

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 25, 2020

- A. The meeting was called to order by President Hartley-Nagle at 6:31 p.m. A moment of silence was recognized; members of Council remained standing for the Pledge of Allegiance.

Roll Call

Present

William J. Bell
David Carter
John J. Cartier
Elisa Diller
Dee Durham
Karen Hartley-Nagle
Penrose Hollins
Janet T. Kilpatrick
Timothy P. Sheldon
George Smiley
David L. Tackett
Kenneth R. Woods

B. Approval of Minutes:

- Councilman Smiley moved to approve the February 11, 2020 council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Councilman Bell announced he was lifting R19-221 from the table this evening.
- President Hartley-Nagle announced the NCC Farm Bureau's upcoming schedule.

D. Introduction of Ordinances:

- **20-012: REVISE PREVIOUSLY APPROVED PRELIMINARY MAJOR LAND DEVELOPMENT PLAN WITH REZONING FOR BAYBERRY TOWN CENTER; ST. GEORGES HUNDRED; NORTHEAST CORNER OF THE INTERSECTION OF JAMISON CORNER ROAD AND BOYDS CORNER ROAD; TAX PARCEL NUMBER 13-013.00-243.** (The revised plan for Bayberry Town Center proposes to revise the previously approved land development plan by creating a mixed use project with residential dwelling units, a fitness center, office, restaurant and retail uses. This new plan will supersede the previously approved preliminary plan and rezoning. Section 40.31.113 of the *New Castle County Code* requires that all subsequent land development plans to a previously approved preliminary and rezoning plan be in general conformance with the development on the approved preliminary plan that was relied upon by County Council when it granted the rezoning. County Council adopted Ordinance 08-022 in August 2008. CR (Commercial Regional) zoning district. App. 2019-0675-S/Z.). **Introduced by: Mr. Bell**
- **20-013: TO AUTHORIZE ABATEMENT OF OUTSTANDING NEW CASTLE COUNTY REAL PROPERTY TAXES AND PENALTIES AND INTEREST ON THE PROPERTY OF THE CLAYMONT COMMUNITY CENTER, LOCATED AT 3301 GREEN STREET, CLAYMONT, DE, TAX PARCEL NUMBER 06-071.00-477.** **Introduced by: Mr. Cartier**

E. Reports from Select and Special Committees:

- Councilwoman Kilpatrick reported that the Land Use Committee met on 2/18/20 and discussed legislation on this evening's agenda.
- Councilman Smiley reported that the Executive Committee met on 2/25/20 and had a presentation on the All Hazard Mitigation Plan Update and discussed items on this evening's agenda.
- Councilman Smiley reported that the Finance Committee met on 2/25/20 and discussed items on tonight's agenda and approved grants.

F. Consent Calendar:

- **R20-045: CONSENTING TO THE APPOINTMENT OF CONSTANCE S. MALIN TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD, A SUBCOMMITTEE OF THE DEPARTMENT OF COMMUNITY SERVICES BOARD. Introduced by: Mr. Tackett**
- **R20-046: CONSENTING TO THE RE-APPOINTMENT OF HARRY WARNER, JR. AS A MEMBER OF THE FIRE AND AMBULANCE ADVISORY BOARD. Introduced by: Ms. Durham, Mr. Cartier**
- **R20-047: CONGRATULATING THE OFFICE OF FINANCE FOR EARNING THE DISTINGUISHED BUDGET PRESENTATION AWARD FOR NEW CASTLE COUNTY'S COMPREHENSIVE ANNUAL BUDGET SUMMARY FOR 30 CONSECUTIVE YEARS. Introduced by: Mr. Smiley, Mr. Cartier**

Consent Calendar—Adopted

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

G. Presentations:

- President Hartley-Nagle presented R20-052 to Mr. Charles Linwood Jackson.

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

- **SUBSTITUTE NO. 1 to R20-048: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR UNIVERSITY OF DELAWARE, OFFICE OF SPONSORED PROGRAMS TO EVALUATE THE HERO HELP – ADDICTION AND BEHAVIORAL HEALTH PROJECT IN THE AMOUNT OF \$75,000.00. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that Substitute No. 1 to R20-048 be read by title only and placed before Council for its consideration.

Substitute No. 1 to Resolution 20-048—Adopted

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

- **SUBSTITUTE NO. 1 to R20-049: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR UNIVERSITY OF DELAWARE, OFFICE OF SPONSORED PROGRAMS TO EVALUATE THE HERO HELP – ADDICTION AND BEHAVIORAL HEALTH PROJECT IN THE AMOUNT OF \$148,800.00. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that Substitute No. 1 to R20-049 be read by title only and placed before Council for its consideration.

