

REGULAR MEETING OF THE NEW CASTLE COUNTY COUNCIL

**Louis L. Redding City/County Building
City/County Chambers
800 French Street; Wilmington, DE 19801**

MINUTES

Tuesday, May 27, 2014

- A. The meeting was called to order by President Bullock at 6:31 p.m.
The Prayer was silent; members of Council remained standing for the Pledge of Allegiance.

Roll Call

Present

J. William Bell
Christopher A. Bullock
John J. Cartier
Elisa Diller
Penrose Hollins
Janet T. Kilpatrick
William Powers, Jr.
Joseph M. Reda
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett
Robert S. Weiner

B. Approval of Minutes:

Councilman Smiley moved for the approval of the minutes from May 13, 2014. The motion was seconded by Councilwoman Kilpatrick. All were in favor and the minutes were adopted.

C. Announcements:

- Councilman Smiley announced that, at the appropriate time, he will move to table R14-093 until later in the agenda.
- Councilman Sheldon announced that °14-058 will not be introduced.
- Councilwoman Kilpatrick announced that, at the appropriate time, she will move to consider Item J R14-138 under “Presentations” and then will have a presentation. She also announced that R14-128 will be removed from the Consent Calendar.

D. Introduction of Ordinances:

- **°14-053: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES), ALF-CIO, AFFILIATE LOCAL 1607, AND ADOPT THE REVISED CLASS SPECIFICATION OF SPECIAL SERVICES PROJECT ADMINISTRATOR. Introduced by: Mr. Bullock**
- **°14-054: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE. Introduced by: Mr. Bullock**
- **°14-055: APPROPRIATE FUNDS FROM THE GARSTIN TRUST PORTFOLIO TO THE GARSTIN TRUST FUND IN ORDER TO PROVIDE FUNDING FOR PARK MAINTENANCE FOR FISCAL YEAR 2015, TO BE ADMINISTERED BY THE DEPARTMENT OF SPECIAL SERVICES. Introduced by: Mr. Sheldon, Mr. Powers**

- **°14-056: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 14 (“FINANCE AND TAXATION”) REGARDING THE PROCESS FOR ABATEMENT OF CERTAIN PENALTIES. Introduced by: Mr. Tackett**
- **°14-057: TO REVISE CHAPTER 6 (“BUILDINGS AND STRUCTURES”) AND CHAPTER 16 (“FIRE PREVENTION, PROTECTION AND ADMINISTRATION OF THE VOLUNTEER FIRE SERVICE ASSISTANCE FUND”) OF THE NEW CASTLE COUNTY CODE REGARDING SCHEDULE OF PERMIT FEES AND THE ADMINISTRATION OF THE VOLUNTEER FIRE SERVICE ASSISTANCE FUND. Introduced by: Mr. Bell, Mr. Smiley**
- **°14-059: TO DECLARE CERTAIN LANDS OWNED BY NEW CASTLE COUNTY SURPLUS AND TO PERMIT THEIR TRANSFER AND CONVEYANCE TO THE TOWN OF ELSMERE. Introduced by: Mr. Reda**

E. Reports from Select and Special Committees:

- Councilman Smiley reported that the Finance Committee met on 5/27/14 to discuss items on tonight’s agenda and to approve grant requests.
- Council President Bullock reported that the Executive Committee met on 5/27/14 to discuss items on tonight’s agenda and to discuss legislation regarding the Board of Assessment.
- Councilwoman Diller reported that the Community Services Committee met on 5/27/14 for an update on the Police Athletic League.
- Councilman Weiner reported that the Subcommittee on Technology met on 5/20/14 to discuss Executive branch technology updates, posting of hyperlinked agendas, and updating County web pages with current information.

F. Consent Calendar:

- Councilwoman Kilpatrick asked to have R14-128 removed from the Consent Calendar.
- **R14-127: CELEBRATING THE 100TH BIRTHDAY OF MRS. RACHEL HARLEY. Introduced by: Mr. Street, Mr. Bullock**
- **R14-129: REAPPOINTING DEBORAH HORN TO THE NEW CASTLE COUNTY AUDIT COMMITTEE. Introduced by: Ms. Diller**
- **R14-130: REAPPOINTING JOHANNA BISHOP TO THE NEW CASTLE COUNTY ETHICS COMMISSION. Introduced by: Ms. Diller**
- **R14-131: RECOGNIZING DOROTHY J. PETERSON FOR 60 YEARS OF DEDICATED ACTIVE SERVICE TO THE BRANDYWINE HUNDRED VOLUNTEER FIRE COMPANY NO. 1 LADIES AUXILIARY. Introduced by: Mr. Cartier**
- **R14-132: RECOGNIZING RONALD E. SCHMIDT, SR. FOR 45 YEARS OF DEDICATED ACTIVE SERVICE TO THE BRANDYWINE HUNDRED VOLUNTEER FIRE COMPANY NO. 1. Introduced by: Mr. Cartier**
- **R14-133: RECOGNIZING STEPHEN A. RAIGN FOR 45 YEARS OF DEDICATED ACTIVE SERVICE TO THE BRANDYWINE HUNDRED VOLUNTEER FIRE COMPANY NO. 1. Introduced by: Mr. Cartier**
- **R14-134: RECOGNIZING WALTER R. HURST FOR 60 YEARS OF DEDICATED ACTIVE SERVICE TO THE BRANDYWINE HUNDRED VOLUNTEER FIRE COMPANY NO. 1. Introduced by: Mr. Cartier**
- **R14-135: HONORING THE LIFE AND LEGACY OF JOSEPH S. SETTING. Introduced by: Mr. Weiner, Mr. Bullock, Mr. Cartier, Mr. Reda**
- **R14-136: CONGRATULATING THE THOMAS EDISON CHARTER SCHOOL CHESS TEAM FOR WINNING A NATIONAL CHESS TITLE AT THE 2014 ELEMENTARY CHESS CHAMPIONSHIP. Introduced by: Mr. Bullock**

