

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, June 12, 2018

- A. The meeting was called to order by President Hartley-Nagle at 6:30 p.m.
A moment of silence was recognized; members of Council remained standing for the Pledge of Allegiance.

Roll Call

Present

John J. Cartier
Elisa Diller
Karen Hartley-Nagle
Janet T. Kilpatrick
William Powers, Jr.
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett
Robert S. Weiner

Absent

J. William Bell
Penrose Hollins*
Kenneth R. Woods*

*Councilman Hollins and Councilman Woods arrived prior to announcements.

B. Approval of Minutes:

- Councilman Smiley moved to approve the May 22, 2018 Council meeting minutes, it was seconded and all were in favor.
- Councilman Smiley moved to approve the May 29, 2018 Council meeting minutes, it was seconded and all were in favor

C. Announcements: None

D. Introduction of Ordinances:

- **°18-062: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 (“FINANCE AND TAXATION”) REGARDING THE RECOUPMENT OF COLLECTION FEES FOR DELINQUENT TAXES AND SEWER SERVICE CHARGES. Introduced by: Ms. Diller**
- **°18-063: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM NEW CASTLE COUNTY COUNCIL TO THE COMMUNITY OUTREACH PROGRAM GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Street**
- **°18-064: AMEND THE FY2018 APPROVED OPERATING BUDGET: REDUCE THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO PROVIDE FUNDING FOR THE COMMUNITY OUTREACH PROGRAM. Introduced by: Mr. Street**
- **°18-065: AMEND THE GRANTS BUDGET: APPROPRIATE \$164,300 IN ANTICIPATED STATE OF DELAWARE GRANT-IN-AID FUNDS TO THE ABSALOM JONES SENIOR CENTER FY2019, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**
- **°18-066: AMEND THE GRANTS BUDGET: APPROPRIATE \$200,125.54 IN ACTUAL PROGRAM INCOME TO THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)**

FY2015 GRANT TO BE ADMINISTERED BY THE NEW CASTLE COUNTY DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

- **°18-067: AMEND THE GRANTS BUDGET: APPROPRIATE \$350,000 TO THE CONTRACTED POLICE DUTY REVOLVING FUND, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **°18-068: AMEND THE ANNUAL FY2019 OPERATING BUDGET: REDUCE THE FY2019 APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY, OFFICE OF EMERGENCY MANAGEMENT, BY \$434,297 TO PROVIDE THE ANNUAL COUNTY MATCH FOR THE OFFICE OF EMERGENCY MANAGEMENT GRANT FOR FY2019. Introduced by: Mr. Bell, Mr. Street**
- **°18-069: AMEND THE GRANTS BUDGET: APPROPRIATE \$292,000 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY, \$434,297 IN LOCAL FUNDING FROM NEW CASTLE COUNTY AND \$60,000 IN PRIVATE FUNDING FROM THE PUBLIC SERVICE ENTERPRISE GROUP NUCLEAR TO FUND THE OPERATIONS OF THE NEW CASTLE COUNTY OFFICE OF EMERGENCY MANAGEMENT FOR FY2019. Introduced by: Mr. Bell, Mr. Street**
- **°18-070: AMEND THE GRANTS BUDGET: APPROPRIATE ADDITIONAL FEDERAL GRANT AWARD OF \$49,336 FROM THE FEDERAL BUREAU OF JUSTICE ASSISTANCE THROUGH THE DELAWARE CRIMINAL JUSTICE COUNCIL TO THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY'S CRIMINAL JUSTICE COUNCIL POLICE CONNECTION ALLIANCE GRANT. Introduced by: Mr. Bell, Mr. Street**

E. Reports from Select and Special Committees:

- Councilwoman Kilpatrick reported that the Land Use Committee met on 6/5/18 and discussed items on tonight's agenda.
- Councilman Weiner reported that the Technology Sub-Committee met on 6/5/18 and received an update on a number of projects and held an executive session to discuss cyber security.
- Councilman Cartier reported that the Finance Committee met on 6/12/18 and discussed items on tonight's agenda, had a discussion on the Vacant Housing Monition and the associated costs, approved grants and a travel request.
- Councilman Street reported that the Public Safety Committee met on 6/12/18 and discussed legislation that will appear on Council's June 26, 2018 agenda and had a presentation on the Hero Help Program and the Connections Alliance.
- Councilman Hollins reported that the Executive Committee met on 6/12/18 and discussed an item on tonight's agenda.

