

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 28, 2018

- 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
Elisa Diller
John J. Cartier
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 July 24, 2018 Council meeting minutes, it was seconded and all were in favor.

C. Announcements: None

D. Introduction of Ordinances:

- **18-079: 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**
- **18-080: AMEND THE FY2019 APPROVED OPERATING BUDGET: INCREASE THE AUTHORIZED POSITION COUNT FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF HUMAN RESOURCES BY ADDING ONE ADDITIONAL PENSION PROGRAM ANALYST. Introduced by: Mr. Hollins, Mr. Smiley**
- **18-081: AMEND THE GRANTS BUDGET: APPROPRIATE \$32,000 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE-SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF), TO THE SLEAF – MARYLAND INSTITUTE OF CRIMINAL JUSTICE (MICJ) BASIC POLYGRAPH COURSE GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **18-082: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDING OF \$175,711 TO THE JAG (JUSTICE ASSISTANCE GRANT) 2017–EFFECTIVE GUN VIOLENCE REDUCTION TACTICS GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **18-083: AMEND THE GRANTS BUDGET: REALIGN \$58,274 IN STATE FUNDING WITHIN THE FY2018 FUND TO COMBAT VIOLENT CRIME GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **18-084: AMEND THE GRANTS BUDGET: APPROPRIATE \$29,172 IN FEDERAL FUNDING THROUGH THE STATE OF DELAWARE OFFICE OF HIGHWAY SAFETY TO**

THE OFFICE OF HIGHWAY SAFETY – AUGUST 2018 OCCUPATION PROTECTION AND SPEED EQUIPMENT GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street

- **°18-085: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$41,075 IN ANTICIPATED STATE OF DELAWARE GRANT-IN-AID FUNDS TO THE ABSALOM JONES SENIOR CENTER FY2019 GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**
- **°18-086: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS STREET LIGHTS IN THE WALKER FARM ESTATES SUBDIVISION LOCATED IN THE MILL CREEK HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Ms. Kilpatrick**
- **°18-087: AMEND THE FY2019 APPROVED OPERATING BUDGET: REALIGN BUDGETARY FUNDING OF \$30,000 WITHIN THE DEPARTMENT OF LAND USE TO FUND THE ROUTE 202 MASTER PLAN THROUGH THE WILMINGTON AREA PLANNING COUNCIL (WILMAPCO). Introduced by: Mr. Tackett, Ms. Kilpatrick**
- **°18-088: AMEND THE FY2019 APPROVED OPERATING BUDGET: REALIGN BUDGETARY FUNDING OF \$20,000 WITHIN THE DEPARTMENT OF LAND USE TO FUND THE SOUTHERN NEW CASTLE COUNTY MASTER PLAN THROUGH THE WILMINGTON AREA PLANNING COUNCIL (WILMAPCO). Introduced by: Mr. Tackett, Ms. Kilpatrick**
- **°18-089: AMEND THE FY2019 CAPITAL BUDGET: TRANSFER \$1,000,000 FROM THE AIRPORT ROAD SYSTEM REHABILITATION CAPITAL PROJECT AND \$1,000,000 FROM THE WHITE CLAY SYSTEM REHABILITATION CAPITAL PROJECT TO THE NORTH DELAWARE INTERCEPTOR SYSTEM CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Powers**
- **°18-090: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 (“FINANCE AND TAXATION”) TO ENACT A CEILING ON THE REALTY TRANSFER TAX EXEMPTION FOR FIRST-TIME HOMEBUYERS. Introduced by: Mr. Smiley, Mr. Cartier**

E. Reports from Select and Special Committees:

- Councilman Smiley reported that the Finance Committee met on 8/28/18 and discussed items on tonight’s agenda and approved grants.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 8/28/18 and discussed items on tonight’s agenda.
- Councilman Smiley reported that the Executive Committee met on 8/28/18 and approved the hiring of a Legislative Aide for the 8th District.

F. Consent Calendar: None

G. Presentations: None

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

- **R18-121: PLAN OF SUMMIT POINTE; PENCADER HUNDRED, NORTH SIDE OF BETHEL CHURCH ROAD, 2,140 FEET WEST OF SUMMIT BRIDGE ROAD; MAJOR SUBDIVISION PLAN THAT PROPOSES TO CREATE 99 SINGLE FAMILY LOTS; S ZONING; COUNCIL DISTRICT 6. Introduced by: Mr. Powers**
--It was moved and seconded that R18-121 be read by title only.
--Councilman Powers moved to table R18-121. The motion was seconded and approved.

Resolution 18-121—Tabled

- **R18-122: TO RENAME THE APARTMENT COMPLEX RECORDED AS “PRIDES COURT APARTMENTS,” TAX PARCEL NOS. 09-022.00-096, 09-022.00-049, AND 09-022.00-050, TO “LIBERTY SQUARE APARTMENT HOMES.” Introduced by: Mr. Sheldon**
--It was moved and seconded that R18-122 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-122—Adopted

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

- **R18-123: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR CATHOLIC CHARITIES, INC. FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$25,000.00.**

Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R18-123 be read by title only and placed before Council for its consideration.

Resolution 18-123—Adopted

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

- **R18-124: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR CITY OF NEWARK PLANNING AND DEVELOPMENT DEPARTMENT FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$274,006.00. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R18-124 be read by title only and placed before Council for its consideration.

