

**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 27, 2018**

- A. The meeting was called to order by President Hartley-Nagle at 6:33 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 March 13, 2018 Council meeting minutes, it was seconded, and all were in favor.

**C. Announcements:**

- Councilman Bell announced that °17-095 and °17-096 would remain tabled.
- Councilman Smiley announced that he would lift R18-036 from the table and that °17-070 would remain tabled.

**D. Introduction of Ordinances:**

- **°18-020: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), REGARDING ARTICLE 1 (“TITLE AND APPLICABILITY”), ARTICLE 3 (“USE REGULATIONS”), ARTICLE 10 (“ENVIRONMENTAL STANDARDS”), ARTICLE 12 (“SEWER AND WATER IMPACT”), ARTICLE 20 (“SUBDIVISION AND LAND DEVELOPMENT DESIGN PRINCIPLES”), ARTICLE 22 (“DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING”), ARTICLE 27 (“MAINTENANCE ORGANIZATIONS, OPEN SPACE, AND COMMON FACILITIES”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), ARTICLE 33 (“DEFINITIONS”), APPENDIX 1 (“APPLICATION AND PLAN REQUIREMENTS”) AND APPENDIX 2 (“FEES”).** Introduced by: Mr. Tackett, Ms. Kilpatrick
- **°18-021: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), REGARDING ARTICLE 3 (“USE REGULATIONS”), ARTICLE 4 (“DISTRICT INTENSITY AND BULK STANDARDS”), ARTICLE 5 (“SITE CAPACITY AND CONCURRENCY CALCULATIONS”), ARTICLE 7 (“TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES”), ARTICLE 10 (“ENVIRONMENTAL STANDARDS”), ARTICLE 20 (“SUBDIVISION AND LAND DEVELOPMENT DESIGN PRINCIPLES”), ARTICLE 21 (“IMPROVEMENT AND DESIGN STANDARDS”), ARTICLE 22 (“DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING”), ARTICLE 23 (“LANDSCAPING, TREES, AND EROSION”),**

**ARTICLE 33 (“DEFINITIONS”), AND APPENDIX 3 (“PLANT LISTS”). Introduced by: Mr. Tackett, Ms. Kilpatrick**

- **°18-022: AMEND THE GRANTS BUDGET: APPROPRIATE \$116,300 IN FUNDING FROM WEST END NEIGHBORHOOD HOUSE TO THE CITI FOUNDATION PATHWAY TO PROGRESS SUMMER YOUTH EMPLOYMENT PROGRAM GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES AS A SUBGRANTEE. Introduced by: Mr. Hollins, Ms. Diller**
- **°18-023: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$67,500 IN FEDERAL FUNDS FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, THROUGH THE DELAWARE EMERGENCY MANAGEMENT AGENCY (DEMA), UNDER THE DEPARTMENT OF SAFETY AND HOMELAND SECURITY, AND STATE FUNDING OF \$19,875 FROM THE DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT); TRANSFER FUNDING OF \$2,625 FROM THE EXISTING NEW CASTLE COUNTY OFFICE OF EMERGENCY MANAGEMENT (OEM) MATCH GRANT TO THE BAYVIEW BEACH ELEVATION PROJECT GRANT. Introduced by: Mr. Bell, Mr. Street**

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

- Councilwoman Diller reported that the Boards and Commissions Sub-Committee met on 3/20/18 and discussed items on tonight’s agenda, received an update on the assessment legislation, heard an initial report on compensation of boards and commissions.
- Councilman Sheldon reported that the Personnel Sub-Committee met on 3/20/18 and discussed/hired District 7 Legislative Aide and discussed vacancy in Deputy Clerks position.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 3/20/18 and discussed items on tonight’s agenda and had a discussion regarding annexation.
- Councilman Smiley reported that the Finance Committee met on 3/27/18 and discussed an item on tonight’s agenda, approved grant requests and had a presentation on the County’s Assessment/Appeals process.
- Councilwoman Diller reported that the Community Services Committee met on 3/27/18 and discussed items on the next Council Agenda and had a presentation on New Castle County’s Vacant Housing Legislation Initiative.

