

**REGULAR MEETING OF THE NEW CASTLE COUNTY COUNCIL
VIRTUAL ZOOM WEBINAR MEETING
& LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801**

MINUTES

Tuesday, October 12, 2021

A. Call to Order:

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

David Carter
John J. Cartier
Elisa Diller
Dee Durham
Karen Hartley-Nagle
Penrose Hollins
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett
Kenneth R. Woods

Absent

William J. Bell
Janet T. Kilpatrick

B. Approval of Minutes:

Mr. Smiley moved to approve the September 28, 2021 council meeting minutes, it was seconded, all were in favor.

C. Announcements:

Ms. Durham stated that she intends to lift sub 1 to ordinance 21-094 from the table.

D. Introduction of Ordinances:

°21-117: AMEND THE GRANTS BUDGET: REALIGN \$175,000.00 IN FEDERAL FUNDS WITHIN THE CORONAVIRUS EMERGENCY FUNDS GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE
Introduced by: Mr. Bell, Ms. Hartley-Nagle

°21-118: AMEND THE FY2022 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$14,845 IN FUNDING FROM THE STATE OF DELAWARE FISCAL YEAR 2022 BOND AND CAPITAL IMPROVEMENTS ACT AND \$14,847 IN FUNDING FROM THE STATE OF

DELAWARE, DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS 2021 CAPITAL PROJECT
Introduced by: Mr. Sheldon, Mr. Woods

°21-119: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS IN THE COLUMBIA PLACE SUBDIVISION LOCATED IN THE BRANDYWINE HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS Introduced by: Ms. Durham

°21-120: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE \$299,750 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES AS A FEDERAL PASS-THROUGH GRANT FROM THE INSTITUTE OF AGENDA OCTOBER 12, 2021 PAGE 2 MUSEUM AND LIBRARY SERVICES (IMLS) AMERICAN RESCUE PLAN ACT (ARPA) GRANT TO BE DISTRIBUTED EQUALLY TO THE TEN NEW CASTLE COUNTY LIBRARIES WHICH ARE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES Introduced by: Mr. Hollins, Ms. Diller

°21-121: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 5 ("DEPARTMENTS AND OFFICES"), SECTION 2.05.402 ("DEPARTMENT OF COMMUNITY SERVICES BOARD") TO DECOMMISSION THE DEPARTMENT OF COMMUNITY SERVICES BOARD; AND TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 5 ("DEPARTMENTS AND OFFICES"), SECTION 2.05.403 ("LIBRARY ADVISORY BOARD") TO REORGANIZE THE LIBRARY ADVISORY BOARD AS A STAND-ALONE BOARD Introduced by: Mr. Hollins, Ms. Diller

- All ordinances will be considered at the 10/26/21 meeting

E. Reports from Select and Special Committees:

Community Services: Mr. Hollins stated they met and discussed ordinances °21-110 & °21-111 and Mr. Hollins expressed his nonsupport of Sen. Brown's proposal to place a library campus in Wilmington.

Public Safety: Mr. Bell reported they met and went into executive session to discuss a personnel matter. Discussed one ordinance and two resolutions. Had an interview with Col. Vaughn Bond, JR., and acting Col. Joseph Bloch

Finance: Mr. Cartier reported they met reviewed /and discussed the resolutions & ordinances on the agenda.

F. Consent Calendar:

R21-183: HONORING THE LIFE AND LEGACY OF THELMA LORRAINE TAYLOR
Introduced by: Mr. Hollins

Consent Calendar - Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

G. Presentations: None

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

R21-184: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH DOCUMENT TECHNOLOGY SYSTEMS FOR THE DEPARTMENT OF ADMINISTRATION, 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 R21-184 be read by title only and placed before Council for its consideration.

Resolution 21-184—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

R21-185: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT WITH CATHOLIC CHARITIES, INC. FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$60,000.00 Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-185 be read by title only and placed before Council for its consideration.

Resolution 21-185—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

R21-186: TO RENAME "PYLES LANE" TO "J CALDWELL LANE;" LOCATED IN THE NEW CASTLE HUNDRED OFF OF NEW CASTLE AVENUE; APPLICATION NO. 2021-0556; COUNCIL DISTRICT 10 Introduced by: Mr. Street

--It was moved and seconded that R21-186 be read by title only and placed before Council for its consideration.

Resolution 21-186—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

R21-187: EXPRESSING SINCERE GRATITUDE TO THE MEMBERS OF THE 2021 NEW CASTLE COUNTY REDISTRICTING COMMISSION FOR THEIR SERVICE TO NEW CASTLE COUNTY Introduced by: Ms. Hartley-Nagle, Mr. Hollins

--It was moved and seconded that R21-187 be read by title only and placed before Council for its consideration.

Resolution 21-187—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

R21-188: CONSENTING TO THE APPOINTMENT OF VAUGHN BOND, JR. FOR THE POSITION OF DIRECTOR OF PUBLIC SAFETY Introduced by: Mr. Bell, Ms. Hartley-Nagle

--It was moved and seconded that R21-188 be read by title only and placed before Council for its consideration.

Resolution 21-188—Adopted

11 Yes - J. William Bell, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

2 Present - David Carter, Karen Hartley-Nagle

R21-189: CONSENTING TO THE APPOINTMENT OF JOSEPH BLOCH TO THE POSITION OF CHIEF OF POLICE OF THE NEW CASTLE COUNTY POLICE DEPARTMENT Introduced by: Mr. Bell, Ms. Hartley-Nagle

--It was moved and seconded that R21-189 be read by title only and placed before Council for its consideration.

