



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

April 26, 2022
6:30 PM

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

MINUTES

A. Call to Order

-The meeting was called to order by President Karen Hartley-Nagle at 6:30 p.m.

Moment of Silence

- A moment of silence was recognized.

Pledge of Allegiance

-St. Mary Magdalen's Boy Scout Troop #342 lead the Pledge of Allegiance.

Roll Call

Members present: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett
Members absent: J. William Bell, Lisa Diller, Kenneth Woods

B. Approval of Minutes

- Councilman Smiley moved to approve the April 12, 2022 Council meeting minutes. The motion was seconded by Councilman Carter and all were in favor.

C. Announcements

- Ms. Kilpatrick announced that at the appropriate time she would table Resolution 22-102.
- Ms. Durham announced that she was officially withdrawing Resolution 22-093.

D. Introduction of Ordinances

°22-044: AMEND THE FY2022 APPROVED SEWER FUND OPERATING BUDGET: APPROPRIATE \$127,678 OF SEWER RATE STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC WORKS SEWER FUND CONTRACTUAL SERVICES BUDGET LINE ITEM FOR INVESTIGATIVE WORK IN CONNECTION WITH THE ARMY CREEK LANDFILL SITE Introduced by: Mr. Sheldon, Mr. Woods

°22-045: AMEND THE GRANTS BUDGET: FOR FY2023, APPROPRIATE ANTICIPATED \$2,557,072 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES TO: (A) LIBRARY ADMINISTRATION \$2,291,722; (B) APPOQUINIMINK LIBRARY \$19,547; (C) BEAR LIBRARY \$34,431; (D) CLAYMONT LIBRARY \$14,431; (E) BRANDYWINE HUNDRED LIBRARY \$82,530; (F) ELSMERE LIBRARY \$14,430; (G) HOCKESSIN LIBRARY \$17,544; (H) KIRKWOOD LIBRARY \$21,748; (I) NEWARK LIBRARY \$30,353; (J) ROUTE 9 LIBRARY \$11,697; AND (K) WOODLAWN LIBRARY \$18,639 WHICH ARE ALL ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES Introduced by: Mr. Hollins, Ms. Diller

°22-046: AMEND THE GRANTS BUDGET: APPROPRIATE \$2,456,968 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND \$425,000 IN ESTIMATED PROGRAM INCOME TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2023, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-047: AMEND THE GRANTS BUDGET: FOR FY2023, APPROPRIATE FEDERAL FUNDS OF \$207,012 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO THE EMERGENCY SOLUTIONS GRANT FY2023, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-048: AMEND THE GRANTS BUDGET: FOR FY2023, APPROPRIATE FEDERAL FUNDS OF \$1,013,204 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ESTIMATED PROGRAM INCOME OF \$100,000 TO THE FY2023 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-049: AMEND THE GRANTS BUDGET: APPROPRIATE NEW CASTLE COUNTY FUNDING OF \$64,800 FROM THE DEPARTMENT OF COMMUNITY SERVICES FY2022 APPROVED OPERATING BUDGET TO THE SUMMER RECREATION CAMPS GRANT Introduced by: Mr. Hollins, Ms. Diller

°22-050: AMEND THE ANNUAL OPERATING BUDGET: APPROPRIATE \$64,800 FROM THE CONTRACTUAL SERVICES BUDGET LINE ITEM OF THE DEPARTMENT OF COMMUNITY SERVICES TO THE SUMMER RECREATION CAMPS GRANT Introduced by: Mr. Hollins, Ms. Diller

°22-051: AMEND THE GRANTS BUDGET: APPROPRIATE \$160,000 OF FEDERAL FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE VICTIMS OF CRIME ACT (VOCA) VICTIM ASSISTANCE PROGRAM THROUGH THE DELAWARE CRIMINAL JUSTICE COUNCIL (CJC) TO THE CRIMINAL JUSTICE COUNCIL NEW CASTLE COUNTY POLICE DEPARTMENT EXPANSION OF VICTIM SERVICES – SIXTH YEAR GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-052: AMEND THE GRANTS BUDGET: REALIGN \$86,276.00 IN FUNDS FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY WITHIN THE FY2022 FUND TO COMBAT VIOLENT CRIME GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-053: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 6 (“BUILDING CODE”), ARTICLE 1 (“GENERAL”); CHAPTER 7 (“PROPERTY MAINTENANCE CODE”), ARTICLE 1

("STANDARDS FOR PROPERTY MAINTENANCE"); AND CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR "UDC") ARTICLE 8 ("NONCONFORMING SITUATIONS"), ARTICLE 30 ("COUNTY COUNCIL AND ADMINISTRATIVE BODIES"), AND ARTICLE 31 ("PROCEDURES AND ADMINISTRATION"), REGARDING NEWSPAPER PUBLICATION OF NOTICES Introduced by: Mr. Tackett, Ms. Kilpatrick