F. Consent Calendar: None

G. Presentations: None

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

- **R18-080: CONSENTING TO THE APPOINTMENT OF DAVID M. GREGOR TO THE POSITION OF CHIEF FINANCIAL OFFICER. Introduced by: Ms. Hartley-Nagle**
--It was moved and seconded that R18-080 be read by title only and tabled.

Resolution 18-080—Tabled

- **R18-081: CONSENTING TO THE APPOINTMENT OF DELORIS HAYES-ARRINGTON TO THE POSITION OF CHIEF HUMAN RESOURCES OFFICER. Introduced by: Ms. Hartley-Nagle**
--It was moved and seconded that R18-081 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-081—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

- **R18-082: APPROVING THE REFUND OF A DUPLICATE TAX PAYMENT ON 7450 LANCASTER PIKE, TAX PARCEL NUMBER 08-007.40-036 AND TAXES PAID IN ERROR ON 2351 GLASGOW AVENUE, TAX PARCEL NUMBER 11-026.00-075. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R18-082 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-082—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

- **R18-083: AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL ASSISTANCE WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT, AS AMENDED. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that R18-083 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-083—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

- **R18-084: TO RENAME THE “PRIVATE DRIVE” LEADING TO THE JAMES T. VAUGHN CORRECTIONAL CENTER, TAX PARCEL NO. 15-022.00-080, TO “STEVEN R. FLOYD, SR. WAY.” Introduced by: Mr. Powers**

--It was moved and seconded that R18-084 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-084—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

- **R18-052: (STATUS: TABLED) ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2019 THROUGH 2024. Introduced by: Mr. Smiley, Mr. Cartier**

--Councilman Smiley moved to go out of order to allow R18-052 to remain on the table until the appropriate time in the budget process. The motion was seconded and approved.

I. Consideration of Ordinances

- **°18-053: AMEND THE GRANTS BUDGET: APPROPRIATE \$2,318,157 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND \$350,000 IN ESTIMATED PROGRAM INCOME TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2019, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °18-053 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-053—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

- **°18-054: AMEND THE GRANTS BUDGET: APPROPRIATE \$74,795.44 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DELAWARE WORKFORCE INVESTMENT BOARD TO THE 2018 STATE SUMMER YOUTH EMPLOYMENT PROGRAM – CITY OF WILMINGTON GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °18-054 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-054—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

- **°18-055: AMEND THE GRANTS BUDGET: FOR FY2019, APPROPRIATE FEDERAL FUNDS OF \$187,215 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO THE EMERGENCY SOLUTIONS GRANT FY2019, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °18-055 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-055—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

- **°18-056: AMEND THE GRANTS BUDGET: APPROPRIATE \$104,975 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DELAWARE WORKFORCE INVESTMENT BOARD TO THE 2018 STATE SUMMER YOUTH EMPLOYMENT PROGRAM – SUBURBAN NEW CASTLE GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °18-056 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-056—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

- **°18-057: AMEND THE GRANTS BUDGET: FOR FY2019, APPROPRIATE FEDERAL FUNDS OF \$991,978 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ESTIMATED PROGRAM INCOME OF \$75,000 TO THE FY2019 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) AS FOLLOWS: APPROPRIATE \$106,698 TO HOME ADMINISTRATION FY2019; \$811,483 TO HOME INVESTMENT PARTNERSHIP PROGRAM SUBGRANTEES AND HOME REHAB FY2019; AND \$148,797 TO HOME INVESTMENT PARTNERSHIP PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (“CHDO”) FY2019 WHICH ARE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °18-057 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-057—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

- **°18-058: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND TO ADOPT THE CLASS SPECIFICATION FOR THE POSITION TITLE OF PARKS DIVISION MANAGER. Introduced by: Ms. Hartley-Nagle**
--It was moved and seconded that °18-058 be read by title only and tabled

