



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

May 10, 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 Hartley-Nagle at 6:30 p.m.

Moment of Silence

-A moment of silence was recognized.

Pledge of Allegiance

-Members of Council performed the Pledge of Allegiance.

Roll Call

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

Members absent: Lisa Diller

B. Approval of Minutes

-Mr. Smiley moved to approve the April 26, 2022, council meeting minutes. It was seconded and all were in favor.

C. Announcements

-Mr. Smiley announced that there was a member of the public in the council chambers.

D. Introduction of Ordinances

All ordinances will be considered at the 5/24/22 meeting.

°22-055: AMEND THE GRANTS BUDGET: APPROPRIATE \$75,000 FROM SUSSEX COUNTY AS A FEDERAL PASS-THROUGH GRANT FROM THE AMERICAN RESCUE PLAN ACT (ARPA), STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF) TO THE SUBSTANCE USE DISORDERS NEEDS ASSESSMENT Introduced by: Mr. Smiley, Mr. Cartier

°22-056: APPROPRIATE \$190,000 FROM THE GARSTIN TRUST PORTFOLIO TO THE GARSTIN TRUST FUND IN ORDER TO FUND PARK MAINTENANCE FOR FISCAL YEAR 2023, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS Introduced by: Mr. Sheldon, Mr. Woods

°22-057: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE FEDERAL FUNDS OF \$989,082.61 FROM OTHER INCOME IN THE FY2020 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

°22-058: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE FEDERAL FUNDS OF \$1,178,902.72 FROM PROGRAM INCOME IN THE FY2022 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

°22-059: AMEND THE GRANTS BUDGET: FOR FY2022, APPROPRIATE \$25,356.93 IN REVENUE DERIVED FROM FEES AND PRIVATE DONATIONS TO THE ROCKWOOD MUSEUM GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES Introduced by: Mr. Hollins, Ms. Diller

°22-060: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING OF \$70,000 FROM THE DELAWARE STATE HOUSING AUTHORITY, HOUSING DEVELOPMENT FUND TO THE HOUSING DEVELOPMENT FUND (HDF) SUPPLEMENTAL FUNDING GRANT WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING Introduced by: Mr. Hollins, Ms. Diller

°22-061: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 20 ("LAW ENFORCEMENT") REGARDING THE APPOINTMENT OF PARK PUBLIC SAFETY SPECIALISTS AND SEASONAL PARK PATROL OFFICERS Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-062: AMEND THE FY2022 CAPITAL BUDGET: APPROPRIATE \$85,000 IN FUNDING FROM THE STATE OF DELAWARE FISCAL YEAR 2022 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT OF PUBLIC SAFETY, OVERLOOK COLONY SECURITY CAMERAS CAPITAL PROJECT Introduced by: Mr. Bell, Ms. Harley-Nagle

°22-063: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$9,130 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO THE EMERGENCY MANAGEMENT FY2021 GRANT Introduced by: Mr. Bell, Ms. Hartley-Nagle

°22-064: AMEND THE FY2022 APPROVED SEWER FUND OPERATING BUDGET: APPROPRIATE \$6,657,360 OF SEWER RATE STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC WORKS SEWER FUND COMMUNICATION AND UTILITIES BUDGET LINE ITEM FOR SETTLEMENT OF PAST SEWER COST CLAIMS FOR FY2017 THROUGH FY2020 Introduced by: Mr. Sheldon, Mr. Woods, Mr. Hollins

E. Reports from Select and Special Committees

-Public Works Committee: Mr. Woods reported they met on 5/3/22 and went into executive session to discuss the Wilmington Sewer Agreement Settlement.

-Land use Committee: Mr. Tackett reported they met on 5/3/22 and heard one resolution.

-Public Safety Committee: Ms. Hartley-Nagle reported they met today and reviewed five ordinances and had presentations on the 911 Center/Emergency Communications 2021 Year End Review and the Behavioral Health Unit Overview .

-Finance Committee: Mr. Cartier reported they met today and reviewed legislation on tonight's agenda and approved 3 grants.

F. Consent Calendar

Consent Note**G. Presentations**

-None

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

R22-103: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN AN AGREEMENT WITH THE CITY OF WILMINGTON CONCERNING WASTEWATER TREATMENT Introduced by: Mr. Sheldon, Mr. Woods, Mr. Hollins

-It was moved and seconded that R22-103 be read by title only and placed before Council for its consideration.

-Mr. Sheldon moved to table R22-103 until May 24, 2022. The motion was seconded and approved.