°22-054: ALLOW REALIGNMENT OF FUNDS FROM THE UNITED STATES DEPARTMENT OF THE TREASURY WITHIN THE AMERICAN RESCUE PLAN ACT GRANT FROM GRANTS AND FIXED CHARGES TO CONTRACTUAL SERVICES, WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE Introduced by: Mr. Smiley, Mr. Cartier

E. Reports from Select and Special Committees

- Executive Committee: Mr. Smiley reported that they met today and passed adjustments to Council's calendar, had presentations on the Cares Act and ARPA funding from two representatives from Grant Thornton.
- Community Services Committee: Mr. Hollins reported they met this afternoon and discussed several items on tonight's and upcoming council agenda having to do with summer youth employment, and had two presentations on the Youth Workforce Development Program and the Community Intervention & Outreach Program.
- Finance: Mr. Smiley reported they met today and discussed legislation on this evening's agenda, approved several grants, and approved a travel request. He also announced that the Finance Committee had completed three FY 2023 Departmental Budget Hearings. The last Budget Hearing will be held on Monday May 2nd at 2PM.

F. Consent Calendar

R22-095: OBSERVING HOLOCAUST REMEMBRANCE DAY, APRIL 28, 2022 Introduced by: Mr. Woods

R22-096: HONORING THE HOLLOWAY TERRACE VOLUNTEER FIRE COMPANY, NO. 1, INC. ON THEIR 100TH ANNIVERSARY Introduced by: Mr. Bell

R22-097: HONORING THE LADIES AUXILIARY OF HOLLOWAY TERRACE FIRE COMPANY ON THEIR 100TH ANNIVERSARY Introduced by: Mr. Bell

R22-098: HONORING THE LIFE AND LEGACY OF ROLAND T. MARSHALL, SR Introduced by: Mr. Hollins, Mr. Street

Consent Note

--It was moved and seconded that the Consent Calendar be read by title only and placed before Council for its consideration.

Consent Calendar -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett

Absent: J. William Bell, Lisa Diller, Kenneth Woods

G. Presentations

-None

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

R22-099: TO SET NEW CASTLE COUNTY'S FISCAL YEAR 2023 CONTRIBUTION RATE FOR THE COUNTY'S PENSION PLANS Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that Resolution 22-099 be read by title only and placed before Council for its consideration.

Resolution 22-099 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett

Absent: J. William Bell, Lisa Diller, Kenneth Woods

R22-100: ENCOURAGING THE DELAWARE GENERAL ASSEMBLY TO AUTHORIZE MUNICIPAL AND COUNTY GOVERNMENTS TO IMPLEMENT A MARIJUANA SALES TAX UP TO 3% IN ANY LEGALIZATION LEGISLATION Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that Resolution 22-100 be read by title only and placed before Council for its consideration.

--Comments were made by Councilmember Smiley and Street.

Resolution 22-100 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, David Tackett

No: Jea Street

Absent: J. William Bell, Lisa Diller, Kenneth Woods

R22-101: URGING THE DELAWARE GENERAL ASSEMBLY TO AMEND THE DELAWARE CODE REGARDING LAWS RELATING TO PROTECTION, CONTROL AND NOISE OF ANIMALS, INCLUDING DOGS Introduced by: Mr. Smiley, Mr. Carter

--It was moved and seconded that R22-101 be read by title only and placed before Council for its consideration.

--President Hartley-Nagle asked to be a co-sponsor.

--Public comment was made by St. Mary Magdalen's Boy Scout Troop Leader, Rich Przywara.

Resolution 22-101 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Janet Kilpatrick, Timothy Sheldon, George Smiley, David Tackett

Not Voting: Penrose Hollins, Jea Street

Absent: J. William Bell, Lisa Diller, Kenneth Woods

R22-102: CORRECTING THE DESCRIPTIONS ASSOCIATED WITH PARCEL NUMBERS 0801800038 AND 0801800058 Introduced by: Ms. Kilpatrick

--It was moved and seconded that R22-102 be read by title only and placed before Council for its consideration.

--Ms. Kilpatrick moved to table R22-102. The motion was seconded by Mr. Smiley and approved.

