

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, April 9, 2019

- 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

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 both the March 26, 2019 Special Council Meeting minutes and the March 26, 2019 council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Councilman Cartier announced that he was removing Ordinance 19-023 from the table.
- Councilman Bell announced that Ordinance 17-095 and Ordinance 17-096 would remain tabled and provided an update on the legislation.
- Councilman Smiley announced that Ordinance 19-024 would remain tabled.

D. Introduction of Ordinances:

- **°19-035: THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2020 BEGINNING JULY 1, 2019. Introduced by: Mr. Smiley, Mr. Cartier**
- **°19-036: CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2019 FOR FISCAL YEAR 2020. Introduced by: Mr. Smiley, Mr. Cartier**
- **°19-037: AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS APPROVED IN THE FISCAL YEAR 2020 CAPITAL BUDGET. Introduced by: Mr. Smiley, Mr. Cartier**
- **°19-038: THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2019. Introduced by: Mr. Smiley, Mr. Cartier**
- **°19-039: ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2019. Introduced by: Mr. Smiley, Mr. Cartier**
- **°19-040: APPROPRIATE \$220,000 FROM THE GARSTIN TRUST PORTFOLIO TO THE GARSTIN TRUST FUND IN ORDER TO FUND PARK MAINTENANCE FOR FISCAL YEAR**

2020, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS. Introduced by: Mr. Sheldon, Mr. Woods

- **R19-041: AMEND THE FY2019 CAPITAL BUDGET: APPROPRIATE \$100,000 IN STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) FUNDING TOWARD THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Woods**
- **R19-042: TO ABATE OUTSTANDING NEW CASTLE COUNTY REAL PROPERTY TAXES AND RELATED PENALTY ON THE PILOT SCHOOL PROPERTY LOCATED AT 208 & 212 WOODLAWN ROAD, WILMINGTON, DE, PARCEL NO. 06-029.000-02. Introduced by: Ms. Durham**

E. Reports from Select and Special Committees:

- Councilman Woods reported that the Public Works Committee met on 4/2/19 and received an update on the fleet efficiency study and Governor Printz Project.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 4/2/19 and discussed items on tonight's agenda and had discussion on Land Use's Information Policy.
- Councilman Cartier reported that the Finance Committee met on 4/9/19 and discussed items on this evening's agenda, received an update on the Property Tax Rate Calculations and overview of the FY20 Budget, approved grants and received an update from the Executive Branch and had a presentation on the purchasing and disposal of County's assets.
- Councilman Smiley reported that the Finance Committee met on 4/8/19 to hold Budget Hearings.
- Councilman Bell reported that the Public Safety Committee met on 4/9/19 and received an update on the Hero Help funding and various other grants and on the upcoming Police Memorial's in May
- Councilman Hollins reported that the Executive Committee met on 4/9/19 and discussed items on tonight's agenda.

F. Consent Calendar:

- **R19-059: CONSENTING TO THE APPOINTMENT OF KEVIN L. SMITH TO THE NEW CASTLE COUNTY HOUSING ADVISORY BOARD. Introduced by: Ms. Diller**
- **R19-060: CONSENTING TO THE APPOINTMENT OF MICHELLE LAMONICA ROUSE TO THE NEW CASTLE COUNTY HOUSING ADVISORY BOARD. Introduced by: Mr. Cartier**
- **R19-061: CONSENTING TO THE APPOINTMENT OF CHRISTIAN WILLAUER TO THE NEW CASTLE COUNTY HOUSING ADVISORY BOARD. Introduced by: Mr. Hollins**

Consent Calendar—Adopted

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

G. Presentations: None

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

- **R19-062: (STATUS: TO BE TABLED) ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2020 THROUGH 2025. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that R19-062 be read by title only and placed before Council for its consideration.
--Councilman Smiley moved to table R19-062 until May 28, 2019. The motion was seconded and approved.

Resolution 19-062—Tabled

- **R19-063: TO AMEND RULE 4.5.7. OF NEW CASTLE COUNTY COUNCIL RULES OF PROCEDURE REGARDING NEW CASTLE COUNTY COUNCIL'S CONSENT CALENDAR. Introduced by: Mr. Smiley**

--It was moved and seconded that R19-063 be read by title only and placed before Council for its consideration.

Resolution 19-063—Adopted

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

- **R19-064: RECOGNIZING THE CONTRIBUTIONS OF THE NEW CASTLE COUNTY COUNCIL EMPLOYEES ON 2019 ADMINISTRATIVE PROFESSIONALS DAY. Introduced by: Mr. Smiley, All of Council**

--It was moved and seconded that R19-064 be read by title only and placed before Council for its consideration.

--The resolution was read into the record.

Resolution 19-064—Adopted

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

- **R19-065: TO SET NEW CASTLE COUNTY'S FISCAL YEAR 2020 CONTRIBUTION RATE FOR THE COUNTY'S PENSION PLANS. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R19-065 be read by title only and placed before Council for its consideration.

Resolution 19-065—Adopted

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

I. Consideration of Ordinances:

- **°19-026: TO PROVIDE FOR THE INSTALLATION OF TRADITIONAIRE STREET LIGHTS IN THE CHESTNUT HILL PRESERVE SUBDIVISION LOCATED IN WHITE CLAY CREEK AND PENCADER HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Ms. Diller**

--It was moved and seconded that °19-026 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-026—Adopted

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

- **°19-027: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM THE COUNTY COUNCIL FY2019 APPROVED OPERATING BUDGET TO THE 2019 NEW CASTLE COUNTY SUMMER YOUTH EMPLOYMENT GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Mr. Street, Mr. Smiley, Ms. Hartley-Nagle**

--It was moved and seconded that °19-027 be read by title only and placed before Council for its consideration and adoption.

