

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

**MINUTES**

**Tuesday, June 23, 2020**

- A. The meeting was called to order by President Hartley-Nagle at 6:31 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 June 9, 2020 council meeting minutes, it was seconded, and all were in favor.

**C. Announcements:**

- Mr. Cartier announced that he will introduce three Item J resolutions.

**D. Introduction of Ordinances:**

**20-072: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES AND THE PAY PLAN AND RATES FOR CLASSIFIED SERVICE 40 HOUR WORK WEEK EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607. Introduced by: Ms. Hartley-Nagle**

**20-073: AMEND THE GRANTS BUDGET: APPROPRIATE \$375,000 TO THE CONTRACTED POLICE DUTY REVOLVING FUND, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

**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**

**20-075: AMENDING NEW CASTLE COUNTY CODE CH. 20 (“LAW ENFORCEMENT”) TO BAN THE USE OF KNEE HOLDS, CHOKEHOLDS, AND SIMILAR PROCEDURES AS A METHOD OF RESTRAINT OR USE OF FORCE PROCEDURE. Introduced by: Mr. Carter, Mr. Hollins, Mr. Street, Ms. Durham**

**20-076: AMENDING NEW CASTLE COUNTY CODE CH. 20 (“LAW ENFORCEMENT”) REGARDING NEW CASTLE COUNTY POLICE OFFICERS AND THE DUTY TO INTERVENE AND REPORT IN RELATION TO UNAUTHORIZED OR EXCESSIVE USE OF FORCE. Introduced by: Mr. Carter, Mr. Hollins, Mr. Street, Ms. Durham**

**E. Reports from Select and Special Committees:**

- Councilwoman Diller reported that the Community Services Committee met on 6/23/20 and discussed the Summer Youth Employment Program and Code Differently program.

- Councilman Smiley reported that the Executive Committee met on 6/23/20 and discussed Council Offices Phased Re-opening and items on tonight's agenda.
- Councilman Smiley reported that the Finance Committee met on 6/23/20 and discussed items on tonight's agenda, received a presentation on Council's grant process, updated on CARES Act spending, updated by County Attorney Wil Davis on reassessment litigation, updated from Executive Office on COVID-19 testing.

**F. Consent Calendar:**

- **R20-131: HONORING KATHLEEN H. HARVEY FOR HER COMMITMENT TO HER COMMUNITY AND SERVICE TO THE TOWN OF ODESSA AS MAYOR. Introduced by: Mr. Bell, Mr. Carter**

**Consent Calendar—Adopted**

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:**

- **R20-132: APPROVING A CREDIT UNDER NEW CASTLE COUNTY CODE SEC. 14.03.003 OF COUNTY TAXES BILLED AND PAID IN ERROR BY THE MERCANTES. Introduced by: Ms. Durham, Mr. Smiley**

--It was moved and seconded that R20-132 be read by title only and placed before Council for its consideration.

**Resolution 20-132—Adopted**

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

- **R20-133: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES) (AFL-CIO), AND ITS AFFILIATE LOCAL 1607, COLLECTIVE BARGAINING AGREEMENT. Introduced by: Ms. Hartley-Nagle**

--It was moved and seconded that R20-133 be read by title only and placed before Council for its consideration.

**Resolution 20-133—Adopted**

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

- **R20-134: TO AMEND SECTIONS 5.7. AND 5.7.1. OF THE NEW CASTLE COUNTY COUNCIL EMPLOYEE HANDBOOK REGARDING EMPLOYMENT OF COUNCIL LEGISLATIVE ASSISTANTS. Introduced by: Mr. Smiley**

--It was moved and seconded that R20-134 be read by title only and placed before Council for its consideration.

**Resolution 20-134—Adopted**

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

- **R20-135: TO SET NEW CASTLE COUNTY'S FISCAL YEAR 2021 CONTRIBUTION RATE FOR THE COUNTY'S PENSION PLANS. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R20-135 be read by title only and placed before Council for its consideration.

**Resolution 20-135—Adopted**

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

- **R20-136: AMEND THE FY2021 CAPITAL PROGRAM: APPROPRIATE UP TO \$4,200 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT AND UP TO \$70,000 FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS, TOTALING \$74,200 TO THE DEPARTMENT OF ADMINISTRATION, INFORMATION SYSTEMS EXPANSION II CAPITAL PROJECT TO SUPPORT THREE TECHNOLOGICAL INITIATIVES. Introduced by: Mr. Smiley, Mr. Cartier**  
--It was moved and seconded that R20-136 be read by title only and placed before Council for its consideration.

**Resolution 20-136—Adopted**

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

- **R20-137: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR CORBIT CALLOWAY MEMORIAL LIBRARY FOR LIBRARY SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$195,721.00. Introduced by: Mr. Smiley, Mr. Cartier, Mr. Bell**  
--It was moved and seconded that R20-137 be read by title only and placed before Council for its consideration.

