

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 13, 2018

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

Roll Call

Present

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

B. Approval of Minutes:

- Councilman Smiley moved to approve the January 23, 2018 Council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Councilman Bell announced °17-095 and °17-096 would be tabled at the request of the applicant for a period of 30 days.
- Councilman Bell announced that he had a presentation.
- Councilman Smiley announced that °17-070 would remain tabled.

D. Introduction of Ordinances:

- **°18-006: AMEND THE GRANTS BUDGET: APPROPRIATE \$92,909.61 IN ACTUAL PROGRAM INCOME TO THE DOWN PAYMENT REVOLVING LOANS GRANT TO BE ADMINISTERED BY THE NEW CASTLE COUNTY DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**
- **°18-007: AMEND THE GRANTS BUDGET: APPROPRIATE \$103,500 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE-SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF), TO THE SLEAF – 250 BALLISTIC HELMETS GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **°18-008: AMEND THE GRANTS BUDGET: APPROPRIATE \$100,000 FROM NEW CASTLE COUNTY COUNCIL TO THE 2018 NEW CASTLE COUNTY SUMMER YOUTH EMPLOYMENT GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Mr. Street, Mr. Smiley**
- **°18-009: AMEND THE FY2018 APPROVED OPERATING BUDGET: REDUCE THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO PROVIDE FUNDING FOR THE 2018 NEW CASTLE COUNTY SUMMER YOUTH EMPLOYMENT GRANT. Introduced by: Mr. Hollins, Mr. Street, Mr. Smiley**
- **°18-010: AMENDING SECTION 2.04.103 A (COMPLAINT) OF THE NEW CASTLE COUNTY ETHICS CODE TO REQUIRE THE ETHICS COMMISSION TO PROVIDE THE NAME(S) OF**

ANY AND ALL COMPLAINANTS TO THE SUBJECT OF A FILED COMPLAINT. Introduced by: Mr. Smiley

- **°18-011: AMENDING SECTION 2.04.103 L (CONFIDENTIALITY) OF THE NEW CASTLE COUNTY ETHICS CODE TO ALLOW THE SAME FREE SPEECH RIGHTS AFFORDED THE COMPLAINANT TO THE SUBJECT OF THE COMPLAINT. Introduced by: Mr. Smiley**
- **°18-012: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 4 (“BOARDS, COMMITTEES AND COMMISSIONS”), DIVISION 2.04.100 (“ETHICS COMMISSION”), SECTION 2.04.103 (“INVESTIGATIONS”) TO ENSURE PROPER NOTIFICATION. Introduced by: Ms. Kilpatrick**
- **°18-013: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 4 (“BOARDS, COMMITTEES AND COMMISSIONS”), DIVISION 2.04.100 (“ETHICS COMMISSION”), SECTION 2.04.103 (“INVESTIGATIONS”) TO DETER FRIVOLOUS COMPLAINTS. Introduced by: Ms. Kilpatrick**

E. Reports from Select and Special Committees:

- Councilwoman Kilpatrick reported that the Land Use Committee met on 2/6/18 and discussed items on tonight’s agenda.
- Councilman Cartier reported that the Finance Committee met on 2/13/18 and discussed an item on tonight’s agenda, approved grant requests, heard an update from the Executive branch and discussed Council’s FY19 Budget Hearing Schedule.
 - Councilman Smiley noted that the Council’s FY19 Budget Hearing Schedule was posted and added to Council’s website.
- Councilman Street reported that the Public Safety Committee met on 2/13/18 and discussed items on tonight’s agenda, received updates on the Paramedic Staffing and NCCPD 2017 Crime Statistics.

F. Consent Calendar:

- **R18-031: CONGRATULATING AND COMMENDING THOMAS M. “MARK” GOTT FOR SERVING AS PRESIDENT OF THE HOLLOWAY TERRACE VOLUNTEER FIRE COMPANY, INC. Introduced by: Mr. Bell, Mr. Street**
- **R18-032: CONGRATULATING AND COMMENDING DEBORAH D. WICKS ON HER RETIREMENT FROM THE SMYRNA SCHOOL DISTRICT AFTER MORE THAN FORTY YEARS OF DEDICATED SERVICE. Introduced by: Mr. Powers**

Consent Calendar--Adopted

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

G. Presentations:

- Councilman Bell and Councilman Street presented R18-031 to Mr. Thomas “Mark” Gott.

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

- **R18-033: AMEND THE FY2018 CAPITAL PROGRAM: TRANSFER \$955,000 FROM THE GLASGOW REGIONAL PARK HERMITAGE CAPITAL PROJECT TO THE GLASGOW REGIONAL PARK MAINTENANCE BASE CAPITAL PROJECT. Introduced by: Mr. Tackett**
--It was moved and seconded that R18-033be read by title only and placed before Council for its consideration and adoption.