--Public comment: Dora Williams

Ordinance 19-027—Adopted

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

- **°19-028: AMEND THE FY2019 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE 2019 NEW CASTLE COUNTY SUMMER YOUTH EMPLOYMENT PROGRAM GRANT. Introduced by: Mr. Hollins, Mr. Street, Mr. Smiley, Ms. Hartley-Nagle**

--It was moved and seconded that °19-028 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-028—Adopted

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

- **°19-029: AMEND THE GRANTS BUDGET: APPROPRIATE \$116,300 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, Ms. Hartley-Nagle**

--It was moved and seconded that °19-029 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-029—Adopted

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

- **°19-030: AMEND THE GRANTS BUDGET: REALIGN \$306,193.38 IN FEDERAL FUNDS WITHIN THE NEIGHBORHOOD STABILIZATION PROGRAM II GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller, Ms. Hartley-Nagle**

--It was moved and seconded that °19-030 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-030—Adopted

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

- **°19-031: AMEND THE GRANTS BUDGET: APPROPRIATE NEW CASTLE COUNTY FUNDING OF \$64,800 FROM THE DEPARTMENT OF COMMUNITY SERVICES FY2019 APPROVED OPERATING BUDGET AND APPROPRIATE ACTUAL AND ANTICIPATED PROGRAM INCOME OF \$190,200 TO THE SUMMER RECREATION CAMPS GRANT. Introduced by: Mr. Hollins, Ms. Diller, Ms. Hartley-Nagle**

--It was moved and seconded that °19-031 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-031—Adopted

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

- **°19-032: AMEND THE ANNUAL OPERATING BUDGET: APPROPRIATE \$64,800 FROM THE CONTRACTUAL SERVICES BUDGET LINE ITEM OF THE DEPARTMENT OF COMMUNITY SERVICES TO THE SUMMER RECREATION CAMPS GRANT. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °19-032 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-032—Adopted

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

- **°19-033: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND REVISE THE CLASS SPECIFICATION FOR THE POSITION OF PAYROLL SUPERVISOR. Introduced by: Ms. Hartley-Nagle**

--It was moved and seconded that °19-033 be read by title only and placed before Council for its consideration.

--President Hartley-Nagle moved to table °19-033. The motion was seconded and approved.

Ordinance 19-033—Tabled

- **°19-034: AMEND THE PAY PLAN AND RATES OF PAY FOR UNION, UNCLASSIFIED SERVICE, SCHOOL CROSSING GUARDS REPRESENTED BY THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 2270, AFL-CIO. Introduced by: Ms. Hartley-Nagle**

--It was moved and seconded that °19-034 be read by title only and placed before Council for its consideration.

Ordinance 19-034—Adopted

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

- **°18-130: REVISE PREVIOUSLY APPROVED EXPLORATORY MAJOR LAND DEVELOPMENT PLAN WITH REZONING FOR AVON COMMONS; WHITE CLAY CREEK HUNDRED; NORTH SIDE OF OGLETOWN ROAD (SR 273), 3699 FEET WEST OF RED MILL ROAD; TAX PARCEL NO. 09-016.00-007 (2100 OGLETOWN ROAD) (The revised plan for Avon Commons proposes to revise the previously approved design of the exploratory major land development plan by increasing the gross floor area from 612,380 square feet to 700,347 square feet. This new plan will supersede the previously approved exploratory major 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 15-004 in July 2015. CR (Commercial Regional) zoning district. App. 2018-0531-S/Z.). Introduced by: Ms. Diller**

--It was moved and seconded that °18-130 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-130--Adopted

Poll Vote

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

Carter: Yes, based on the positive recommendations of the Department of Land Use and the Planning Board.

Cartier: Yes, based on the positive recommendation of the Department of Land Use and the Planning Board, and the innovative design that compliments the area.

Diller: Yes, based on the positive recommendation of the Department of Land Use and the Planning Board and the suitability of the plan for the property.

Durham: Yes, based on the positive recommendation of the Department of Land Use and the Planning Board, the suitability of the plan for the area and lack of negative comments from the community.

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

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 and lack of negative comments from the community.

- **°19-023: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 2 (“COUNTY COUNCIL”), TO RAISE THE THRESHOLD FOR COUNTY COUNCIL CONTRACT APPROVAL TO \$50,000. Introduced by: Mr. Smiley, Mr. Cartier**
--Councilman Cartier moved to lift °19-023 from the table. The motion was seconded and approved.
--It was moved and seconded that °19-023 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-023—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Tackett, Woods
Not Voting: Street

- **°19-024: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 14 (“FINANCE AND TAXATION”), ARTICLE 5 (“ABATEMENT OF PROPERTY TAXES AND PENALTY”), SECTION 14.05.003. (“AUTHORITY”) RELATING TO AUTHORITY. Introduced by: Mr. Smiley**
--°19-024 remained tabled.
- **°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:

- **R19-066: CONGRATULATING HOUSING OPPORTUNITIES OF NORTHERN DELAWARE (HOND). Introduced by: Ms. Hartley-Nagle**
--It was moved and seconded that R19-066 be read by title only and placed before Council for its consideration and adoption.

Resolution 19-066—Adopted

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

- **R19-067: CONGRATULATING THOMAS WIRT FOR ACHIEVING THE RANK OF EAGLE SCOUT. Introduced by: Mr. Cartier**
--It was moved and seconded that R19-067 be read by title only and placed before Council for its consideration.

Resolution 19-067—Adopted

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

- **R19-068: HONORING THE LIFE AND SERVICE OF CAPTAIN CHRISTOPHER SLUTMAN AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Ms. Hartley-Nagle, All of Council**

--It was moved and seconded that R19-068 be read by title only and placed before Council for its consideration.

Resolution 19-068—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: 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 7:12 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