

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, February 12, 2019

- A. The meeting was called to order by President Hartley-Nagle at 6:32 p.m. A moment of silence was recognized; members of Council remained standing for the Pledge of Allegiance.

Roll Call

Present

J. William 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 January 22, 2019 council meeting minutes, it was seconded and all were in favor.

C. Announcements:

- Councilman Bell announced that Ordinance 17-095 and 17-096 would remain tabled and provided an update on both.

D. Introduction of Ordinances:

- **19-008: REVISE PREVIOUSLY APPROVED EXPLORATORY MINOR LAND DEVELOPMENT PLAN WITH REZONING FOR STANLAN 7 LLC; MILL CREEK HUNDRED; EAST SIDE OF STANTON CHRISTIANA ROAD (SR 4/7), SOUTH OF HONEYSUCKLE LANE AND OPPOSITE TELEGRAPH ROAD; TAX PARCEL NO. 08-050.00-013 (602 MAIN STREET)** (The revised plan for **Distinctive Auto Care** proposes to revise the previously approved design of the exploratory minor land development plan by developing a 6,178 square foot car wash, a 3,099 square foot detail shop, a 2,360 square foot quick lube and a 238 square foot office instead of the 17,7833 square foot shopping center. This new plan will supersede the previously approved exploratory minor land development plan and rezoning. Section 40.31.113 of the *New Castle County Code* requires that the submitted record plan be in general conformance with the development on the approved exploratory plan that was relied upon by County Council when it granted the rezoning. County Council adopted Ordinance 14-072 in March 2015. CN (Commercial Neighborhood) zoning district. App. 2018-0420-S/Z.). **Introduced by: Mr. Woods**
- **19-009: REVISE ZONING MAP: WHITE CLAY CREEK HUNDRED, EAST SIDE OF NORTH OLD BALTIMORE PIKE, DIRECTLY ACROSS FROM BROWN'S LANE; 0 NORTH OLD BALTIMORE PIKE, TAX PARCEL NO. 09-030.00-110, 12.97 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO ST (SUBURBAN TRANSITION)** (The

Exploratory Major Land Development Plan for **Eagle Hunt** proposes to rezone the property to ST for development of 24 townhouse lots on 12.97 acres. **2018-0581-S/Z.**) **Introduced by: Mr. Woods**

- **°19-010: AMEND THE GRANTS BUDGET: APPROPRIATE \$38,435.39 IN EMERGENCY ILLEGAL DRUG ENFORCEMENT (EIDE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY’S EIDE – FY2019 DRUG CONTROL OVERTIME GRANT. Introduced by: Mr. Bell, Mr. Street**
- **°19-011: AMEND THE GRANTS BUDGET: APPROPRIATE \$50,842.89 IN STATE AID TO LOCAL LAW ENFORCEMENT (SALLE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE STATE AID TO LOCAL LAW ENFORCEMENT (SALLE) - FY2019 TARGETED ANALYTIC POLICING SYSTEM (TAPS) OVERTIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **°19-012: AMEND THE FY2019 APPROVED OPERATING BUDGET: INCREASE THE AUTHORIZED POSITION COUNT FOR THE DEPARTMENT OF PUBLIC SAFETY BY FIFTEEN PARAMEDIC POSITIONS IN ORDER TO ACCOMMODATE THE UPCOMING 2019 NEW CASTLE COUNTY PARAMEDIC CLASS. Introduced by: Mr. Bell, Mr. Street**
- **°19-013: TO PROVIDE FOR THE INSTALLATION OF ARLINGTON STREET LIGHTS IN THE CROOKED BILLET SUBDIVISION LOCATED IN CHRISTIANA HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Ms. Durham**
- **°19-014: TO ABATE OUTSTANDING NEW CASTLE COUNTY REAL PROPERTY TAXES AND PENALTY ON THE PROPERTY OF THE UNITY EVANGELICAL LUTHERAN CHURCH, INC. LOCATED AT 2101 LANCASTER AVENUE, WILMINGTON, DE, PARCEL NO. 26-026.30-058. Introduced by: Mr. Street**
- **°19-015: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), SECTION 2.03.004 (“FEES FOR RECORDER OF DEEDS”) RELATING TO CERTAIN CHANGES TO FEES OF THE OFFICE OF THE RECORDER OF DEEDS. Introduced by: Mr. Smiley, Mr. Cartier**

