

**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, January 22, 2019**

- 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

David Carter  
John J. Cartier  
Elisa Diller  
Dee Durham  
Karen Hartley-Nagle  
Janet T. Kilpatrick  
Timothy P. Sheldon  
George Smiley  
Jea P. Street  
David L. Tackett

Absent:

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

\*Councilman Bell and Councilman Hollins arrived after the approval of minutes.

**B. Approval of Minutes:**

- Councilman Smiley moved to approve the January 8, 2019 council meeting minutes, it was seconded and all were in favor.

**C. Announcements:** None

**D. Introduction of Ordinances:**

- **19-005: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”) ARTICLE 5 (“SITE CAPACITY AND CONCURRENCY CALCULATIONS”), ARTICLE 11 (“TRANSPORTATION IMPACT”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), ARTICLE 33 (“DEFINITIONS”).** Introduced by: Mr. Tackett, Mr. Kilpatrick
- **19-007: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”), DIVISION 2.05.400 (“DEPARTMENT OF COMMUNITY SERVICES”), SECTION 2.05.406 (“HOUSING ADVISORY BOARD – ESTABLISHED; COMPOSITION; TERMS OF OFFICE; QUALIFICATION OF MEMBERS; DUTIES AND POWERS”) REGARDING QUALIFICATION OF MEMBERS, DUTIES AND POWERS; TO EXPAND THE DUTIES OF THE HOUSING ADVISORY BOARD TO INCLUDE ADVISING ON AFFORDABLE HOUSING PROGRAMS FOR VERY LOW AND LOW INCOME HOUSEHOLDS; AND TO AMEND *NEW CASTLE COUNTY CODE***

**CHAPTER 19, TO DELETE ARTICLE 5 (“RENTAL HOUSING ADVISORY COMMITTEE”). Introduced by: Mr. Hollins, Ms. Diller, Ms. Kilpatrick**

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

- Councilman Tackett reported that the Land Use Committee met on 1/15/19 and discussed items on tonight’s agenda and had a presentation and discussion on preservation.
- Councilman Smiley reported that the Finance Committee met on 1/22/19 and discussed items on tonight’s agenda, approved a grant and had a CFO Checkbook Presentation.
- Councilwoman Diller reported that the Community Services Committee met on 1/22/19 and discussed the reorganization of the Housing Advisory Board and discussed the potential effect of the federal shut down on the County’s federal housing programs.
- Councilman Smiley reported that the Executive Committee met on 1/22/19 and held interviews for Boards and Commissions, discussed items on tonight’s agenda and hired a new legislative aide for the 5<sup>th</sup> District.

**F. Consent Calendar:**

- **R19-018: CONGRATULATING AND COMMENDING CORPORAL JASON MOLLOHAN ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT.** Introduced by: Mr. Bell

**Consent Calendar—Adopted**

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

Absent: Woods

**G. Presentations: None**

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

- **R19-019: PLAN OF CHRISTIANA FIRE COMPANY; WHITE CLAY CREEK HUNDRED; NORTH SIDE OF MAGUIRE STREET, EAST SIDE OF OLD BALTIMORE PIKE, SOUTH SIDE OF MAIN STREET; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 32,193 SQUARE FOOT FIRE STATION; NC5 ZONING; COUNCIL DISTRICT 1.** Introduced by: Mr. Woods, Ms. Hartley-Nagle  
--It was moved and seconded that R19-019 be read by title only and placed before Council for its consideration and adoption.

**Resolution 19-019—Adopted**

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

Absent: Woods

- **R19-020: TO AMEND THE MAINTENANCE DECLARATION FOR SHANNON COVE TO ENCOMPASS THE ADDITIONAL LOTS OF SHANNON COVE II, INCLUDING TAX PARCEL NUMBER 13-018.20-393, 2625 DUPONT PARKWAY.** Introduced by: Mr. Bell  
--It was moved and seconded that R19-020 be read by title only and placed before Council for its consideration.