Ordinance 18-058—Tabled

- **°18-059: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE ROW OFFICE EMPLOYEES AND TO UPGRADE THE POSITION TITLE OF REGISTER OF WILLS OFFICE ADMINISTRATOR. Introduced by: Ms. Hartley-Nagle**
--It was moved and seconded that °18-059 be read by title only and tabled

Ordinance 18-059—Tabled

- **°18-060: TO AMEND SECTION 2.03.006 OF THE NEW CASTLE COUNTY CODE TO ESTABLISH PARITY AMONG ROW OFFICES FOR ASSESSMENT OF TECHNOLOGY FEES AND MAINTENANCE OF TECHNOLOGY ESCROW ACCOUNTS. Introduced by: Mr. Sheldon**
--It was moved and seconded that °18-060 be read by title only and placed before Council for its consideration and adoption.
--Public Comment: Todd Ruckle

Ordinance 18-060—Adopted

Yes: Cartier, Diller, Kilpatrick, Sheldon, Smiley, Tackett, Weiner, Woods
No: Hollins, Powers, Street
Not Voting: Hartley-Nagle
Absent: Bell

- **SUBSTITUTE NO. 1 TO °18-061: THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2019 BEGINNING JULY 1, 2018. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that Substitute No. 1 to °18-061 be read by title only and placed before Council for its consideration.
--Public Comment: Vanessa Phillips, John Thomas, Karen Cheeseman, Peggy Schultz, Todd Ruckle, Dora Williams

Substitute No. 1 to Ordinance 18-061—Adopted

Yes: Cartier, Diller, Kilpatrick, Sheldon, Smiley, Tackett, Weiner,
No: Hartley-Nagle, Hollins, Powers, Street, Woods
Absent: Bell

- **SUBSTITUTE NO. 1 TO °15-055: REVISE ZONING MAP: ST. GEORGES HUNDRED, SOUTH SIDE BOYDS CORNER ROAD, EAST SIDE SHALLCROSS LAKE ROAD, NORTH SIDE GREYLAG ROAD, AND WEST OF US 13; 65.39 ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION). Introduced by: Mr. Bell**
--President Hartley-Nagle moved to have Substitute No. 1 to °15-055 read by title only and placed before Council for its consideration and adoption. The motion was seconded.

Substitute No. 1 to Ordinance 15-055--Adopted

Poll Vote

Bell: Absent

Cartier: Yes, based on the positive recommendation of the Department of Land Use and the consistency of the community character in the surrounding area.

Diller: Yes, based on the positive recommendation of the Department of Land Use.

Hartley-Nagle: Yes, based on the positive recommendation of the Department of Land Use.

Hollins: Yes, based on the positive recommendation of the Department of Land Use.

Kilpatrick: Yes, based on the positive recommendation of the Department of Land Use.

Powers: Yes, based on the positive recommendation of the Department of Land Use.

Sheldon: Yes, based on the positive recommendation of the Department of Land Use and the Planning Board.

Smiley: Yes, based on the positive recommendation of the Planning Board.

Street: Yes, based on the positive recommendation of the Department of Land Use.

Tackett: Yes, based on the positive recommendation of the Department of Land Use.

Weiner: Yes, based on the positive recommendation of the Department of Land Use and the Planning Board.

Woods: Yes, based on the positive recommendation of the Department on Land Use.

- **°17-045: REVISE ZONING MAP: WHITE CLAY CREEK HUNDRED; 906 SOUTH CHAPEL STREET, NEWARK, DELAWARE; TAX PARCEL NUMBER 11-006.10-274; 1.2 ACRES FROM ON (OFFICE NEIGHBORHOOD) to CN (COMMERCIAL NEIGHBORHOOD). Introduced by: Ms. Diller**

--It was moved and seconded that °17-045 be read by title only and placed before Council for its consideration and adoption.

Ordinance 17-045--Adopted

Poll Vote

Bell: Absent

Cartier: Yes, based on the positive recommendation of the Department of Land Use and the support of the surrounding community.

Diller: Yes, based on the positive recommendation of the Department of Land Use and the consistency of the surrounding zoning.

