

**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, May 28, 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 the May 14, 2019 council meeting minutes, it was seconded, and all were in favor.

**C. Announcements:**

- Councilwoman Kilpatrick announced that she will have a presentation.
- Councilman Bell announced that Ordinance 17-095 and Ordinance 17-096 would remain tabled and provided an update on the legislation.
- Councilman Cartier announced that he will have a presentation.
- Councilman Tackett announced that he will have floor amendments to ordinance 19-005.
- Councilwoman Durham announced that she will have floor amendments to ordinance 19-005.

**D. Introduction of Ordinances:**

- **19-053: AMEND THE FY2019 APPROVED SEWER FUND OPERATING BUDGET: REALIGN BUDGETARY FUNDING OF \$150,000 WITHIN THE DEPARTMENT OF PUBLIC WORKS TO FUND ELECTRIC FOR THE PUMP STATIONS. Introduced by: Mr. Sheldon, Mr. Woods**
- **19-054: AMEND THE FY2019 APPROVED SEWER FUND OPERATING BUDGET: APPROPRIATE \$50,000 TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE CONTRACTUAL SERVICES BUDGET LINE ITEM. Introduced by: Mr. Smiley, Mr. Cartier**
- **19-055: TO AUTHORIZE THE ABATEMENT OF NEW CASTLE COUNTY REAL PROPERTY TAXES AND PENALTY ON THE PROPERTY OF THE REDEEMED CHRISTIAN CHURCH OF GOD ABUNDANT LIFE CENTER, INC. AT 24 BLEVINS DRIVE, NEW CASTLE, DE TAX PARCEL NUMBER 10-024.00-092. Introduced by: Mr. Bell**

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

- Councilman Smiley reported that the Finance Committee met on 5/28/19 and discussed items on tonight's agenda and approved grants
- Councilwoman Kilpatrick reported that the Land Use Committee met on 5/21/19 and discussed items on tonight's agenda
- Councilwoman Diller reported that the Boards and Commissions Subcommittee met on 5/21/19 and discussed an item on tonight's agenda and the New Castle County appeals of Boards of Assessment Review process
- Councilwoman Diller reported that the Community Services Committee met on 5/28/19 and discussed item's on tonight's agenda, HUD block grants, and New Castle County Pride

**F. Consent Calendar:**

- **R19-091: CONSENTING TO THE APPOINTMENT OF FRANCIS E. WILLIAMS, III TO THE FIRE AND AMBULANCE ADVISORY BOARD. Introduced by: Mr. Woods**

**Consent Calendar—Adopted**

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

**G. Presentations:**

- Councilwoman Diller moved to go out of order in order to consider R19-096. The motion was seconded.
- **R19-096: HONORING TRISTEN HUDSON ON HIS MANY ACCOMPLISHMENTS AT SAINT ELIZABETH'S HIGH SCHOOL. Introduced by: Ms. Kilpatrick, Ms. Diller**  
--It was moved and seconded that R19-096 be read by title only and placed before Council for its consideration.

**Resolution 19-096—Adopted**

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

- Councilwoman Diller and Councilwoman Kilpatrick presented R19-096.

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

- **R19-092: AMEND THE FY2019 CAPITAL PROGRAM: APPROPRIATE UP TO \$156,000 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, INFORMATION SYSTEMS EXPANSION II CAPITAL PROJECT TO SUPPORT FIVE TECHNOLOGICAL INITIATIVES. Introduced by Mr. Carter, Ms. Hartley-Nagle**  
--It was moved and seconded that R19-092 be read by title only and placed before Council for its consideration and adoption.

**Resolution 19-092—Adopted**

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

- **R19-093: TO RENAME THE APARTMENT COMPLEX OF "HAMPTON WALK" TAX PARCEL NUMBER 10-014.10-458, LOCATED ON THE WEST SIDE OF N. DUPONT HIGHWAY, NORTH OF BACON AVENUE, SOUTH OF MCMULLEN AVENUE, EAST OF BASSETT AVENUE TO "NEW CASTLE CROSSING." Introduced by: Mr. Smiley**  
--It was moved and seconded that R19-093 be read by title only and placed before Council for its consideration and adoption.

**Resolution 19-093—Adopted**

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

- **R19-094: RECOGNIZING AND HONORING THE HISTORY OF BRANDYWINE HUNDRED BY RENAMING THE ALLEN TRACT PARK TO THE FORWOOD PRESERVE PARK (TAX PARCEL NUMBER 06-081.00-053). Introduced by: Mr. Cartier**

--It was moved and seconded that R19-094 be read by title only and placed before Council for its consideration and adoption.

--Maryanne Cinaglia spoke.

**Resolution 19-094—Adopted**

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

- **R19-062: (STATUS: 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 remain tabled until later in the agenda.