Resolution 22-102— Tabled

I. Consideration of Ordinances

°22-032: (STATUS: TO BE TABLED) THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2023 BEGINNING JULY 1, 2022 Introduced by: Mr. Smiley, Mr. Cartier

°22-033: (STATUS: TO BE TABLED) CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2022 FOR FISCAL YEAR 2023 Introduced by: Mr. Smiley, Mr. Cartier

°22-034: (STATUS: TO BE TABLED) AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS APPROVED IN THE FISCAL YEAR 2023 CAPITAL BUDGET Introduced by: Mr. Smiley, Mr. Cartier

°22-035: (STATUS: TO BE TABLED) THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 Introduced by: Mr. Smiley, Mr. Cartier

°22-036: (STATUS: TO BE TABLED) ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that °22-032, °22-033, °22-034, °22-035, and °22-036 be read by title only and placed before Council for its consideration.

--Mr. Smiley moved to table °22-032, °22-033, °22-034, °22-035, and °22-036. The motion was seconded by Mr. Cartier and approved.

Ordinances 22-032, 22-033, 22-034, 22-035, 22-036 -- Tabled

°22-037: AMEND THE GRANTS BUDGET: APPROPRIATE \$107,945.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DIVISION OF EMPLOYMENT AND TRAINING, TO THE 2022 STATE SUMMER YOUTH EMPLOYMENT PROGRAM – CITY OF WILMINGTON; THE GRANT WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °22-037 be read by title only and placed before Council for its consideration.

Ordinance 22-037 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett

Absent: J. William Bell, Lisa Diller, Kenneth Woods

°22-038: AMEND THE GRANTS BUDGET: APPROPRIATE \$119,303.26 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DIVISION OF EMPLOYMENT AND TRAINING TO THE 2022 STATE SUMMER YOUTH EMPLOYMENT PROGRAM – SUBURBAN NEW CASTLE COUNTY GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °22-038 be read by title only and placed before Council for its consideration.

Ordinance 22-038 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett

Absent: J. William Bell, Lisa Diller, Kenneth Woods

°22-039: AMEND THE GRANTS BUDGET: APPROPRIATE \$94,727.52 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR WITH FUNDS PROVIDED BY THE DELAWARE WORKFORCE INVESTMENT BOARD TO THE 2022/2023 STATE YEAR-ROUND YOUTH EMPLOYMENT PROGRAM GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °22-039 be read by title only and placed before Council for its consideration.

Ordinance 22-039 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett

Absent: J. William Bell, Lisa Diller, Kenneth Woods

°22-040: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE \$30,000.00 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES AS A FEDERAL PASS-THROUGH GRANT FROM THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES WITH FUNDING FROM THE FEDERAL LIBRARY SERVICES AND TECHNOLOGY ACT 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

-It was moved and seconded that °22-040 be read by title only and placed before Council for its consideration.

Ordinance 22-040 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett

Absent: J. William Bell, Lisa Diller, Kenneth Woods

°22-041: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM THE COUNTY COUNCIL FY2022 APPROVED OPERATING BUDGET TO THE 2022 NEW CASTLE COUNTY YOUTH EMPLOYMENT GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins, Ms. Diller

-It was moved and seconded that °22-041 be read by title only and placed before Council for its consideration.

Ordinance 22-041 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett

Absent: J. William Bell, Lisa Diller, Kenneth Woods

°22-042: AMEND THE FY2022 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE 2022 NEW CASTLE COUNTY YOUTH EMPLOYMENT PROGRAM GRANT Introduced by: Mr. Hollins, Mr. Street, Mr. Smiley

-It was moved and seconded that °22-042 be read by title only and placed before Council for its consideration.

Ordinance 22-042 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett

Absent: J. William Bell, Lisa Diller, Kenneth Woods

°22-043: TO AMEND NEW CASTLE COUNTY CODE CHAPTERS 14 ("FINANCE AND TAXATION") AND 38 ("UTILITIES") TO PROVIDE A FULL PROPERTY TAX EXEMPTION FOR QUALIFYING DISABLED VETERANS WITH 100% DISABILITY RATING Introduced by: Mr. Hollins, Ms. Kilpatrick, Mr. Smiley, Mr. Cartier, Mr. Woods, Ms. Hartley-Nagle

-It was moved and seconded that °22-043 be read by title only and placed before Council for its consideration.

Ordinance 22-043 -- Adopted

Yes: David Carter, John Cartier, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett

Absent: J. William Bell, Lisa Diller, Kenneth Woods

J. Time Sensitive Congratulatory/Honorary Resolutions

-None

K. Introduction/Consideration of Emergency Ordinances

-None

L. Public Comment/Other

-Ms. Kilpatrick commented on °22-043 and noted that the application deadline is at the end of April for the current tax year.

M. Motion to Adjourn

-There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded by Councilman Carter, and the meeting was adjourned at 7:07 pm.

A recording of the meeting is available upon request.

Respectfully submitted by C. Linwood Jackson, Legislative Assistant.