Consent Calendar--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

G. Presentations:

- Councilwoman Kilpatrick moved to go out of order in order to consider R14-138. It was seconded and approved.
- **R14-138: CONGRATULATING THE DELAWARE SWIM TEAM ON THEIR OUTSTANDING PERFORMANCE AT THE NATIONAL AGE-GROUP SWIMMING ASSOCIATION SHOWCASE CLASSIC. Introduced by: Ms. Kilpatrick**
-- It was moved and seconded that R14-138 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-138—Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- Return to the regular order of business
- Councilwoman Kilpatrick presented R14-138 to the recipients.
- Councilman Weiner presented R14-135 to the recipients.

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

- **R14-137: 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: Mr. Bullock**
-- It was moved and seconded that R14-137 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-137—Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **R14-093: (STATUS: TABLED) ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2015 THROUGH 2020. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that R14-093 be tabled until further in the agenda.
- **R14-107: (STATUS: TABLED) REQUESTS NEW CASTLE COUNTY COUNCIL IMPLEMENT BOTH LIVE AND VIDEO ON DEMAND VIDEO BROADCASTS OF ALL PUBLICALLY ADVERTISED NEW CASTLE COUNTY COUNCIL MEETINGS. Introduced by: Mr. Weiner**
-- It was moved that R14-107 remain tabled.
- **R14-108: : (STATUS: TABLED) REQUESTS NEW CASTLE COUNTY COUNCIL IMPLEMENT VIDEO ON DEMAND BROADCASTS OF ALL PUBLICALLY ADVERTISED NEW CASTLE COUNTY COUNCIL MEETINGS. Introduced by: Mr. Weiner**
-- It was moved that R14-108 remain tabled.

- **R14-119: (STATUS: TABLED) AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE TWO AMENDMENTS TO THE AGREEMENTS BETWEEN NEW CASTLE COUNTY AND THE POLICE ATHLETIC LEAGUE OF DELAWARE RELATING TO THE HOCKESSIN AND GARFIELD PARK POLICE ATHLETIC LEAGUE FACILITIES. Introduced by: Mr. Hollins, Ms. Diller**

-- It was moved and seconded that R14-119 be lifted from the table, read by title only and placed before Council for its consideration and adoption.

Resolution 14-119—Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

I. Consideration of Ordinances

- **°14-045: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND ADOPT THE CLASS SPECIFICATION OF COMMUNITY SERVICES FINANCE OFFICER. Introduced by: Mr. Bullock**
-- It was moved and seconded that °14-045 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-045--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-046: AMEND THE PAY PLAN AND RATES OF PAY FOR THE FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5. Introduced by: Mr. Bullock**
-- It was moved and seconded that °14-046 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-046--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-047: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES), AFL-CIO, AFFILIATE LOCAL 1607, AND ADOPT THE CLASS SPECIFICATION OF TREASURY CUSTOMER SERVICE REPRESENTATIVE. Introduced by: Mr. Bullock**
-- It was moved and seconded that °14-047 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-047--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-049: AMEND THE FY2014 APPROVED OPERATING BUDGET: APPROPRIATE \$200,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVES TO THE DEPARTMENT OF SPECIAL SERVICES TO COVER THE COST OF VEHICLE AND FACILITIES MAINTENANCE. Introduced by: Mr. Sheldon, Mr. Powers**
-- It was moved and seconded that °14-049 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-049--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-050: AMEND THE GRANTS BUDGET; APPROPRIATE \$250,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVES TO THE PROPERTY MAINTENANCE REVOLVING FUND. Introduced by: Mr. Tackett, Mr. Reda**
-- It was moved and seconded that °14-050 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-050--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-051: AMEND THE FY2014 APPROVED OPERATING BUDGET: INCREASE THE FY2014 APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE, BY \$200,000 TO FUND THE STREET LIGHT PROGRAM. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that °14-051 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-051--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-003: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”) CONCERNING COUNTY ATTORNEY OR DESIGNEE APPROVAL OF EXECUTIVE BRANCH GENERATED LEGISLATION AS TO FORM AND LEGALITY. Introduced by: Mr. Weiner**
-- It was moved that °14-003 remain tabled.
- **°14-020: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”) CONCERNING COUNTY ATTORNEY OR DESIGNEE APPROVAL OF EXECUTIVE BRANCH GENERATED LEGISLATION AS TO LEGALITY. Introduced by: Mr. Weiner**
-- It was moved that °14-020 remain tabled.
- **°14-031: (STATUS: TABLED) THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2015 BEGINNING JULY 1, 2014. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that °14-031 be lifted from the table and read by title only.
 - **AMENDMENT NO. 1 TO °14-031: THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2015 BEGINNING JULY 1, 2014. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that Amendment No. 1 to °14-031 be read by title only and placed before Council for its consideration and adoption.