Hartley-Nagle: Yes, based on the positive recommendation of the Department of Land Use.

Hollins: Yes, based on the positive recommendation of the Department of Land Use.

Kilpatrick: Yes, based on the positive recommendation of the Department of Land Use.

Powers: Yes, based on the positive recommendation of the Department of Land Use.

Sheldon: Yes, based on the positive recommendation of the Department of Land Use.

Smiley: Yes, based on the positive recommendation of the Department of Land Use.

Street: Yes, based on the positive recommendation of the Department of Land Use.

Tackett: Yes, based on the positive recommendation of the Department of Land Use.

Weiner: Yes, based on the positive recommendation of the Department of Land Use and the Planning Board.

Woods: Yes, based on the positive recommendation of the Department of Land Use.

- **°18-026: (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 2019 CAPITAL BUDGET. Introduced by: Mr. Smiley, Mr. Cartier**

--Councilman Smiley moved to lift °18-026 from the table. The motion was seconded and approved.

--Councilman Smiley moved to have °18-026 read by title only and placed before Council for its consideration. The motion was seconded.

--David Gregor, Acting CFO, responded to Council Members' questions.

Ordinance 18-026—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

- Councilman Smiley moved to return to the regular order of business to consider R18-052. The motion was seconded and approved.

- **R18-052: (STATUS: TABLED) ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2019 THROUGH 2024. Introduced by: Mr. Smiley, Mr. Cartier**

--Councilman Smiley moved to lift R18-052 from the table. The motion was seconded and approved.

--Councilman Smiley moved to have R18-052 read by title only and placed before Council for its consideration. The motion was seconded.

Resolution 18-052—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Smiley, Street, Tackett, Weiner, Woods
Absent: Bell, Sheldon

- **°18-027: (STATUS: TABLED) THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2018. Introduced by: Mr. Smiley, Mr. Cartier**

--Councilman Smiley moved to lift °18-027 from the table. The motion was seconded and approved.

--Councilman Smiley moved to have °18-027 read by title only and placed before Council for its consideration. The motion was seconded.

Ordinance 18-027—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Smiley, Street, Tackett, Weiner, Woods
Absent: Bell, Sheldon

- **°18-028: (STATUS: TABLED) ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2018. Introduced by: Mr. Smiley, Mr. Cartier**

--Councilman Smiley moved to lift °18-028 from the table. The motion was seconded and approved.

--Councilman Smiley moved to have °18-028 read by title only. The motion was seconded.

--Councilman Smiley moved to have Amendment No. 1 to °18-028 read by title only and placed before Council for its consideration.

Amendment No. 1 to Ordinance 18-028 – Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

Ordinance 18-028 As Amended by Amendment No. 1—Adopted

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Absent: Bell

- **°17-095: (STATUS: TABLED) REVISE PREVIOUSLY APPROVED PRELIMINARY MAJOR LAND DEVELOPMENT PLAN WITH REZONING FOR VISTA AT RED LION – SECTION 1; RED LION HUNDRED; NORTH SIDE OF OLD PORTER ROAD, WEST OF RED LION ROAD, EAST OF GRISSOM LANE. Introduced by: Mr. Bell**

--°17-095 remained tabled.

- **°17-096: (STATUS: TABLED) REVISE PREVIOUSLY APPROVED PRELIMINARY MAJOR LAND DEVELOPMENT PLAN WITH REZONING FOR VISTA AT RED LION – SECTION 2; RED LION HUNDRED; SOUTH SIDE OF OLD PORTER ROAD, WEST OF RED LION ROAD, EAST OF GRISSOM LANE. Introduced by: Mr. Bell**

--°17-096 remained table

J. Time Sensitive Congratulatory/Honorary Resolutions: None

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other:

- Councilman Smiley thanked members of council for their patience and assistance throughout the FY19 budget process.
- Councilman Street suggested that Council revisit the rules regarding exchanges during public comment.

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 8:22 p.m.

Karen Hartley-Nagle
Council President
New Castle County

A recording of the meeting is available upon request.

Respectfully submitted by Tara Finnigan, Legislative Aide/Acting Deputy Clerk of Council