

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, September 11, 2018

- A. The meeting was called to order by President Hartley-Nagle at 6:32 p.m. A moment of silence was recognized; 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 August 28, 2018 Council meeting minutes, it was seconded and all were in favor.

C. Announcements:

- Councilman Cartier announced that he will withdraw R18-137 and R18-138 and that he will move to go out of order to consider item J resolutions
- Councilman Tackett announced that he will withdraw R18-144 and will introduce °18-093
- Councilman Bell announced that °17-095 and °17-096 will remain tabled

D. Introduction of Ordinances:

°18-091: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$8,000 IN PRIVATE FUNDING FROM THE PUBLIC SERVICE ENTERPRISE GROUP (PSEG) NUCLEAR TO FUND THE OPERATIONS OF THE NEW CASTLE COUNTY OFFICE OF EMERGENCY MANAGEMENT (OEM) FOR FY2019. Introduced by: Mr. Bell, Mr. Street

°18-092: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING OF \$50,000 FROM THE STATE OF DELAWARE, DIVISION OF LIBRARIES TO THE NEW CASTLE COUNTY FY2019 IMPLEMENT LIBRARY CARDS AGES 0-12 GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller

°18-093: TO PLACE A ONE-YEAR MORATORIUM ON ALL MAJOR LAND DEVELOPMENT APPLICATIONS AND CERTAIN MINOR LAND DEVELOPMENT APPLICATIONS PROPOSING THE USE OF ON-SITE WASTEWATER TREATMENT AND DISPOSAL (“SEPTIC”) SYSTEMS IN NEW CASTLE COUNTY. Introduced by: Ms. Kilpatrick, Mr. Tackett

°18-094: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 2 (“COUNTY COUNCIL”) TO REQUIRE PUBLIC ACCESS TO NEW CASTLE COUNTY COUNCIL MEETINGS BY WAY OF CERTAIN AUDIO AND VIDEO SYSTEMS. Introduced by: Mr. Weiner

18-095: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 4 (“BOARDS, COMMITTEES AND COMMISSIONS”), DIVISION 2.04.000. (“GENERALLY”) TO REQUIRE CERTAIN NEW CASTLE COUNTY BOARDS TO PROVIDE PUBLIC ACCESS TO PUBLIC MEETINGS BY WAY OF CERTAIN AUDIO AND VIDEO SYSTEMS. Introduced by: Mr. Weiner

E. Reports from Select and Special Committees:

- Councilman Cartier reported that the Finance Committee met on 9/11/18 and discussed items on tonight’s agenda and approved grants.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 9/4/18 and discussed items on tonight’s agenda.
- Councilman Hollins reported that the Executive Committee met on 9/11/18 and discussed the legislative agenda for 2019.
- Councilman Sheldon reported that the Public Works Committee met on 9/4/18 and discussed the 2018 Tischler sewer rate study.
- Councilman Bell reported that the Public Safety Committee met on 9/11/18 and discussed items on tonight’s agenda, discussed the Department of Public Safety’s open house, discussed recruiting for citizen academy, and discussed the E911 Board.

F. Consent Calendar:

R18-135: HONORING THE LIFE AND LEGACY OF ADDIE LEE COOPER MCCANTS.

Introduced by: Mr. Hollins

R18-136: HONORING THE LIFE OF GEORGE LEE CASE AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Ms. Hartley-Nagle, All of Council

Consent Calendar—Adopted

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

- Councilman Cartier moved to go out of order to consider Item J resolutions. The motion was seconded and approved.
 - **R18-147: CELEBRATING THE 5TH ANNIVERSARY OF THE FACEBOOK GROUP “TAKE BACK CLAYMONT” AND HONORING THEIR LEADERSHIP AND SERVICE TO THE GREATER CLAYMONT COMMUNITY. Introduced by: Mr. Cartier**
--It was moved and seconded that R18-147 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-147—Adopted

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

- **R18-148: 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 R18-148 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-148—Adopted

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

- **R18-149: REMEMBER SEPTEMBER 11, 2001. Introduced by: Ms. Hartley-Nagle, All of Council**
--It was moved and seconded that R18-149 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-149—Adopted

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

- Councilman Smiley moved to return to the regular order of business. The motion was seconded and approved.

G. Presentations:

- Councilman Cartier presented R18-147
- Councilman Powers presented R18-148
- Council President Hartley-Nagle presented R18-149

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

- **R18-139: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR ANDRIS I. STAGITIS FOR CONSULTING SERVICES FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$24,700.00. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R18-139 be read by title only and placed before Council for its consideration.