**F. Consent Calendar:**

- **R18-050: CONGRATULATING MAEBELLE HICKS ON HER 85<sup>TH</sup> BIRTHDAY. Introduced by: Mr. Hollins**

**Consent Calendar--Adopted**

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

**G. Presentations: None**

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

- **R18-051: TO RELOCATE THE ENTRANCE TO 1934 GRAVES ROAD TO A PRIVATE DRIVEWAY THAT WILL EXIT TO RAPHAEL ROAD AND BE RENAMED 1 HOUCHIN LANE. Introduced by: Ms. Kilpatrick**

--It was moved and seconded that R18-051 be read by title only and placed before Council.

**Resolution 18-051—Adopted**

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

- **R18-036: (STATUS: TABLED) CONSENTING TO THE APPOINTMENT OF KELLIE TETRICK TO THE NEW CASTLE COUNTY ETHICS COMMISSION. Introduced by: Mr. Smiley, Mr. Cartier**

--Councilman Smiley moved to lift R18-036 from the table and be read by title only and placed before Council. The motion was seconded.

**Resolution 18-036 -- Adopted**

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

**I. Consideration of Ordinances**

- **°18-016: TO PROVIDE FOR THE INSTALLATION OF TRADITIONAIRE STREET LIGHTS IN THE WOODCREST ESTATES SUBDIVISION LOCATED IN CHRISTIANA HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Woods**  
--It was moved and seconded that °18-016 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 18-016--Adopted**

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

- **°18-017: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL GRANT AWARD OF \$224,012 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY THROUGH THE DELAWARE EMERGENCY MANAGEMENT AGENCY (DEMA), UNDER THE DEPARTMENT OF SAFETY AND HOMELAND SECURITY, TO THE NEW CASTLE COUNTY FEDERAL FISCAL YEAR 2016 HOMELAND SECURITY GRANT PROGRAM. Introduced by: Mr. Bell, Mr. Street**  
-- It was moved and seconded that °18-017 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 18-017--Adopted**

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

- **°18-018: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 (“FINANCE AND TAXATION”), ARTICLE 6 (“EXEMPTION FROM REAL PROPERTY TAXATION”), TO WAIVE DURATIONAL RESIDENCY REQUIREMENTS FOR DISABILITY PROPERTY TAX EXEMPTION APPLICANTS WHO HAVE SUSTAINED A SERVICE CONNECTED TOTAL AND PERMANENT DISABILITY. Introduced by: Ms. Kilpatrick, Mr. Hollins, Mr. Cartier, Ms. Hartley-Nagle**  
-- It was moved and seconded that °18-018 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 18-018--Adopted**

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

- **°18-019: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 12 (“DRAINAGE”) ARTICLE 6 (“STORMWATER MANAGEMENT FACILITY AND WATERCOURSE MAINTENANCE”), REGARDING GENERAL STORMWATER MANAGEMENT FACILITY MAINTENANCE. Introduced by: Mr. Powers, Mr. Sheldon, Ms. Hartley-Nagle**  
-- It was moved and seconded that °18-019 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 18-019--Adopted**

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

- **SUBSTITUTE NO 1. TO °17-094: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), ARTICLE 7 (“TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES”)**

**REGARDING THE TRADITIONAL NEIGHBORHOOD HOUSING PROGRAM. Introduced by: Mr. Hollins**

-- It was moved and seconded that Substitute No. 1 to °17-094 be read by title only and placed before Council for its consideration and adoption.

**Substitute No. 1 to Ordinance 17-094--Adopted**

Yes: Cartier, Diller, Hollins, Kilpatrick, Smiley, Street, Tackett, Weiner, Woods

No: Bell, Hartley-Nagle, Powers, Sheldon

- **°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 table
- **°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 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 7:29 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, Acting Deputy Clerk of Council/Legislative Aide*