

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, August 27, 2019

- A. The meeting was called to order by President Hartley-Nagle at 6:37 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
Dee Durham
Karen Hartley-Nagle
Penrose Hollins
Janet T. Kilpatrick
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett
Kenneth R. Woods

Absent

Elisa Diller*

**Ms. Diller arrived immediately after roll call was taken.*

B. Approval of Minutes:

- Councilman Smiley moved to approve the July 23, 2019 council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Councilman Smiley moved to suspend Rule 5.4 to consider and discuss all legislation on this evening's agenda. The motion was seconded and approved.
- President Hartley-Nagle moved to suspend the rules and move Ordinance 19-046 to the end of the agenda. The motion was seconded and approved.
- Councilman Bell announced that Ordinance 17-095 and Ordinance 17-096 would remain tabled

D. Introduction of Ordinances:

- **19-077: REVISE ZONING MAP: PENCADER HUNDRED, NORTH SIDE PULASKI HIGHWAY, 2800 FEET WEST OF GLASGOW AVENUE; 2675 PULASKI HIGHWAY, TAX PARCEL NO. 11-026.10-202 AND 11-026.20-002, 10.27 ACRES FROM S (SUBURBAN) AND H (HISTORIC OVERLAY) TO CR (COMMERCIAL REGIONAL) AND H (HISTORIC OVERLAY). Introduced by: Mr. Tackett**
- **19-078: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR "UDC"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING"), REGARDING ON-SITE WASTEWATER TREATMENT (SEPTIC) SYSTEMS. Introduced by: Mr. Tackett, Ms. Kilpatrick**

- **°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**
- **°19-080: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 (“BUILDING CODE”), ARTICLE 3 (“ADMINISTRATION”), SEC. 6.03.020. (“SPECIAL GUIDELINES FOR WORK DONE ON HISTORIC STRUCTURES”) REGARDING ISSUANCE OF A DEMOLITION PERMIT BY THE HISTORIC REVIEW BOARD. Introduced by: Ms. Durham, Mr. Carter**
- **°19-081: AMEND THE FY2020 CAPITAL BUDGET: APPROPRIATE \$50,000 IN FUNDING FROM THE STATE OF DELAWARE FISCAL YEAR 2020 BOND AND CAPITAL IMPROVEMENTS ACT TOWARD THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Woods**
- **°19-082: AMEND THE GRANTS BUDGET: APPROPRIATE \$33,755 FROM THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION TO THE EZION FAIR CHURCH – PARKING LOT IMPROVEMENTS GRANT FOR THE DEPARTMENT OF PUBLIC WORKS. Introduced by: Mr. Sheldon, Mr. Woods**
- **°19-083: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS, REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, AFFILIATE LOCAL 3109, TO REVISE THE POSITION TITLE OF TRANSPORTATION DIVISION MANAGER TO FLEET SERVICES MANAGER AND TO ADOPT THE REVISED CLASS SPECIFICATION. Introduced by: Ms. Hartley-Nagle**
- **°19-084: AMEND THE GRANTS BUDGET: APPROPRIATE \$400,000 IN FUNDS FROM THE DELAWARE STATE HOUSING AUTHORITY TO THE STRONG NEIGHBORHOODS HOUSING PROGRAM III GRANT TO BE ADMINISTERED BY THE NEW CASTLE COUNTY DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**
- **°19-085: AMEND THE GRANTS BUDGET: APPROPRIATE \$150,000 IN ANTICIPATED STATE OF DELAWARE GRANT-IN-AID FUNDS TO THE POLICE BEHAVIORAL HEALTH GRANT TO BE ADMINISTERED BY THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **°19-086: AMEND THE GRANTS BUDGET: APPROPRIATE \$50,000 IN FUNDING FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE COLD CASE DNA GRANT TO BE ADMINISTERED BY THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **°19-087: TO PROVIDE FOR THE INSTALLATION OF TRADITIONAIRE STREET LIGHTS IN THE COLONY AT SUMMIT BRIDGE - EAST SUBDIVISION LOCATED IN THE PENCADER HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Carter**

E. Reports from Select and Special Committees:

- Councilman Smiley reported that the Finance Committee met on 8/27/19 and discussed items on tonight’s agenda, approved grants and had a presentation on Animal Control.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 8/27/19 and discussed items on tonight’s agenda.

