

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, October 9, 2018

- A. The meeting was called to order by President Hartley-Nagle at 6:31 p.m. A moment of silence was recognized; members of Council remained standing for the Pledge of Allegiance.

Roll Call

Present

John J. Cartier
Elisa Diller
Karen Hartley-Nagle
Penrose Hollins
Janet T. Kilpatrick
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett
Robert S. Weiner
Kenneth R. Woods

Absent

J. William Bell
William Powers, Jr.

B. Approval of Minutes:

- Councilman Smiley moved to approve the September 25, 2018 Council meeting minutes, it was seconded and all were in favor.

C. Announcements:

- President Hartley- Nagle announced that Councilman Bell and Councilman Powers were absent because they were attending an event at the Appoquinmink School District, for the Superintendent Matthew Burrows.
- Councilman Cartier announced that R18-141 would remain tabled.
- Councilman Weiner announced that °18-094 and °18-095 would be lifted from tabled for consideration.
- Councilman Sheldon announced that at the appropriate time he would move to go out of order to consider R18-167 and °18-099 together.

D. Introduction of Ordinances:

- **°18-101: AMEND THE FY2019 CAPITAL BUDGET: APPROPRIATE \$64,000 FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TOWARDS THE DEPARTMENT OF ADMINISTRATION, INFORMATION SYSTEMS EXPANSION II CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier**
- **°18-102: AMEND THE FY2019 APPROVED OPERATING BUDGET: APPROPRIATE \$250,000 TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW CONTRACTUAL SERVICES BUDGET LINE ITEM. Introduced by: Mr. Smiley, Mr. Cartier**
- **°18-103: TO AUTHORIZE THE ABATEMENT OF NEW CASTLE COUNTY REAL PROPERTY TAXES AND PENALTIES ON THE PROPERTY OF THE FOUNTAIN OF**

LIVING WATER CHURCH LOCATED AT 1013 BROWN STREET, WILMINGTON, DE, TAX PARCEL NUMBER 26-049.10-001. Introduced by: Mr. Street

- **18-104: TO REVISE *NEW CASTLE COUNTY CODE*, CHAPTER 14 (“FINANCE AND TAXATION”), ARTICLE 6 (“EXEMPTION FROM REAL PROPERTY TAXATION”), DIVISION 14.06.300. (“PROPERTY OF THE ELDERLY AND DISABLED”), SECTIONS 14.06.302. (“QUALIFICATIONS FOR AND AMOUNT OF ELDERLY EXEMPTION”) AND 14.06.303. (“QUALIFICATIONS FOR AND AMOUNT OF DISABILITY EXEMPTION”) REGARDING RESIDENCY. Introduced by: Mr. Smiley**
- **18-105: TO AUTHORIZE THE ABATEMENT AND REFUND OF NEW CASTLE COUNTY REAL PROPERTY TAXES ON THE PROPERTY OF NEW COVENANT PRESBYTERIAN CHURCH LOCATED AT 1125 AND 1131 JAMISON CORNER ROAD, MIDDLETOWN, DE, TAX PARCEL NUMBER 13-013.002-27. Introduced by: Mr. Bell**

E. Reports from Select and Special Committees:

- Councilman Weiner reported that the Public Works Committee met on 10/2/18 and discussed items on tonight’s agenda.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 10/2/18 and discussed landscape plans.
- Councilman Cartier reported that the Finance Committee met on 10/9/18 and discussed items on tonight’s agenda, approved grants, received a Checkbook/Revenue Update from the CFO, had a discussion on the Finance Committee meeting start time and received an update from the Executive Branch.
- Councilman Street reported that the Public Safety Committee met on 10/9/18 and had several presentations on the Cold Case Playing Cards Initiative, the New Castle County Narcan Initiative and the Hero Help Program. There was discussion on the upcoming Public Safety Awards Ceremony.
- Councilman Hollins reported that the Executive Committee met on 10/9/18 and had a presentation on the Open Enrollment and discussion on the Council’s swearing-in ceremony.