Resolution 22-103-- Tabled

R22-104: APPROVING A CREDIT UNDER NEW CASTLE COUNTY CODE SEC. 14.03.003 OF COUNTY TAXES BILLED IN ERROR TO AND PAID BY BARRY EVANS AND DEE DURHAM Introduced by: Mr. Smiley

-It was moved and seconded that Resolution 22-104 be read by title only and placed before Council for its consideration.

-Ms. Durham recused herself from this resolution and did not participate in discussion.

Resolution 22-104 -- Adopted

Yes: J. William Bell, David Carter, John Cartier, Karen Hartley-Nagle, Penrose Hollins, Janet Kilpatrick, Timothy Sheldon, George Smiley, Jea Street, David Tackett, Kenneth Woods

Recused: Dee Durham

Absent: Lisa Diller

R22-105: TO AMEND A DECLARATION OF RESTRICTIONS FOR PROPERTY LOCATED ON THE NORTH SIDE OF CAPITOL TRAIL, MILL CREEK HUNDRED, TAX PARCEL NUMBER 08-049.30-379 Introduced by: Mr. Sheldon

-It was moved and seconded that Resolution 22-105 be read by title only and placed before Council for its consideration.

-There was discussion among councilmembers.

-No public comment.

Resolution 22-105-- Adopted

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

Absent: Lisa Diller

R22-106: URGING THE DELAWARE GENERAL ASSEMBLY TO AUTHORIZE NEW CASTLE COUNTY GOVERNMENT TO CONSIDER CERTAIN ENVIRONMENTAL CRITERIA IN CONNECTION WITH THE PROCUREMENT PRACTICES OF NEW CASTLE COUNTY Introduced by: Ms. Durham

-It was moved and seconded that Resolution 22-106 be read by title only and placed before Council for its consideration.

-Ms. Durham moved to table R22-106. The motion was seconded by Mr. Cartier and approved.

Resolution 22-106-- Tabled**I. Consideration 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

-It was moved and seconded that °22-044 be read by title only and placed before Council for its consideration.

Ordinance 22-044 -- Adopted

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

Absent: Lisa Diller

°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

-It was moved and seconded that °22-045 be read by title only and placed before Council for its consideration.

Ordinance 22-045 -- Adopted

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

Absent: Lisa 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

-It was moved and seconded that °22-046 be read by title only and placed before Council for its consideration.

Ordinance 22-046 -- Adopted

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

Absent: Lisa 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

-It was moved and seconded that °22-047 be read by title only and placed before Council for its consideration.

Ordinance 22-047-- Adopted

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

Absent: Lisa 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

-It was moved and seconded that °22-048 be read by title only and placed before Council for its consideration.

Ordinance 22-048-- Adopted

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

Absent: Lisa 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

-It was moved and seconded that °22-049 be read by title only and placed before Council for its consideration.

Ordinance 22-049 -- Adopted

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

Absent: Lisa 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

-It was moved and seconded that °22-050 be read by title only and placed before Council for its consideration.

Ordinance 22-050 -- Adopted

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

Absent: Lisa 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

-It was moved and seconded that °22-051 be read by title only and placed before Council for its consideration.

Ordinance 22-051 -- Adopted

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

Absent: Lisa Diller

°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

-It was moved and seconded that °22-052 be read by title only and placed before Council for its consideration.

Ordinance 22-052-- Adopted

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

Absent: Lisa Diller

°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

-It was moved and seconded that °22-054 be read by title only and placed before Council for its consideration.

-Council Members commented on the ordinance.

-No public comment.

Ordinance 22-054 -- Defeated

Yes: George Smiley

No: J. William Bell, David Carter, Dee Durham, Karen Hartley-Nagle, Penrose Hollins, Jea Street

Not Voting: John Cartier, Janet Kilpatrick, Timothy Sheldon, David Tackett, Kenneth Woods

Absent: Lisa Diller

J. Time Sensitive Congratulatory/Honorary Resolutions

-None.

K. Introduction/Consideration of Emergency Ordinances

-None.

L. Public Comment/Other

-Mr. Dominic Donofrio made comments about property management codes and inspections.

-Ms. Kilpatrick and Ms. Hartley-Nagle responded to Mr. Donofrio's comments.

-Mr. Wilson Davis, County Attorney, addressed Mr. Donofrio's comments and provided his contact information.

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 7:18 pm.

A recording of the meeting is available upon request.

Respectfully submitted by Linwood Jackson, Legislative Assistant.