for its consideration.

Resolution 21-174—Adopted

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

R21-175: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH INTERFAITH HOUSING DELAWARE, INC. TO ASSIST WITH DEVELOPMENT OF AFFORDABLE HOUSING ALONG ROUTE 9 CORRIDOR FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$150,000.00. Introduced by: Mr. Smiley, Mr. Cartier
--It was moved and seconded that R21-175 be read by title only and placed before Council for its consideration.

Resolution 21-175—Adopted

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

R21-176: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH THE NEW CASTLE CONSERVATION DISTRICT FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF STORMWATER AND ENVIRONMENTAL PROGRAMS IN THE AMOUNT OF \$241,900.00. Introduced by: Mr. Smiley, Mr. Cartier
--It was moved and seconded that R21-176 be read by title only and placed before Council for its consideration.

Resolution 21-176—Adopted

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

R21-177: TO RENAME THE STREET KNOWN AS "GREMAR ROAD" TO "GRAEMAR ROAD" LOCATED IN THE HILLENDALE SUBDIVISION; APPLICATION NO. 2021-0472; COUNCIL DISTRICT 8. Introduced by: Mr. Cartier
--It was moved and seconded that R21-177 be read by title only and placed before Council for its consideration.

Resolution 21-177—Adopted

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

I. Consideration of Ordinances:

°21-105: AMEND THE FY2022 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$75,000 FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS AND \$100,000 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, HUMAN RESOURCES SCANNING CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier
--It was moved and seconded that °21-105 be read by title only and placed before Council for its consideration.

Ordinance 21-105—Adopted

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

°21-106: AMEND THE GRANTS BUDGET: APPROPRIATE \$28,350.05 IN PROGRAM INCOME TO THE SENIOR HOME REPAIR PROGRAM GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-106 be read by title only and placed before Council for its consideration.

Ordinance 21-106—Adopted

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

°21-107: AMEND THE FY2022 APPROVED SEWER FUND OPERATING BUDGET: APPROPRIATE \$2,460,000 OF SEWER RATE STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC WORKS, SEWER FUND DIVISION OF ENVIRONMENTAL COMPLIANCE CONTRACTUAL SERVICES BUDGET LINE ITEM TO FUND LEGAL FEES. Introduced by: Mr. Sheldon, Mr. Woods

--It was moved and seconded that °21-107 be read by title only and placed before Council for its consideration.

Ordinance 21-107—Adopted

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

°21-091: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 4 ("ANIMALS"), ARTICLE 2 ("ANIMAL CONTROL"), SECTION 4.02.001. ("LICENSES; RESTRAINT; IMPOUNDMENT; DESTRUCTION; NUISANCES; ENFORCEMENT GENERALLY") AND SECTION 4.02.002. ("ENFORCEMENT OF SECTION 4.02.001"), AND NEW CASTLE COUNTY CODE CHAPTER 22 ("OFFENSES AND MISCELLANEOUS PROVISIONS"), ARTICLE 2 ("OFFENSES GENERALLY"), SECTION 22.02.008. ("NOISE CONTROL") RELATING TO DOGS AND OTHER ANIMALS. Introduced by: Mr. Smiley, Mr. Carter SUBSTITUTE NO. 2 TO

Remained Tabled

°21-094: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE"), ARTICLE 3 ("ADMINISTRATION"), SECTION 6.03.013 ("SUBMITTAL DOCUMENTS"), ARTICLE 4 ("THE BUILDING CODE"), SECTION 6.04.002. ("AMENDMENTS TO THE INTERNATIONAL BUILDING CODE"), AND ARTICLE 5 ("THE RESIDENTIAL CODE"), SECTION 6.05.002. ("AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE") RELATING TO CERTAIN NEW RESIDENTIAL CONSTRUCTION, ELECTRIC VEHICLES, AND CHARGING INFRASTRUCTURE. Introduced by: Ms. Durham, Mr. Carter, Mr. Cartier, Mr. Tackett, Ms. Hartley-Nagle

Remained Tabled

J. Time Sensitive Congratulatory/Honorary Resolutions:

R21-178: IN HONOR OF THE 300TH ANNIVERSARY OF THE LOWER BRANDYWINE PRESBYTERIAN CHURCH AS A VITAL PART OF THE NEW CASTLE COUNTY COMMUNITY. Introduced by: Ms. Durham

--It was moved and seconded that R21-178 be read by title only and placed before Council for its consideration.

Resolution 21-178—Adopted

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

R21-179: HONORING AND CELEBRATING THE LIFE AND LEGACY OF CARMELLA M. RAMONE KOZIKOWSKI DIOSSI. Introduced by: Ms. Hartley-Nagle, Mr. Woods

--It was moved and seconded that R21-179 be read by title only and placed before Council for its consideration.

Resolution 21-179—Adopted

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

R21-180: RECOGNIZING NATIONAL PREPAREDNESS MONTH. Introduced by: Ms. Hartley-Nagle

--It was moved and seconded that R21-180 be read by title only and placed before Council for its consideration.

Resolution 21-180—Adopted

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

R21-181: CELEBRATING AND HONORING THE LIFE AND LEGACY OF CITY OF NEWARK COUNCILWOMAN SHARON HUGHES. Introduced by: Ms. Diller, Ms. HartleyNagle

--It was moved and seconded that R21-181 be read by title only and placed before Council for its consideration.

Resolution 21-181—Adopted

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

R21-182: HONORING THE LIFE AND LEGACY OF ROBERT “BOB” LEE MAXWELL.

Introduced by: Ms. Kilpatrick, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Ms. Hartley-Nagle, Mr. Hollins, Mr. Sheldon, Mr. Smiley, Mr. Street, Mr. Tackett, Mr. Woods

--It was moved and seconded that R21-182 be read by title only and placed before Council for its consideration.

Resolution 21-182—Adopted

13 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. Sheldon apologized to Mr. Bell.

Mr. Bell accepted Mr. Sheldon’s apology.

Mr. Henry Miller wants all New Castle County employees vaccinated.

Mr. Jim Bose what’s to recognize or have a holiday named to honor actor Judge Reinhold.

°21-089: (VETO OVERRIDE) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 26 (“HUMAN RESOURCES”), ARTICLE 1 (“IN GENERAL”), SECTION 26.01.003 (“RESERVED”) REGARDING RESIDENCY REQUIREMENTS FOR CERTAIN COUNTY EMPLOYEES.

Introduced by: Mr. Carter, Ms. Durham

--It was moved and seconded that °21-089 be read by title only and placed before Council for its consideration.

Ordinance 21-189 Veto Override Vote—Failed

7 – Yes: Bell, Carter, Cartier, Durham, Hollins, Tackett, Woods

6 – No: Diller, Hartley-Nagle, Kilpatrick, Sheldon, Smiley, Street

M. Motion to Adjourn:

There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded and adjourned at 7:36 pm.

A recording of the meeting is available upon request.

Respectfully submitted by Linwood Jackson, Legislative Assistant.