Resolution 18-139—Adopted

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

- **R18-140: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR OUR LADY OF GRACE HOME, 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 R18-140 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-140—Adopted

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

- **R18-141: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR DIAMOND STATE C-L-T, INC. FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$50,000.00. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R18-141 be read by title only and placed before Council for its consideration.

--It was moved and seconded that R18-141 be tabled.

Motion to table Resolution 18-141—Tabled

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

No: Smiley

- **R18-142: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR CONNECTIONS CSP, 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 R18-142 be read by title only and placed before Council for its consideration.

Resolution 18-142—Adopted

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

- Councilman Sheldon moved to combine R18-143 and °18-089. The motion was seconded and approved.
- **R18-143: AMEND THE FY2019 CAPITAL PROGRAM: 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**

°18-089: 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

--It was moved and seconded that R18-143 and °18-089 be read by title only and placed before Council for its consideration.

Resolution 18-143 and Ordinance 18-089 —Adopted

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

- **R18-145: PLAN OF SUMMIT BRIDGE ESTATES; PENCADER HUNDRED, NORTH SIDE OF US 301, SOUTH SIDE OF BETHEL CHURCH ROAD, WEST OF OLD SUMMIT BRIDGE ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES CONSTRUCTION OF A SUBDIVISION ON 53.62 ACRES, CONSISTING OF 36 DETACHED LOTS AND CREATION OF A 5.57 ACRE COMMERCIAL PARCEL; S/CN ZONING; COUNCIL DISTRICT 12. Introduced by: Mr. Bell**

--It was moved and seconded that R18-145 be read by title only and placed before Council for its consideration.

Resolution 18-145—Adopted

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

- **R18-146: PLAN OF TRADITIONS AT WHITEHALL; ST. GEORGE’S HUNDRED; SOUTH SIDE OF LOREWOOD GROVE ROAD, ½ MILE EAST OF RATLEDGE ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES CONSTRUCTION OF A SUBDIVISION ON 84 ACRES, CONSISTING OF 149 DETACHED LOTS AND 80 ATTACHED LOTS; S ZONING; COUNCIL DISTRICT 12. Introduced by: Mr. Bell**

--It was moved and seconded that R18-146 be read by title only and placed before Council for its consideration.

Resolution 18-146—Adopted

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

- **R18-121: (STATUS: TABLED) 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 lifted from the table, read by title only and placed before Council for its consideration.

Resolution 18-121—Adopted

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

I. Consideration 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**

--It was moved and seconded that °18-079 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-079— Defeated

Yes: Cartier, Diller, Hollins, Kilpatrick, Smiley

No: Bell, Hartley-Nagle, Powers, Sheldon, Street, Tackett, Weiner, Woods

- **°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**

--It was moved and seconded that °18-080 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-080—Adopted

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

- **°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**

--It was moved and seconded that °18-081 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-081—Adopted

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

- **°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**

--It was moved and seconded that °18-082 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-082—Adopted

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

- **°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**
--It was moved and seconded that °18-083 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-083—Adopted

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

- **°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**
--It was moved and seconded that °18-084 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-084—Adopted

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

- **°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**
--It was moved and seconded that °18-085 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-085—Adopted

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

- **°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**
--It was moved and seconded that °18-086 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-086—Adopted

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

- **°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**
--It was moved and seconded that °18-087 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-087—Adopted

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

- **°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**

--It was moved and seconded that °18-088 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-088—Adopted

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

- **°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**

--It was moved and seconded that °18-090 be read by title only and placed before Council for its consideration and adoption.

-Public comment: Dora Williams

Ordinance 18-090—Adopted

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

No: Hartley-Nagle

- **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**

--It was moved and seconded that Substitute No. 1 to °18-075 be read by title only and placed before Council for its consideration and adoption.

Substitute No. 1 to Ordinance 18-075—Defeated

Yes: Bell, Hartley-Nagle, Powers, Street, Woods

No: Cartier, Diller, Hollins, Kilpatrick, Sheldon, Smiley, Tackett, Weiner

- **°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: None

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other:

- John Spence spoke regarding an issue with a CVS project in Council District 8
- George Haggerty, Department of Land use, spoke

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 8:34 p.m.

Karen Hartley-Nagle
Council President
New Castle County

*A recording of the meeting is available upon request.
Respectfully submitted by Anthony deFiore, Legislative Aide.*