Resolution 21-189—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

R21-190: URGING THE MEYER ADMINISTRATION TO IMMEDIATELY ASSESS WASTEWATER TREATMENT ALTERNATIVES FOR NEW CASTLE COUNTY AND ITS RESIDENTS Introduced by: Mr. Hollins, Ms. Kilpatrick, Mr. Carter, Mr. Smiley, Mr. Sheldon, Mr. Tackett, Mr. Woods, Mr. Cartier, Mr. Street, Mr. Bell

--It was moved and seconded that R21-190 be read by title only and placed before Council for its consideration.

Resolution 21-190—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

R21-191: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN AN ADDENDUM TO THE 2019-2023 COLLECTIVE BARGAINING AGREEMENT BETWEEN NEW CASTLE COUNTY AND THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES) (AFL-CIO), AFFILIATE LOCAL 1607 Introduced by: Ms. Hartley-Nagle

--It was moved and seconded that R21-191 be read by title only and placed before Council for its consideration.

Resolution 21-191—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

R21-192: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN AN ADDENDUM TO THE 2019-2022 COLLECTIVE BARGAINING AGREEMENT BETWEEN NEW CASTLE COUNTY AND THE SWORN DEPUTY SHERIFFS REPRESENTED BY THE FRATERNAL ORDER OF POLICE, LODGE NO. 5 Introduced by: Ms. Hartley-Nagle

--It was moved and seconded that R21-192 be read by title only and placed before Council for its consideration.

Resolution 21-192—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

H. Consideration 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

--It was moved and seconded that °21-108 be read by title only and placed before Council for its consideration.

Ordinance 21-108—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

°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

--It was moved and seconded that °21-109 be read by title only and placed before Council for its consideration.

Ordinance 21-109—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

°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

--It was moved and seconded that °21-110 be read by title only and placed before Council for its consideration.

Ordinance 21-110—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

°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

--It was moved and seconded that °21-111 be read by title only and placed before Council for its consideration.

Ordinance 21-111—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

°21-112: AMEND THE FY2021 APPROVED OPERATING BUDGET: REALIGN \$2,861,300 WITHIN THE GENERAL FUND AND \$336,000 WITHIN THE SEWER AGENDA OCTOBER 12, 2021 PAGE 4 FUND IN ORDER TO PROVIDE FUNDING FOR SALARIES AND WAGES AND HEALTHCARE EXPENSES Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that °21-112 be read by title only and placed before Council for its consideration.

Ordinance 21-112—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

°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

--It was moved and seconded that °21-114 be read by title only and placed before Council for its consideration.

Ordinance 21-114—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

°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

--It was moved and seconded that °21-115 be read by title only and placed before Council for its consideration.

Ordinance 21-115—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

°21-116: (STATUS: TO BE TABLED) 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

Ordinance 21-115—Tabled

°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

Remained Tabled

SUBSTITUTE NO. 1 TO °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

--It was moved and seconded that Substitute No. 1 to °21-094 be lifted from the table.

--It was moved and seconded that Substitute No. 3 to °21-094 be read by title only and placed before Council.

--Ms. Durham moved to table Substitute No. 3 to °21-094. The motion was seconded and Substitute No. 3 to °21-094 was tabled.

Substitute No. 3 to Ordinance 21-094 - Tabled

J. Time Sensitive Congratulatory/Honorary Resolutions:

R21-193: HONORING THE MAGHAN FAMILY FOR RECEIVING THE "NEW CASTLE COUNTY FARM FAMILY OF THE YEAR AWARD FOR 2021." Introduced by: Mr. Bell, Mr. Carter, Ms. Hartley-Nagle

--It was moved and seconded that R21-193 be read by title only and placed before Council for its consideration.

Resolution 21-193—Adopted

13 Yes - J. William Bell, David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

R21-194: CONGRATULATING JUNE UNRUH ON RECEIVING THE "DISTINGUISHED SERVICE TO AGRICULTURE AWARD" Introduced by: Mr. Bell, Mr. Carter, Ms. Hartey-Nagle

--It was moved and seconded that R21-194 be read by title only and placed before Council for its consideration.

Resolution 21-194—Adopted

12 Yes - David Carter, John J. Cartier, Elisa Diller, Dee Durham, Janet T. Kilpatrick, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

1 Absent: J. William Bell

R21-195: HONORING THE LIFE OF CHIEF PAUL H. TAYLOR, SR., AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Bell

--It was moved and seconded that R21-195 be read by title only and placed before Council for its consideration.

Resolution 21-195—Adopted

11 Yes - David Carter, John J. Cartier, Elisa Diller, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Timothy P. Sheldon, George Smiley, Jea P. Street, David L. Tackett, Kenneth R. Woods

2 Absent - J. William Bell, Janet T. Kilpatrick

K. Introduction/Consideration of Emergency Ordinances:

None

L. Public Comment/Other:

Mr. Smiley commented about Mr. Wilson's article Oct. 6 online addition in the news journal about the reassessment.

Mr. Woods mentioned the feedback from the microphones need to be worked on.

Ms. Hartley-Nagle stated if members of council wanted to share something to send it to the clerk of council so it can be printed and seen during the meeting.

A member of the public asked if the agenda & video were available after the meeting.

M. Motion to Adjourn:

There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded and adjourned at 8:38pm

A recording of the meeting is available upon request.

Respectfully submitted by Linwood Jackson, Legislative Assistant.