F. Consent Calendar:

- **R18-156: RECOGNIZING AND CELEBRATING THE 40TH ANNIVERSARY OF THE BELLEVUE COMMUNITY CENTER. Introduced by: Mr. Cartier**
- **R18-157: EXTENDING CONDOLENCES TO THE FAMILY AND FRIENDS OF MR. JAMES ROGER TURNER. Introduced by: Mr. Street**
- **R18-158: HONORING THE LIFE OF WILLIAM J. “GRIFF” GRIFFIN AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Bell**
- **R18-159: HONORING THE LARRY JESTER FAMILY FOR RECEIVING THE “NEW CASTLE COUNTY FARM FAMILY OF THE YEAR AWARD” FOR 2018. Introduced by: Mr. Bell, Mr. Powers**

Consent Calendar--Adopted

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

Absent: Bell, Powers

G. Presentations: None

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

- **R18-160: AMEND THE FY2019 CAPITAL PROGRAM: INCREASE APPROPRIATIONS AND BOND AUTHORIZATIONS BY \$8,000,000 FOR THE DEPARTMENT OF PUBLIC WORKS, CHRISTINA RIVER FORCE MAIN CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that R18-160 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-160—Adopted

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

Absent: Bell, Powers

- **R18-161: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR ARC OF DELAWARE FOR A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY SERVICES IN THE AMOUNT OF \$80,000.00. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R18-161 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-161—Adopted

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

Absent: Bell, Powers

- **R18-162: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR WILMINGTON AREA PLANNING COUNCIL (WILMAPCO) TO PERFORM WORK NECESSARY TO INITIATE THE ROUTE 202 MASTER PLAN FOR THE DEPARTMENT OF LAND USE IN THE AMOUNT OF \$30,000.00. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R18-162 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-162—Adopted

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

Absent: Bell, Powers

- **R18-163: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR WILMINGTON AREA PLANNING COUNCIL (WILMAPCO) TO PERFORM WORK NECESSARY TO INITIATE THE SOUTHERN NEW CASTLE COUNTY MASTER PLAN FOR THE DEPARTMENT OF LAND USE IN THE AMOUNT OF \$20,000.00. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R18-163 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-163—Adopted

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

Absent: Bell, Powers

- **R18-164: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR DOCUMENT TECHNOLOGY SYSTEMS FOR ANNUAL MAINTENANCE CONTRACT FOR RECORDER OF DEEDS TRAKRECORD SOFTWARE FOR THE OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$53,000.00. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R18-164 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-164—Adopted

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

Absent: Bell, Powers

- **R18-165: AMEND THE FY2019 CAPITAL PROGRAM: APPROPRIATE \$71,700 FROM THE RECORDER OF DEEDS OFFICE TECHNOLOGY FEE ACCOUNT to THE DEPARTMENT OF ADMINISTRATION, INFORMATION SYSTEMS EXPANSION II CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R18-165 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-165—Adopted

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

Absent: Bell, Powers

R18-166: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FINANCING AGREEMENT WITH THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, IN AN AMOUNT NOT TO EXCEED \$8,000,000, TO FUND CHRISTINA RIVER FORCE MAIN EMERGENCY REPAIRS AND THE EXPANDED SCOPE TO MITIGATE THE RISK OF A BYPASS FAILURE; PROVIDING FOR THE PURCHASE OF THE BOND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R18-166 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-166—Adopted

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

Absent: Bell, Powers

- Councilman Sheldon moved to go out of order to consider R18-167 and °18-099 together. The motion was seconded and approved.

• **R18-167: AMEND THE FY2019 CAPITAL PROGRAM: APPROPRIATE \$2,300 in STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION (DELDOT) FUNDING TOWARDS THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Powers**

• **°18-099: AMEND THE FY2019 CAPITAL BUDGET: APPROPRIATE \$2,300 IN STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION (DELDOT) FUNDING TOWARDS THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Powers**

--It was moved and seconded that R18-167 and °18-099 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-167—Adopted

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

Absent: Bell, Powers

Ordinance 18-099 – Adopted

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

Absent: Bell, Powers

- Councilman Weiner moved to return to regular order. The motion was seconded and approved.