Substitute No. 1 to Resolution 20-049—Adopted

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

- **R20-050: TO REVISE PREVIOUSLY APPROVED RESOLUTION 19-145 CONSENTING TO THE APPOINTMENT OF SUBIRA IBRAHIM TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD TO CORRECT COUNCIL DISTRICT REPRESENTATION. Introduced by: Mr. Hollins**
--It was moved and seconded that R20-050 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-050—Adopted

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

- **R20-051: TO RENAME THE ROAD KNOWN AS “A STREET” TAX PARCEL NO. 11-017.00-047, LOCATED ON THE WEST SIDE OF S. COLLEGE AVENUE APPROXIMATELY 1,000 FEET NORTH OF CORPORATE BOULEVARD TO “EXECUTIVE DRIVE;” APPLICATION NO. 2020-0057; COUNCIL DISTRICT 11. Introduced by: Mr. Tackett**
--It was moved and seconded that R20-051 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-051—Adopted

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

- **R19-221: APPROVING REVISED POSITION DESCRIPTION FOR CHIEF OF EMERGENCY MEDICAL SERVICES PURSUANT TO NEW CASTLE COUNTY CODE SECTION 26.03.105(F). Introduced by: Mr. Bell, Mr. Street**
--Councilman Bell moved to lift R19-221 from the table. The motion was seconded and approved.
--Councilman Street moved R19-221 be read by title only and placed before Council for its consideration and adoption. The motion was seconded.

Resolution 19-221—Adopted

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

I. Consideration of Ordinances:

- **°20-010: TO PROVIDE FOR THE INSTALLATION OF TRADITIONAIRE STREET LIGHTS IN THE VILLAGE OF LLANGOLLEN SUBDIVISION LOCATED IN NEW CASTLE HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Bell**
--It was moved and seconded that °20-010 be read by title only and placed before Council for its consideration and adoption.

Ordinance 20-010—Adopted

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

- **°20-011: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF COUNTY COUNCIL, REVISE THE CLASS SPECIFICATIONS FOR LEGISLATIVE AIDE TO COUNTY COUNCIL, SECRETARY TO COUNTY COUNCIL, DEPUTY CLERK AND CLERK OF COUNCIL, AND RECLASSIFY THOSE INDIVIDUALS HOLDING THE POSITIONS OF LEGISLATIVE AIDE TO COUNTY COUNCIL, DEPUTY CLERK AND SECRETARY TO COUNTY COUNCIL. Introduced by: Mr. Hollins, Mr. Smiley, Ms. Kilpatrick, Mr. Carter, Mr. Bell, Mr. Woods, Mr. Sheldon, Mr. Cartier, Mr. Street, Ms. Hartley-Nagle**

--It was moved and seconded that °20-011 be read by title only and placed before Council for its consideration and adoption.

-- President Hartley-Nagle moved that Amendment No. 1 be read by title only and placed before Council for its consideration. The motion was seconded by Councilwoman Durham.

Amendment No. 1 to °20-011 – Failed

Yes: Hartley-Nagle

No: Bell, Carter, Cartier, Diller, Hollins, Kilpatrick, Sheldon, Smiley, Street, Woods

Present: Durham, Tackett

--President Hartley-Nagle moved Amendment No. 2 be read by title only and placed before Council for its consideration. The motion was seconded by Councilman Tackett.

Amendment No. 2 to °20-011 – Failed

Yes: Durham, Hartley-Nagle, Tackett

No: Bell, Carter, Cartier, Diller, Hollins, Kilpatrick, Sheldon, Smiley, Street, Woods

Ordinance 20-011—Adopted

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

Present: Durham, Hartley-Nagle, Tackett

- **°19-079: REVISE ZONING MAP: APPOQUINIMINK HUNDRED, NORTH OF STRAWBERRY LANE AND ST. GEORGE’S HUNDRED, EAST OF MIDDLETOWN WARWICK ROAD, 176.21 ACRES FROM COMMERCIAL REGIONAL (CR) TO SUBURBAN RESERVE (SR), AND TO AMEND THE COMPREHENSIVE DEVELOPMENT PLAN CONSISTENT THEREWITH. Introduced by: Mr. Carter**

--It was moved and seconded that °19-079 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-079—Adopted

Poll Vote

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

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

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

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.

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.

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.

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

- **°19-109: REVISE ZONING MAP: PENCADER HUNDRED, WEST SIDE LA GRANGE PARKWAY, NORTH SIDE US 40 (PULASKI HIGHWAY); 2801 PULASKI HIGHWAY, TAX PARCEL NO. 11-026.10-001, 1.42 ACRES FROM S (SUBURBAN) AND H (HISTORIC OVERLAY) TO CR (COMMERCIAL REGIONAL) AND H (HISTORIC OVERLAY) AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH. Introduced by: Mr. Tackett**

--It was moved and seconded that °19-109 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-109—Adopted

Poll Vote

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

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

Cartier: Yes, based on the positive recommendation of the Department of Land Use and the elevations that showed high quality architectural details of the buildings.

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.

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.

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.

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

J. Time Sensitive Congratulatory/Honorary Resolutions:

- **R20-052: HONORING AND CELEBRATING CHARLES LINWOOD JACKSON FOR HIS DISTINGUISHED ACHIEVEMENTS IN THE BROADCAST INDUSTRY AND PROFESSIONAL CAREER. Introduced by: Ms. Hartley-Nagle**

--It was moved and seconded that R20-052 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-052—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:

- Henry Miller spoke about 4185 Kirkwood St. Georges Road.

- Mr. Bell noted the next work group meeting with the Department of Land Use is scheduled on March 16, 2020.

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 7:15 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