F. Consent Calendar:

- **R19-140: CONGRATULATING GRANT FARABAUGH ON ACHIEVING THE RANK OF EAGLE SCOUT. Introduced by: Ms. Hartley-Nagle**
- **R19-141: CELEBRATING THE 60TH ANNIVERSARY OF THE CAPITOL LITTLE LEAGUE. Introduced by: Mr. Sheldon**

- **R19-142: CONGRATULATING BOB KLESZICS ON RECEIVING THE INDEPENDENT NATURAL FOODS RETAILERS ASSOCIATION “SERVICE TO THE INDUSTRY” AWARD. Introduced by: Ms. Kilpatrick**
- **R19-143: CONGRATULATING CHARLES AND KATHY SHATTUCK ON RECEIVING DNREC’S OUTSTANDING VOLUNTEER OF THE YEAR 2019 AWARD. Introduced by: Ms. Kilpatrick**
- **R19-144: CONSENTING TO THE APPOINTMENT OF CHARLES NAGLE TO THE NEW CASTLE COUNTY DESIGN REVIEW ADVISORY COMMITTEE (DRAC) OF NORTH ST. GEORGE’S BRIDGE. Introduced by: Mr. Bell**
- **R19-145: CONSENTING TO THE APPOINTMENT OF SUBIRA IBRAHIM TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD, A SUBCOMMITTEE OF THE DEPARTMENT OF COMMUNITY SERVICES BOARD. Introduced by: Mr. Hollins**
- **R19-146: CONSENTING TO THE REAPPOINTMENT OF ROBERT B. SNOWDEN TO THE NEW CASTLE COUNTY PLANNING BOARD. Introduced by: Ms. Durham**
- **R19-147: CONSENTING TO THE REAPPOINTMENT OF RUTH M. VISVARDIS TO THE NEW CASTLE COUNTY PLANNING BOARD. Introduced by: Mr. Bell**

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:

- **R19-148: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A SALES AGREEMENT AND OTHER DOCUMENTS NECESSARY TO PURCHASE PROPERTY LOCATED IN NEW CASTLE, DELAWARE AT 15 & 17 STANTON AVENUE, TAX PARCEL NOS. 10-005.30-069 AND 10-005.30-070 TO BE USED TO ENHANCE THE USE OF THE CPL. PAUL J. SWEENEY PUBLIC SAFETY BUILDING SITE. Introduced by: Mr. Bell, Mr. Street**
--It was moved and seconded that R19-148 be read by title only and placed before Council for its consideration and adoption.

Resolution 19-148—Adopted

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

- **R19-149: APPROVING THE TAX EXEMPT STATUS OF THE WILMINGTON YOUTH ROWING ASSOCIATION FOR RECREATIONAL PROPERTY LOCATED AT 500 EAST FRONT STREET, WILMINGTON, DELAWARE TAX PARCEL NO. 26-043.00-035. Introduced by: Mr. Street**
--It was moved and seconded that R19-149 be read by title only and placed before Council for its consideration.

Resolution 19-149—Adopted

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

- **R19-150: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT WITH THE DELAWARE SUSTAINABLE ENERGY UTILITY TO PARTICIPATE IN THE DELAWARE VOLUNTARY COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM TO ENCOURAGE COMMERCIAL CLEAN ENERGY PROJECTS. Introduced by: Mr. Sheldon, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Mr. Woods, Ms. Kilpatrick**
--It was moved and seconded that R19-150 be read by title only and placed before Council for its consideration.

Resolution 19-150—Adopted

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

- **R19-151: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR AZTECA SYSTEMS, INC. FOR LICENSE AND SUPPORT FOR CITYWORKS® SOFTWARE FOR THE OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$72,500.00. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that R19-151 be read by title only and placed before Council for its consideration.

Resolution 19-151—Adopted

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

- **R19-152: PLAN OF SUMMIT CIRCLE; PENCADER HUNDRED; SOUTH SIDE OF BETHEL CHURCH ROAD, EAST SIDE OF SUMMIT BRIDGE ROAD, DIRECTLY ACROSS FROM SUMMIT BRIDGE FARMS; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES CONSTRUCTION OF A SUBDIVISION ON 18.14 ACRES, CONSISTING OF 14 DETACHED LOTS; S ZONING, COUNCIL DISTRICT 12. Introduced by: Mr. Bell**
--It was moved and seconded that R19-152 be read by title only and placed before Council for its consideration.

Resolution 19-152—Adopted

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

- **R19-153: PLAN OF 451 BOYD'S CORNER ROAD; ST GEORGE'S HUNDRED, NORTH SIDE OF BOYD'S CORNER ROAD (ROUTE 896), 1250 FEET EAST OF SUMMIT BRIDGE ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CONSTRUCT 107,100 SQUARE FEET OF MINI-WAREHOUSE BUILDINGS AND A 2,000 SQUARE FOOT OFFICE; I ZONING, COUNCIL DISTRICT 12. Introduced by: Mr. Bell**
--It was moved and seconded that R19-153 be read by title only and placed before Council for its consideration.

Resolution 19-153—Adopted

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

- **R19-154: PLAN OF COUNTRY HOUSE; CHRISTIANA HUNDRED, WEST SIDE OF KENNETT PIKE, 480 FEET SOUTH OF OLD GATEHOUSE ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO EXPAND EXISTING FACILITIES BY 213,444 SQUARE FEET TO INCLUDE 55 ADDITIONAL INDEPENDENT LIVING APARTMENTS WITH PRIVATE ASSIGNED SURFACE PARKING UNDER THE BUILDING, S ZONING, COUNCIL DISTRICT 2. Introduced by: Ms. Durham**
--It was moved and seconded that R19-154 be read by title only and placed before Council for its consideration.