**I. Consideration of Ordinances:**

- **°19-048: AMEND THE GRANTS BUDGET: APPROPRIATE \$2,278,499 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND \$425,000 IN ESTIMATED PROGRAM INCOME TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2020, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °19-048 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 19-048—Adopted**

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

- **°19-049: AMEND THE GRANTS BUDGET: FOR FY2020, APPROPRIATE FEDERAL FUNDS OF \$196,701 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO THE EMERGENCY SOLUTIONS GRANT FY2020, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °19-049 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 19-049—Adopted**

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

- **°19-050: AMEND THE GRANTS BUDGET: FOR FY2020, APPROPRIATE FEDERAL FUNDS OF \$893,090 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ESTIMATED PROGRAM INCOME OF \$75,000 TO THE FY2020 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °19-050 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 19-050—Adopted**

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

- **°19-051: AMEND THE GRANTS BUDGET: FOR FY2020, APPROPRIATE \$1,954,056 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES TO: (A) LIBRARY ADMINISTRATION \$1,727,739; (B) APPOQUINIMINK LIBRARY \$12,809; (C) BEAR LIBRARY \$30,318; (D) CLAYMONT LIBRARY \$12,707; (E) BRANDYWINE HUNDRED LIBRARY \$69,740; (F) ELSMERE LIBRARY \$12,706; (G) HOCKESSIN LIBRARY \$15,448; (H) KIRKWOOD LIBRARY \$19,150; (I) NEWARK LIBRARY \$26,727; (J) ROUTE 9 LIBRARY \$10,300; AND (K) WOODLAWN LIBRARY \$16,412 WHICH ARE ALL ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °19-051 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 19-051—Adopted**

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

- **°19-052: AMEND THE FY2019 CAPITAL BUDGET: APPROPRIATE UP TO \$156,000 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT THE DEPARTMENT OF ADMINISTRATION, INFORMATION SYSTEMS EXPANSION II CAPITAL PROJECT TO SUPPORT FIVE TECHNOLOGICAL INITIATIVES. Introduced by: Mr. Carter**

--It was moved and seconded that °19-052 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 19-052—Adopted**

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

- Mr. Smiley moved to go out of order in order to consider six pieces of budget legislation. The motion was seconded and approved.
- **°19-035: (STATUS: TABLED) THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2020 BEGINNING JULY 1, 2019. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °19-035 be lifted from the table.

--It was moved and seconded that °19-035 be read by title only and placed before Council for its consideration.

**Ordinance 19-035—Adopted**

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

No: Hartley-Nagle

- **°19-036: (STATUS: TABLED) CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2019 FOR FISCAL YEAR 2020. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °19-036 be lifted from the table.

--It was moved and seconded that °19-036 be read by title only and placed before Council for its consideration.

**Ordinance 19-036—Adopted**

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

- **°19-037: (STATUS: TABLED) 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**  
 --It was moved and seconded that °19-037 be lifted from the table.  
 --It was moved and seconded that °19-037 be read by title only and placed before Council for its consideration.  
**Ordinance 19-037—Adopted**  
 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods
- **R19-062: (STATUS: 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 lifted from the table.  
 --It was moved and seconded that R19-062 be read by title only and placed before Council for its consideration.  
**Resolution 19-062—Adopted**  
 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods
- **°19-038: (STATUS: TABLED) THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2019. Introduced by: Mr. Smiley, Mr. Cartier**  
 --It was moved and seconded that °19-038 be lifted from the table.  
 --It was moved and seconded that °19-038 be read by title only and placed before Council for its consideration.  
**Ordinance 19-038—Adopted**  
 Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods
- **°19-039: (STATUS: TABLED) ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2019. Introduced by: Mr. Smiley, Mr. Cartier**  
 --It was moved and seconded that °19-039 be lifted from the table.  
 --It was moved and seconded that °19-039 be read by title only and placed before Council for its consideration.  
**Ordinance 19-039—Adopted**  
 Yes: Bell, Carter, Cartier, Diller, Durham, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, Woods  
 No: Hartley-Nagle
- **°19-033: (STATUS: TABLED) 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**  
 -- °19-033 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.

- Mr. Smiley moved to return to the regular order of business. The motion was seconded.

- **Substitute No. 1 to °19-005: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”) ARTICLE 5 (“SITE CAPACITY AND CONCURRENCY CALCULATIONS”), ARTICLE 11 (“TRANSPORTATION IMPACT”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), ARTICLE 33 (“DEFINITIONS”). Introduced by: Mr. Tackett, Ms. Kilpatrick**

--It was moved and seconded that Substitute No. 1 to °19-005 be read by title only and placed before Council for its consideration and adoption.