**Resolution 20-137—Adopted**

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

- **R20-138: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR DELAWARE CITY PUBLIC LIBRARY FOR LIBRARY SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$194,996.00. Introduced by: Mr. Smiley, Mr. Cartier, Mr. Bell**  
--It was moved and seconded that R20-138 be read by title only and placed before Council for its consideration.

**Resolution 20-138—Adopted**

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

- **R20-139: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR MIDDLETOWN SQUARE OFFICE, LCC FOR FY2021 LEASE AGREEMENT FOR THE APPOQUINIMINK LIBRARY FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$155,848.00. Mr. Smiley, Mr. Cartier, Mr. Carter**  
--It was moved and seconded that R20-139 be read by title only and placed before Council for its consideration.

**Resolution 20-139—Adopted**

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

- **R20-140: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR NEW CASTLE PUBLIC LIBRARY FOR LIBRARY SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$376,102.00. Introduced by: Mr. Smiley, Mr. Cartier, Mr. Bell**  
--It was moved and seconded that R20-140 be read by title only and placed before Council for its consideration.

**Resolution 20-140—Adopted**

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

- **R20-141: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR STATE OF DELAWARE, DIVISION OF STATE SERVICE CENTER FOR A PASS-THROUGH GRANT FOR COVID RESPONSE ACTIVITIES FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$731,218.33. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R20-141 be read by title only and placed before Council for its consideration.

**Resolution 20-141—Adopted**

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

- **R20-142: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR TOWN OF ELSMERE FOR FY2021 LEASE AGREEMENT FOR ELSMERE LIBRARY FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$55,737.72. Introduced by: Mr. Smiley, Mr. Cartier, Mr. Woods**

--It was moved and seconded that R20-142 be read by title only and placed before Council for its consideration.

**Resolution 20-142—Adopted**

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

- **R20-143: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR WILMINGTON INSTITUTE LIBRARY (MAIN AND NORTH BRANCH) FOR LIBRARY SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$1,641,154.00. Introduced by: Mr. Smiley, Mr. Cartier, Mr. Hollins**

--It was moved and seconded that R20-143 be read by title only and placed before Council for its consideration.

**Resolution 20-143—Adopted**

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

**I. Consideration of Ordinances:**

- **°20-066: AMEND THE GRANTS BUDGET: APPROPRIATE \$147,886 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 – FOURTH YEAR GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that °20-066 be read by title only and placed before Council for its consideration.

**Ordinance 20-066—Adopted**

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

- **°20-067: AMEND THE GRANTS BUDGET: APPROPRIATE \$34,402.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE–SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF) TO THE SLEAF – POWER HAWK NERAT GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that °20-067 be read by title only and placed before Council for its consideration.

**Ordinance 20-067—Adopted**

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

- **°20-068: AMEND THE FY2021 CAPITAL BUDGET: APPROPRIATE UP TO \$4,200 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT AND UP TO \$70,000 FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS, TOTALING \$74,200 TO THE DEPARTMENT OF ADMINISTRATION, INFORMATION SYSTEMS EXPANSION II CAPITAL PROJECT TO SUPPORT THREE TECHNOLOGICAL INITIATIVES. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °20-068 be read by title only and placed before Council for its consideration.

**Ordinance 20-068—Adopted**

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

- **°20-069: TO AMEND THE PAY PLAN FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF COUNTY COUNCIL AND REVISE THE CLASS SPECIFICATIONS FOR ASSOCIATE AUDITOR, STAFF AUDITOR, AND SENIOR AUDITOR. Introduced by: Ms. Kilpatrick, Mr. Sheldon**

--It was moved and seconded that °20-069 be read by title only and placed before Council for its consideration.

**Ordinance 20-069—Adopted**

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

**J. Time Sensitive Congratulatory/Honorary Resolutions:**

- **R20-144: CELEBRATING AND HONORING THE LIFE OF THOMAS R. STAPLEFORD AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Cartier, Ms. Hartley-Nagle**

--It was moved and seconded that R20-144 be read by title only and placed before Council for its consideration.

**Resolution 20-144—Adopted**

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

- **R20-145: CELEBRATING AND HONORING THE LIFE OF CHRISTOPHER J. BONSALE, SR. AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Cartier, Ms. Hartley-Nagle**

--It was moved and seconded that R20-145 be read by title only and placed before Council for its consideration.

**Resolution 20-145—Adopted**

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

- **R20-146: CELEBRATING AND HONORING THE LIFE OF JAMES A. PLETZ AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Cartier, Ms. Hartley-Nagle, Ms. Diller**

--It was moved and seconded that R20-146 be read by title only and placed before Council for its consideration.

**Resolution 20-146—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:**

- Karen Miller: 4158 Kirkwood – St. Georges Rd. issues
- Jonathon Yard, Lodge 5 President, spoke regarding certain concerns with Ordinance 20-075.
- Maria Blasucci thanked Councilwoman Durham for working on an issue in her district.

**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 7:32 pm.

*A recording of the meeting is available upon request.*

*Respectfully submitted by Anthony deFiore, Legislative Aide.*