Resolution 19-154—Adopted

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

- **R19-155: TO RENAME THE RESIDENTIAL APARTMENT COMPLEX RECORDED AS “TOWN COURT APARTMENTS,” TAX PARCEL NUMBER 09-020.00-009, TO “THORN FLATS,” COUNCIL DISTRICT 5. Introduced by: Ms. Diller**
--It was moved and seconded that R19-155 be read by title only and placed before Council for its consideration.

Resolution 19-155—Adopted

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

I. Consideration of Ordinances:

- **°19-075: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES, TO REVISE THE POSITION TITLE OF ENGINEERING AND ENVIRONMENTAL SERVICES MANAGER TO ENGINEERING SERVICES MANAGER AND TO APPROVE THE REVISED CLASS SPECIFICATION. Introduced by: Ms. Hartley-Nagle**
--It was moved and seconded that °19-075 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-075—Adopted

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

- **°19-076: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 2 (“COUNTY COUNCIL”) REGARDING PUBLIC ACCESS AND MEETINGS OF COUNTY COUNCIL. Introduced by: Mr. Carter**
--It was moved and seconded that °19-076 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-076—Adopted

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

- **°19-046: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 3 (“USE REGULATIONS”) AND ARTICLE 33 (“DEFINITIONS”) REGARDING LANDFILLS. Introduced by: Mr. Street, Mr. Carter, Ms. Durham, Mr. Smiley, Mr. Bell**
-- ° 19-046 was discussed and voted on after the Item J (R19-156).

- **°19-047: REVISE ZONING MAP: NEW CASTLE HUNDRED, SOUTH SIDE OF PULASKI HIGHWAY, APPROXIMATELY 1100 FEET EAST OF SALEM CHURCH ROAD; 1604, 1612, 1616 AND 0 PULASKI HIGHWAY, TAX PARCEL NOS. 10-048.00-001, 10-048.00-002, 10-048.00-003 AND 10-048.00-004, 4.69 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO CR (COMMERCIAL REGIONAL) The Exploratory Major Land Development Plan for Lidl proposes to rezone the property to CR for development of a 29,089 square foot grocery store and a 7,200 square foot specialty retail building with associated site improvements on 4.69 acres. 2018-0399-S/Z. Introduced by: Mr. Bell**
--It was moved and seconded that °19-047 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-047--Adopted

Poll Vote

Bell: Yes, based on the positive recommendation of the Department of Land Use, meeting the character of neighboring community, and excellent input from the community working group.

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

Cartier: Yes, based on the consistency on the adjacent zoning, the community support and input from the community working group, and the positive recommendation of the Department of Land Use.

Diller: Yes, based on the positive recommendation of the Department of Land Use and the community's support for the project

Durham: Yes, based on the positive recommendation of the Department of Land Use and the community's support for the project.

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 enhancements for this vacant property (infill), the consistent zoning of the surrounding area.

Sheldon: Yes, based on the positive recommendation of the Department of Land Use and the consistency of the surrounding area.

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 applicants outreach and work the community and the positive recommendation of the Department of Land Use.

Woods: Yes, based on the positive recommendation of the Department of Land Use and the applicants outreach to the community.

- **°19-074: (STATUS: TABLED) AMEND THE FY2020 APPROVED OPERATING BUDGET: APPROPRIATE \$31,513 OF TAX STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE GRANTS AND FIXED CHARGES BUDGET LINE ITEM. Introduced by: Mr. Bell, Mr. Street**
--Mr. Bell moved to lift °19-074 from the table. The motion was seconded and approved.
--It was moved and seconded that °19-074 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-074—Adopted

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

- **°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:

- **R19-156: RECOGNIZING A NATIONAL DAY OF HEALING IN HONOR OF THE 400th ANNIVERSARY OF THE FIRST AFRICANS BEING BROUGHT TO AMERICA FOR THE PURPOSE OF PROVIDING A SLAVE WORK FORCE.**
Introduced by: Ms. Hartley-Nagle
--It was moved and seconded that R19-156 be read by title only and placed before Council for its consideration.

Resolution 19-156—Adopted

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

- Council returned to Item I (Consideration of Ordinances) to consider °19-046:

- **°19-046: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 3 (“USE REGULATIONS”) AND ARTICLE 33 (“DEFINITIONS”) REGARDING LANDFILLS. Introduced by: Mr. Street, Mr. Carter, Ms. Durham, Mr. Smiley, Mr. Bell**

--It was moved and seconded that °19-046 be read by title only and placed before Council for its consideration.

--Mr. Street moved to have Floor Amendment No. 1 be read by title only and placed before Council for its consideration. The motion was seconded and approved.

--Mr. Street explained Floor Amendment No. 1.

Floor Amendment No. 1 to Ordinance 19-046 – Adopted

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

-It was moved and seconded that °19-046 as amended by Floor Amendment No. 1 be read by title only and placed before Council for its consideration.

Ordinance 19-046 as Amended by Floor Amendment No. 1 – Adopted

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

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 10:46 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