**Resolution 19-020—Defeated**

No: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett

Absent: Woods

- **R19-021: REBUTTING THE COUNCIL PRESIDENT’S STATEMENTS REGARDING COUNTY COUNCIL’S ACTIONS ABOUT THE DELAWARE BOARD OF TRADE AND ADMONISHING HER FOR DISTORTIONS AND FABRICATIONS ABOUT THE DBOT COUNTY GOVERNMENT LOAN ISSUE.** Introduced by: Mr. Cartier

--It was moved and seconded that Substitute No. 1 to R19-021 be read by title only and placed before Council for its consideration and adoption.

**Substitute No. 1 to Resolution 19-021—Adopted**

Yes: Bell, Carter, Cartier, Diller, Durham, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett

No: Hartley-Nagle,

Absent: Woods

**I. Consideration of Ordinances:**

- **°19-001: AMEND THE FY2019 APPROVED SEWER FUND OPERATING BUDGET: APPROPRIATE \$60,000 TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE CONTRACTUAL SERVICES BUDGET LINE ITEM. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °19-001 be read by title only and placed before Council for its consideration.

**Ordinance 19-001—Adopted**

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

Absent: Woods

- **°19-002: REPEAL AND REPLACE EMERGENCY ORDINANCE NO. 19-001, AND PERMANENTLY AMEND THE FY2019 APPROVED OPERATING BUDGET: PERMANENTLY REDUCE THE FY2019 NEW CASTLE COUNTY COUNCIL CONTINGENCY BUDGET TO PROVIDE FUNDING FOR THE HERO HELP ADDICTION ASSISTANCE PROGRAM AS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Ms. Kilpatrick, Mr. Smiley, Mr. Bell, Mr. Street, Mr. Sheldon**

--It was moved and seconded that °19-002 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 19-002—Adopted**

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

Absent: Woods

- **°19-003: AMEND THE GRANTS BUDGET: APPROPRIATE \$49,500 FROM THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION TO THE FOOD BANK OF DELAWARE – PARKING LOT IMPROVEMENTS GRANT FOR THE DEPARTMENT OF PUBLIC WORKS. Introduced by: Mr. Sheldon, Mr. Woods, Mr. Tackett**

--It was moved and seconded that °19-003 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 19-003—Adopted**

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

Absent: Woods

- **°19-004: AMEND THE GRANTS BUDGET: APPROPRIATE \$27,876.62 FROM THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION TO THE HOLLOWAY TERRACE FIRE COMPANY ALL TERRAIN VEHICLES GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that °19-004 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 19-004—Adopted**

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

Absent: Woods

- **°18-113: REVISE ZONING MAP: NEW CASTLE HUNDRED, EAST SIDE CHURCHMANS ROAD, NORTH SIDE CHRISTIANA ROAD (SR 273) AND SOUTHWEST SIDE OLD CHURCHMANS ROAD, 100 PICCARD ROAD, TAX PARCEL NO. 10-024.00-025, 56.49 ACRES FROM CR (COMMERCIAL REGIONAL) TO I (INDUSTRIAL)** The Exploratory Major Land Development Plan for **100 Piccard Road** proposes to rezone the property to I for development of a 1,168,211 square foot warehouse facility on 56.49 acres. **2018-0513-S/Z. Introduced by: Mr. Smiley**

--It was moved and seconded that °18-113 be read by title only and placed before Council for its consideration.

**Ordinance 18-113--Adopted**

**Poll Vote**

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

Carter: Yes, based on the positive recommendations and its consistency with Chapter 9 of the Comprehensive Plan and ideal location for I zoning.

Cartier: Yes, based on the positive recommendation of the Department of Land Use and the Planning Board, and the suitability of the property for the purposed rezoning.

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

Durham: Yes, based on the positive recommendation of the Department of Land Use and its consistency with the Comprehensive Plan.

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

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.

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 Department of Land Use and the Planning Board and the consistency with the character of the surrounding area.

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.

Woods: Absent

- **°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 tabled.

**J. Time Sensitive Congratulatory/Honorary Resolutions: None**

**K. Introduction/Consideration of Emergency Ordinances: None**

**L. Public Comment/Other: None**

**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 7:19 p.m.

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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*