Resolution 18-033--Adopted

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

- **R18-034: APPROVING THE TAX EXEMPT STATUS OF AN EIGHTY-FIVE PERCENT PORTION OF THE WILMINGTON YOUTH ROWING ASSOCIATION FOR RECREATIONAL PROPERTY LOCATED AT 500 EAST FRONT STREET, WILMINGTON, DELAWARE TAX PARCEL NO. 26-050.00-082. Introduced by: Mr. Street, Mr. Hollins**

--It was moved and seconded that R18-034 be read by title only and placed before Council for its consideration and adoption.

--Councilman Street requested that Councilman Hollins be added as a co-sponsor.

Resolution 18-034--Adopted

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

- **R18-035: PLAN OF WHITEHALL ELEMENTARY SCHOOL; ST GEORGE'S HUNDRED, NORTH SIDE OF LOREWOOD GROVE ROAD AT THE CORNER OF MAPLETON AVENUE AND RALEIGH STREET; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CONSTRUCT A 96,000 SQUARE FLOOR ELEMENTARY SCHOOL WITH ASSOCIATED SITE IMPROVEMENTS; S ZONING. Introduced by: Mr. Bell**

--It was moved and seconded that R18-035 be read by title only and placed before Council for its consideration and adoption.

-- Antoni Sekowski, Department of Land Use, responded to questions regarding the title of the resolution.

Resolution 18-035 -- Adopted

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

I. Consideration of Ordinances

- **°18-002: AMEND THE GRANTS BUDGET: APPROPRIATE \$47,460.00 IN ACTUAL PROGRAM INCOME TO THE COMMUNITY POLICING GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that °18-002 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-002--Adopted

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

- **°18-003: AMEND THE GRANTS BUDGET: APPROPRIATE \$28,311.28 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) - FY2018 TARGETED ANALYTIC POLICING SYSTEM (TAPS) OVERTIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that °18-003 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-003--Adopted

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

- **°18-004: AMEND THE FY2018 CAPITAL BUDGET: TRANSFER \$955,000 FROM THE GLASGOW REGIONAL PARK HERMITAGE CAPITAL PROJECT TO THE GLASGOW REGIONAL PARK MAINTENANCE BASE CAPITAL PROJECT. Introduced by: Mr. Tackett**

--It was moved and seconded that °18-004 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-004--Adopted

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

- **°18-005: AMEND THE GRANTS BUDGET: APPROPRIATE \$118,628 IN FEDERAL FUNDING FROM THE UNIVERSITY OF BALTIMORE, COLLEGE OF PUBLIC AFFAIRS, CENTER FOR DRUG POLICY AND ENFORCEMENT, TO THE NEW CASTLE COUNTY – HERO HELP PROGRAM GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that °18-005 be read by title only and placed before Council for its consideration and adoption.

--Public Comment: Erin Goldner and Col. Vaughn Bond

Ordinance 18-005--Adopted

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

- **SUBSTITUTE NO. 1 °16-044: TO REVISE ZONING MAP: BRANDYWINE HUNDRED, SOUTH SIDE SILVERSIDE ROAD, WEST OF MARSH ROAD, AND NORTH OF GLENSIDE AVENUE; 3.29 ACRES FROM NC15 (NEIGHBORHOOD CONSERVATION, SINGLE-FAMILY DETACHED DWELLINGS) TO CN (COMMERCIAL NEIGHBORHOOD) AND 8.17 ACRES FROM NCSD (NEIGHBORHOOD CONSERVATION, SEMI-DETACHED DWELLINGS) TO CN; AND TO AMEND THE 2012 COMPREHENSIVE PLAN CONSISTENT THEREWITH. Introduced by: Mr. Weiner**

--It was moved and seconded that Substitute No. 1 to °16-044 be read by title only and placed before Council for its consideration and adoption.

Substitute No. 1 to Ordinance 16-044--Adopted

Poll Vote

Bell: Yes, based on the positive recommendations of the Department of Land Use, the Planning Board, the Historic Review Board and the support of surrounding community.

Cartier: Yes, based on the positive recommendations of the Department of Land Use, Planning Board, the Historic Review Board, the support of the community and the consistency of surrounding areas.

Diller: Yes, based on the suitability of property for the uses of this development

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

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 and the character of the community.

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 recommendations of the Department of Land Use, the Planning Board and the community support.

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

- **°17-095: 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**

--It was moved and seconded that °17-095 be read by title only and placed before Council.

--Councilman Bell moved to table °17-095. The motion was seconded and unanimously approved.

- **°17-096: 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**

--It was moved and seconded that °17-096 be read by title only and placed before Council.

--Councilman Bell moved to table °17-096. The motion was seconded and unanimously approved.

- **°17-070: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 14 (“FINANCE AND TAXATION”) REGARDING THE PROCESS FOR ABATEMENT OF CERTAIN TAXES AND PENALTIES FOR CERTAIN EXEMPT ORGANIZATIONS. Introduced by: Mr. Smiley**
-- °17-070 remained on the table.

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 Councilwoman Kilpatrick to adjourn, it was seconded, and the meeting was adjourned at 7:27 p.m.

Karen Hartley-Nagle
Council President
New Castle County

A recording of the meeting is available upon request.

Respectfully submitted by Tara Finnigan, Deputy Clerk of Council