E. Reports from Select and Special Committees:

- Councilman Woods reported that the Public Works Committee met on 2/5/19 and received an update on the Red Lion Sewer Extension Project.
- Councilwoman Kilpatrick reported that the Personnel Sub-Committee met on 2/5/19 and discussed Council’s group photograph.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 2/5/19 and discussed items on tonight’s agenda.
- Councilman Cartier reported that the Finance Committee met on 2/12/19 and discussed items on tonight’s agenda, approved staff travel requests and grants and had discussion regarding local tax rate calculations.
- Councilman Bell reported that the Public Safety Committee met on 2/12/19 discussed ordinances on the next agenda, received an update on the paramedic academy class, the year end review of the NCCPD and a report on the 2/3/19 Delaware City Refinery Fire.

F. Consent Calendar:

- **R19-022: CONGRATULATING AND COMMENDING PARAMEDIC SENIOR CORPORAL THOMAS MURPHY, JR. ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY EMERGENCY MEDICAL SERVICES DIVISION. Introduced by: Mr. Bell, Mr. Street**
- **R19-023: HONORING THE LIFE AND LEGACY OF CHARALANE “LANEY” M. HOXTER. Introduced by: Mr. Street**

Consent Calendar—Adopted

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

G. Presentations:

- Councilman Bell and Councilman Street presented Resolution 19-022 to Senior Corporal Thomas Murphy, Jr.

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

- **R19-024: CONSENTING TO THE APPOINTMENT OF RONALD D. SIMMS TO THE NEW CASTLE COUNTY FINANCIAL ADVISORY COUNCIL. Introduced by: Mr. Bell**
--It was moved and seconded that R19-024 be read by title only and placed before Council for its consideration and adoption.

Resolution 19-024—Adopted

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

- **R19-025: CONSENTING TO THE APPOINTMENT OF MICHELE ROSSI GILDEA, PHD, TO THE NEW CASTLE COUNTY CLAYMONT DESIGN REVIEW ADVISORY COMMITTEE. Introduced by: Mr. Cartier**
--It was moved and seconded that R19-025 be read by title only and placed before Council for its consideration.

Resolution 19-025—Adopted

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

- **R19-026: TO AMEND A DECLARATION OF RESTRICTIONS FOR THE HUNTER’S RIDGE SUBDIVISION TO INCREASE THE PERMITTED NUMBER OF LOTS THEREIN FROM SEVENTY-TWO (72) TO SEVENTY-THREE (73). Introduced by: Ms. Kilpatrick**
--It was moved and seconded that R19-026 be read by title only and placed before Council for its consideration and adoption.

Resolution 19-026—Adopted

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

- **R19-027: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR AVOLVE SOFTWARE CORPORATION FOR ANNUAL SOFTWARE MAINTENANCE FOR THE OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$36,461.98. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that R19-027 be read by title only and placed before Council for its consideration and adoption.

Resolution 19-027—Adopted

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

I. Consideration of Ordinances:

- **SUBSTITUTE NO. 1 TO '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, Ms. Hartley-Nagle

--It was moved and seconded that Substitute No. 1 to °19-007 be read by title only and placed before Council for its consideration.

Substitute No. 1 to Ordinance 19-007—Adopted

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

- **°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:

- **R19-028: HONORING THE LIFE AND LEGACY OF ROBERT O. WRIGHT, I, CFSP.**
Introduced by: Mr. Hollins, Mr. Street

--It was moved and seconded that R19-028 be read by title only and placed before Council for its consideration and adoption.

Resolution 19-028—Adopted

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

- **R19-029: HONORING HARRY THEMAL’S CONTRIBUTION TO JOURNALISM IN NEW CASTLE COUNTY AND THE STATE OF DELAWARE AND HIS PUBLIC SERVICES TO ARDENTOWN.** Introduced by: Mr. Cartier, Ms. Durham

--It was moved and seconded that R19-029 be read by title only and placed before Council for its consideration and adoption.

Resolution 19-029—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:

- Councilman Street commented on Glasgow High School and the need for interventionist.

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 7:06 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