- **Floor Amendment No. 1 to Substitute No. 1 to °19-005: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”) ARTICLE 5 (“SITE CAPACITY AND CONCURRENCY CALCULATIONS”), ARTICLE 11 (“TRANSPORTATION IMPACT”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), ARTICLE 33 (“DEFINITIONS”). Introduced by: Mr. Tackett**

--It was moved and seconded that Floor Amendment No. 1 to Substitute No. 1 to °19-005 be read by title only and placed before Council for its consideration and adoption.

--Speakers: Tom Dewson, Jakim Mohammed

**Floor Amendment No. 1 to Substitute No. 1 to Ordinance 19-005—Adopted**

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

Not voting: Carter, Hollins

- **Floor Amendment No. 2 to Substitute No. 1 to °19-005: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”) ARTICLE 5 (“SITE CAPACITY AND CONCURRENCY CALCULATIONS”), ARTICLE 11 (“TRANSPORTATION IMPACT”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), ARTICLE 33 (“DEFINITIONS”). Introduced by: Ms. Kilpatrick**

--It was moved and seconded that Floor Amendment No. 2 to Substitute No. 1 to °19-005 be read by title only and placed before Council for its consideration and adoption.

--Speakers: Nancy Willing

**Floor Amendment No. 2 to Substitute No. 1 to Ordinance 19-005—Adopted**

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

Present: Hollins

- **Floor Amendment No. 3 to Substitute No. 1 to °19-005: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”) ARTICLE 5 (“SITE CAPACITY AND CONCURRENCY CALCULATIONS”), ARTICLE 11 (“TRANSPORTATION IMPACT”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), ARTICLE 33 (“DEFINITIONS”). Introduced by: Ms. Durham**

--It was moved and seconded that Floor Amendment No. 3 to Substitute No. 1 to °19-005 be read by title only and placed before Council for its consideration and adoption.

--Speakers: Rich Hall (General Manager of the Department of Land Use), Tom Dewson, Jakim Mohammed, Bill Dunn, Larry Tarabicos, Nancy Willing

**Floor Amendment No. 3 to Substitute No. 1 to Ordinance 19-005—Rejected**

Yes: Carter, Durham, Hartley-Nagle, Street

No: Bell, Cartier, Diller, Kilpatrick, Sheldon, Smiley, Tackett, Woods

Present: Hollins

- **Floor Amendment No. 4 to Substitute No. 1 to °19-005: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”) ARTICLE 5 (“SITE CAPACITY AND CONCURRENCY CALCULATIONS”), ARTICLE 11 (“TRANSPORTATION IMPACT”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), ARTICLE 33 (“DEFINITIONS”). Introduced by: Ms. Durham**

--It was moved and seconded that Floor Amendment No. 4 to Substitute No. 1 to °19-005 be read by title only and placed before Council for its consideration and adoption.

--Speakers: Rich Hall (General Manager of the Department of Land Use), Tom Dewson, Drew Boyce, Roger Scorzieglo, Bill Dunn, Nancy Willing

**Floor Amendment No. 4 to Substitute No. 1 to Ordinance 19-005—Rejected**

Yes: Durham, Hartley-Nagle, Street, Tackett

No: Bell, Cartier, Diller, Kilpatrick, Sheldon, Smiley, Woods

Present: Carter, Hollins

--Speakers: Ted Williams, Joe Fitzgerald, Donnie Shankie, Peggy Schultz, Catalie Pride, Bill Dunn, Bryan Short, unknown, Rich Hall (General Manager of the Department of Land Use), Shawn Tucker

**Substitute No. 1 to Ordinance 19-005 as amended by Floor Amendments No. 1 and No. 2—Adopted**

Yes: Bell, Cartier, Diller, Kilpatrick, Sheldon, Smiley, Tackett, Woods

No: Carter, Durham, Hartley-Nagle, Hollins, Street

**J. Time Sensitive Congratulatory/Honorary Resolutions:**

- **R19-095: SUPPORTING THE REQUEST BY THE CITY OF NEWARK THAT THE DELAWARE GENERAL ASSEMBLY ALLOW AN AMENDMENT TO THE CITY OF NEWARK’S MUNICIPAL CHARTER TO AUTHORIZE SEWER SERVICE IN UNINCORPORATED AREAS WITHOUT ANNEXATION. Introduced by: Ms. Diller, Ms. Kilpatrick, Mr. Sheldon, Ms. Hartley-Nagle**

--It was moved and seconded that R19-095 be read by title only and placed before Council for its consideration.

**Resolution 19-095—Adopted**

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

- **R19-097: HONORING THE LIFE OF GLADYS M. REESE AND EXPRESSING CONDOLENCES TO HER FAMILY AND FRIENDS. Introduced by: Mr. Bell**

--It was moved and seconded that R19-097 be read by title only and placed before Council for its consideration.

**Resolution 19-097—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 9:40 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 Anthony deFiore, Legislative Aide*