Resolution 18-124—Adopted

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

- **R18-125: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR FAMILY PROMISE OF NORTHERN NEW CASTLE COUNTY, INC. FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$90,000.00. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R18-125 be read by title only and placed before Council for its consideration.

Resolution 18-125—Adopted

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

- **R18-126: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR HOUSING ALLIANCE DELAWARE FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$24,000.00.**

Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R18-126 be read by title only and placed before Council for its consideration.

Resolution 18-126—Adopted

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

- **R18-127: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR INTERFAITH HOUSING DELAWARE, INC. FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$105,000.00.**

Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R18-127 be read by title only and placed before Council for its consideration.

Resolution 18-127—Adopted

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

- **R18-128: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR INTERFAITH HOUSING DELAWARE INC. FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$200,000.00.**

Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R18-128 be read by title only and placed before Council for its consideration.

Resolution 18-128—Adopted

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

- **R18-129: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR LUTHERAN COMMUNITY SERVICES FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$25,000.00.**

Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R18-129 be read by title only and placed before Council for its consideration.

--Public comment: Carmen Kelly and Dora Williams

Resolution 18-129—Adopted

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

- **R18-130: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR YWCA DELAWARE, INC. FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$20,000.00.**

Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R18-130 be read by title only and placed before Council for its consideration.

Resolution 18-130—Adopted

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

- **R18-131: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR WEST HEALTH ADVOCATE SOLUTIONS, INC. FOR THE EMPLOYEE ASSISTANCE PROGRAM FOR THE OFFICE OF HUMAN RESOURCES IN THE AMOUNT OF \$30,004.56. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R18-131 be read by title only and placed before Council for its consideration.

Resolution 18-131—Adopted

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

- **R18-132: 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 R18-132 be read by title only and placed before Council for its consideration.

Resolution 18-132—Adopted

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

- **R18-133: AMEND THE FY2019 CAPITAL PROGRAM: APPROPRIATE \$30,000 FROM DELAWARE GREENWAYS TO THE DEPARTMENT OF PUBLIC WORKS, GREENWAY SYSTEMS CAPITAL PROJECT. Introduced by: Mr. Smiley**
--It was moved and seconded that R18-133 be read by title only and placed before Council for its consideration.

Resolution 18-133—Adopted

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

I. Consideration of Ordinances

- **°18-076: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$55,000 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO THE EMERGENCY MANAGEMENT FY2018 GRANT. Introduced by: Mr. Bell, Mr. Street**
--It was moved and seconded that °18-076 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-076—Adopted

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

- **°18-077: AMEND THE FY2019 CAPITAL BUDGET: APPROPRIATE \$30,000 FROM DELAWARE GREENWAYS TO THE DEPARTMENT OF PUBLIC WORKS, GREENWAY SYSTEMS CAPITAL PROJECT. Introduced by: Mr. Smiley**
--It was moved and seconded that °18-077 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-077—Adopted

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

- **°18-078: APPROVING: (1) THE ANNEXATION INTO THE CITY OF WILMINGTON, DELAWARE OF THE FOLLOWING EIGHT (8) PARCELS OF LAND: (A) TERRITORY 1, BEING 800 SOUTH MARKET STREET (TAX PARCEL ID NO. 10-001.00-015), 810 SOUTH MARKET STREET (TAX PARCEL ID NO. 10-001.00-016), 800 SOUTH WALNUT STREET (TAX PARCEL ID NOS. 10-001.00-077, 10-001.00-019, AND 10-001.00-020), 0 GARASCHE LANE (TAX PARCEL ID NO. 10-001.00-022), AND A SEPARATE BUT ADJACENT PROPERTY ALSO KNOWN AS 0 GARASCHE LANE (TAX PARCEL ID NO. 26-057.00-050), CONTAINING APPROXIMATELY 4.51 ACRES CONTIGUOUS WITH THE CITY BOUNDARY IN THE VICINITY OF THE SOUTH WILMINGTON ANALYSIS AREA, NEW CASTLE COUNTY, DELAWARE; AND (B) TERRITORY 2, BEING 787 SOUTH MADISON STREET (TAX PARCEL ID NO. 07-040.30-001), CONTAINING APPROXIMATELY 3.72 ACRES CONTIGUOUS WITH THE CITY BOUNDARY IN THE VICINITY OF THE BROWNTOWN/HEDGEVILLE ANALYSIS AREA, NEW CASTLE COUNTY, DELAWARE. Introduced by: Mr. Street**
--It was moved and seconded that °18-078 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-078—Adopted

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

No: Diller

- **SUBSTITUTE NO 1 TO °18-075: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 1 (“GENERAL PROVISIONS”) AND CHAPTER 2 (“ADMINISTRATION”) AND TO CREATE A NEW CHAPTER 29 (“AGRICULTURE”).**
Introduced by: Mr. Powers
--Substitute No. 1 to °18-075 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 table

J. Time Sensitive Congratulatory/Honorary Resolutions:

- **R18-134: HONORING THE LIFE AND LEGACY OF DANIEL R. KILEY.** **Introduced by: Mr. Weiner, Mr. Bell, Mr. Street**
--It was moved and seconded that R18-134 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-134—Adopted

Yes: Bell, Diller, Cartier, Hartley-Nagle, Hollins, Kilpatrick, Powers, Sheldon, Smiley, Street, Tackett, Weiner, 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 Woods to adjourn, it was seconded, and the meeting was adjourned at 7:18 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