• **R18-168: CONGRATULATING DANIEL GALANTINO-PACK FOR ACHIEVING THE RANK OF EAGLE SCOUT. Introduced by: Mr. Weiner**

--It was moved and seconded that R18-168 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-168—Adopted

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

Absent: Bell, Powers

- **R18-141: (STATUS: TABLED) 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**
--R18-141 remained tabled.

I. Consideration of Ordinances

- **°18-096: AUTHORIZING THE ISSUANCE OF \$8,000,000 IN GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE DEPARTMENT OF PUBLIC WORKS, CHRISTINA RIVER FORCE MAIN CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that °18-096 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-096—Adopted

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

Absent: Bell, Powers

- **°18-097: AMEND THE CAPITAL BUDGET: INCREASE APPROPRIATIONS \$8,000,000 FOR THE DEPARTMENT OF PUBLIC WORKS, CHRISTINA RIVER FORCE MAIN CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that °18-097 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-097—Adopted

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

Absent: Bell, Powers

- **°18-098: AMEND THE FY2019 CAPITAL BUDGET: APPROPRIATE \$71,700 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, INFORMATION SYSTEMS EXPANSION II CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that °18-098 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-098—Adopted

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

Absent: Bell, Powers

- **°18-099: AMEND THE FY2019 CAPITAL BUDGET: APPROPRIATE \$2,300 IN STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION (DELDOT) FUNDING TOWARDS THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Powers**
-- °18-099 was considered with companion legislation, R18-167.

- **°18-100: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 26 (“HUMAN RESOURCES”) ARTICLE 3 (“OTHER POST-EMPLOYMENT BENEFITS TRUST FUND”) REGARDING ADMINISTRATIVE ISSUES. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °18-100 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-100—Adopted

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

Absent: Bell, Powers

- **°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

--Councilman Weiner moved to lift °18-094 from the table and have it read by title only and placed before Council for its consideration. The motion was seconded and approved.

--Councilman Weiner moved to have Floor Amendment No. 1 read by title only and placed before Council for its consideration.

--Councilman Weiner read the floor amendment into the record.

Floor Amendment No. 1 – Adopted

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

Absent: Bell, Powers

--Councilman Weiner moved to have °18-094 as amended by Floor Amendment No. 1 read by title only and placed before Council for its consideration and adoption. The motion was seconded.

--Public comment: Dawn Lentz

Ordinance 18-094 as amended by Floor Amendment No. 1—Adopted

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

Absent: Bell, Powers

- **°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**

--Councilman Weiner moved to lift °18-095 from the table and placed before Council for its consideration. The motion was seconded and approved.

--Councilman Weiner moved to have Floor Amendment No. 1 read by title only and placed before Council for its consideration.

--Councilman Weiner read the floor amendment into the record.

Floor Amendment No. 1 – Adopted

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

Absent: Bell, Powers

--Councilman Weiner moved to have °18-095 as amended by Floor Amendment No. 1 read by title only and placed before Council for its consideration and adoption. The motion was seconded.

--Councilman Weiner moved to introduce Floor Amendment No. 2 which was read into the record:

- The Board of Assessment Review, the Planning Board and the Historic Review Board would provide on demand audio within five business days after the meeting (to be implemented by March 1, 2019) and live streaming audio (to be implemented by September 1, 2019).

--Councilman Weiner withdrew Floor Amendment No. 2 and moved to table °18-095 as amended by Floor Amendment No. 1. The motion was seconded and discussion on the motion was held prior to the motion being approved.

- **°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:

- **R18-169: CONGRATULATING MARTIN “MARTY” DESMOND ON RECEIVING THE “DISTINGUISHED SERVICE TO AGRICULTURE” AWARD. Introduced by: Mr. Bell, Mr. Powers**
--It was moved and seconded that R18-169 be read by title only and placed before Council for its consideration and adoption.

Resolution 18-169—Adopted

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

Absent: Bell, Powers

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other:

- Councilman Street requested that the Holloway Terrace Truck Traffic issue be placed on an upcoming Land Use Committee Agenda.

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 8:12 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