Amendment No. 1 to Ordinance 14-031--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

Ordinance 14-031 as amended by Amendment No. 1--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-032: (STATUS: TABLED) CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2014 FOR FISCAL YEAR 2015. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that °14-032 be lifted from the table, read by title only and placed before Council for its consideration and adoption.

Ordinance 14-032--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-033: (STATUS: 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 2015 CAPITAL BUDGET. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that °14-033 be lifted from the table and read by title only.
 - **AMENDMENT NO. 1 TO °14-033: 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 2015 CAPITAL BUDGET. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that Amendment No. 1 to °14-033 be read by title only and placed before Council for its consideration and adoption.

Amendment No. 1 to Ordinance 14-033--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

Ordinance 14-033 as amended by Amendment No. 1--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- Councilman Smiley moved to return to R14-093. It was seconded and approved.
- **R14-093: (STATUS: TABLED) ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2015 THROUGH 2020. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that R14-093 be lifted from the table and read by title only.
 - **AMENDMENT NO. 1 TO R14-093: ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2015 THROUGH 2020. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that Amendment No. 1 to R14-093 be read by title only and placed before Council for its consideration and adoption.

Amendment No. 1 to Resolution 14-093--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **AMENDMENT NO. 2 TO R14-093: ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2015 THROUGH 2020. Introduced by: Mr. Smiley, Mr. Cartier**

-- It was moved and seconded that Amendment No. 2 to R14-093 be read by title only and placed before Council for its consideration and adoption.

Amendment No. 2 to Resolution 14-093--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

Resolution 14-093 as amended by Amendments No. 1 and No. 2--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-034: (STATUS: TABLED) THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that °14-034 be lifted from the table and read by title only.
 - **AMENDMENT NO. 1 TO °14-034: THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that Amendment No. 1 to °14-034 be read by title only and placed before Council for its consideration and adoption.

Amendment No. 1 to Ordinance 14-034--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

Ordinance 14-034 as amended by Amendment No. 1--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-035: (STATUS: TABLED) ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that °14-035 be lifted from the table and read by title only.
 - **AMENDMENT NO. 1 TO °14-035: ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that Amendment No. 1 to °14-035 be read by title only and placed before Council for its consideration and adoption.

Amendment No. 1 to Ordinance 14-035--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **AMENDMENT NO. 3 TO °14-035: ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014.**

Introduced by: Ms. Kilpatrick

-- It was moved and seconded that Amendment No. 3 to °14-035 be read by title only and placed before Council for its consideration and adoption.

-- Anthony Goode, Chief of the Wilmington Fire Department, spoke against this amendment.

-- Sam Guy, Executive Assistant in the Executive's Office, spoke against this amendment.

Amendment No. 3 to Ordinance 14-035--Rejected

Yes: Cartier, Diller, Kilpatrick

No: Bell, Bullock, Hollins, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **AMENDMENT NO. 4 TO °14-035: ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014.**

Introduced by: Mr. Smiley, Mr. Cartier

-- It was moved and seconded that Amendment No. 4 to °14-035 be read by title only and placed before Council for its consideration and adoption.

Amendment No. 4 to Ordinance 14-035--Adopted

Yes: Bell, Bullock, Cartier, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

No: Diller

Ordinance 14-034 as amended by Amendments No. 1 and No. 4--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

J. Time Sensitive Congratulatory/Honorary Resolutions: Moved and considered under Presentations

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other:

- Councilman Smiley thanked the Administration and Council for a smooth budget process.
- Councilman Cartier thanked the Administration, Council, and Councilman Smiley for their hard work on the budget.
- Council President Bullock thanked everyone for ensuring a successful budget process.

M. Motion to Adjourn

There being no further testimony, Councilman Smiley made a motion to adjourn, it was seconded by Councilman Sheldon and the meeting was adjourned at 8:21 p.m.

Christopher A. Bullock
Council President
New Castle County

A recording of the meeting is available upon request.

Respectfully submitted by Anthony deFiore, Legislative Aide to Council President Christopher A. Bullock