

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, March 10, 2020

- 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

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

Absent

Dee Durham

B. Approval of Minutes:

- Councilman Smiley moved to approve the February 25, 2020 council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Nellie Hill, Clerk of Council, read County Executive's Veto Announcement.
- Councilman Cartier announced he would table Ordinance 20-013 this evening.
- Councilman Carter announced that he move to consider Resolution 20-056, Resolution 20-057, and Resolution 20-058 together.

D. Introduction of Ordinances:

- **20-014: REVISE ZONING MAP: ST. GEORGES HUNDRED, EAST SIDE OF SUMMIT BRIDGE ROAD, NORTH OF BOYDS CORNER ROAD; 4353 SUMMIT BRIDGE ROAD, TAX PARCEL 13-007.00-078, 1.64 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO NC21 AND H (HISTORIC) OVERLAY ZONE (The property owner is requesting the H (Historic) Overlay Zone for the subject parcel. 2019-0541 R/Z.) Introduced by: Mr. Bell**
- **20-015: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR "UDC"), ARTICLE 15 ("HISTORIC RESOURCES") TO IMPROVE THE PROTECTION OF HISTORIC RESOURCES AND PROPERTIES DESIGNATED FOR PRESERVATION AS PART OF A RECORD PLAN. Introduced by: Mr. Carter, Ms. Durham**
- **20-016: AMEND THE FY2020 APPROVED OPERATING BUDGET: TRANSFER \$10,000 FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO MATERIAL AND SUPPLIES BUDGET LINE OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS. Introduced by: Mr. Smiley**

- **°20-017: AMEND THE PAY PLANS AND RATES OF PAY FOR MEMBERS OF CERTAIN NEW CASTLE COUNTY BOARDS AND/OR COMMISSIONS. Introduced by: Ms. Hartley-Nagle, Ms. Durham**

E. Reports from Select and Special Committees:

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- Councilman Sheldon reported that the Public Works Committee met on 3/3/20 and discussed items on this evening's agenda and received an update on public works projects and the re-organization of the department.
- Councilman Tackett reported that the Land Use Committee met on 3/3/20 and discussed legislation on this evening's agenda and approved the Eagle Hunt Appeal.
- Councilman Cartier reported that the Finance Committee met on 3/10/20 and discussed items on this evening's agenda, discussed a re-appointment to the Board of Adjustment, approved grants, and heard comments from the Executive Branch.
- Councilman Smiley announced that as a precaution a motion was approved to hold all committee meetings and budget hearings in Council Chambers until further notice due to the ongoing issues surrounding COVID-19.

F. Consent Calendar:

- **R20-053: CELEBRATING AND HONORING THE LIFE OF CAROLYN MERCANDANTE AND EXPRESSING CONDOLENCES TO HER FAMILY AND FRIENDS. Introduced by: Mr. Cartier**

Consent Calendar—Adopted

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

G. Presentations: None

-- Councilman Hollins moved to go out of order to consider Ordinance 20-011. The motion was seconded by Councilman Smiley and approved.

- **°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. (VETO OVERRIDE) Introduced by: Mr. Hollins, Mr. Smiley, Ms. Kilpatrick, Mr. Carter, Mr. Bell, Mr. Woods, Mr. Sheldon, Mr. Cartier, Mr. Street, Ms. Diller**

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

Ordinance 20-011 (VETO OVERRIDE)—Adopted

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

--Councilman Smiley moved to return to the regular order of business. The motion was seconded by Councilwoman Diller and approved.

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

- **R20-054: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE SECOND AMENDMENT TO NEW CASTLE COUNTY – CITY OF NEWARK AGREEMENT CONCERNING THE COLLECTION, TRANSMISSION & TREATMENT OF SEWAGE. Introduced by: Ms. Kilpatrick, Mr. Sheldon, Ms. Diller, Ms. Hartley-Nagle**
--It was moved and seconded that R20-054 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-054—Adopted

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

- **R20-055: PLAN OF BARLEY MILL PLAZA; CHRISTIANA HUNDRED; NORTHEASTERLY CORNER OF LANCASTER PIKE AND ROUTE 141; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO DEMOLISH EXISTING BUILDINGS AND CONSTRUCT A NEW MIXED-USE (SHOPPING CENTER, OFFICE AND RESIDENTIAL) DEVELOPMENT AND CREATE ELEVEN (11) TITLE SUBDIVISION LOTS ON 56 +/- ACRES; OR ZONING; APPLICATION NO. 2019-0266-S; COUNCIL DISTRICT 2. Introduced by: Ms. Durham**
--It was moved and seconded that R20-055 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-055—Adopted

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

- **R20-056: AUTHORIZING A CONTRACT BETWEEN THE CITY OF WILMINGTON AND NEW CASTLE COUNTY COUNCIL REGARDING LIVE STREAMING AND BROADCASTING OF COUNTY COUNCIL MEETINGS AND THE EXECUTION THEREOF AND ANY OTHER NECESSARY DOCUMENTS BY COUNTY COUNCIL, AND FOR COUNTY COUNCIL TO TAKE ANY AND ALL NECESSARY ACTIONS RELATED THERETO, INCLUDING ISSUANCE OF A PURCHASE ORDER TO THE EXTENT NECESSARY. Introduced by: Mr. Carter, Mr. Smiley, Ms. Hartley-Nagle**
- **R20-057: AUTHORIZING A CONTRACT BETWEEN THE NEW CASTLE COUNTY COUNCIL AND THE LERRO CORPORATION REGARDING LIVE STREAMING AND BROADCASTING OF COUNTY COUNCIL MEETINGS AND THE EXECUTION THEREOF AND ANY OTHER NECESSARY DOCUMENTS BY COUNTY COUNCIL, AND FOR COUNTY COUNCIL TO TAKE ANY AND ALL NECESSARY ACTIONS RELATED THERETO, INCLUDING ISSUANCE OF A PURCHASE ORDER TO THE EXTENT NECESSARY. Introduced by: Mr. Carter, Mr. Smiley, Ms. Hartley-Nagle**
- **R20-058: AUTHORIZING A CONTRACT BETWEEN THE NEW CASTLE COUNTY COUNCIL AND SWAGIT PRODUCTIONS, LLC REGARDING LIVE STREAMING AND BROADCASTING OF COUNTY COUNCIL MEETINGS AND THE EXECUTION THEREOF AND ANY OTHER NECESSARY DOCUMENTS BY COUNTY COUNCIL, AND FOR COUNTY COUNCIL TO TAKE ANY AND ALL NECESSARY ACTIONS RELATED THERETO, INCLUDING ISSUANCE OF A PURCHASE ORDER TO THE EXTENT NECESSARY. Introduced by: Mr. Carter, Mr. Smiley, Ms. Hartley-Nagle**
--It was moved and seconded that R20-056, R20-057, and R20-058 be read by title only and placed before Council for their consideration and adoption.

Resolution 20-056, Resolution 20-057, Resolution 20-058—Adopted

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

- **R20-060: URGING THE NEW CASTLE COUNTY ADMINISTRATION TO IMMEDIATELY ASSESS AND CONSIDER THE PURCHASE OF CERTAIN PROPERTY SITUATED IN THE PORT PENN CORRIDOR AND TO THEREBY INCREASE LAND PRESERVATION IN NEW CASTLE COUNTY. Introduced by: Mr. Bell, Ms. Kilpatrick, Mr. Sheldon**
--It was moved and seconded that R20-060 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-060—Adopted

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

I. Consideration of Ordinances:

- **°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**
--It was moved and seconded that °20-013 be read by title only and placed before Council for its consideration.
--Councilman Cartier moved to table °20-013. The motion was seconded by Councilman Smiley and approved.

Ordinance 20-013—Tabled

J. Time Sensitive Congratulatory/Honorary Resolutions:

- **R20-059: HONORING THE LIFE AND LEGACY OF MRS. DOROTHY GEORGIE BURKETT TALBERT. Introduced by: Mr. Street**
--It was moved and seconded that R20-059 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-059—Adopted

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

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other:

- Henry Miller spoke about 4185 Kirkwood St. Georges Road.
- Councilman Smiley apologized and thanked Council Staff.
- Councilman Bell provided an update and discussed the Cemetery on Port Penn Road. Councilman Carter provided comments on this issue.

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.

Karen Hartley-Nagle
Council President
New Castle County