

**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 23, 2018**

- A. The meeting was called to order by President Hartley-Nagle at 6:36 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 October 9, 2018 Council meeting minutes, it was seconded and all were in favor.

**C. Announcements:**

- Councilwoman Kilpatrick announced that °17-039 and °17-051 would be lifted from the table for consideration.
- Councilman Cartier announced that R18-141 would be lifted from the table for consideration.
- Councilman Weiner announced that °18-095 as amended by Floor Amendment No. 1 would remain tabled.
- Councilman Bell announced that °17-095 and °17-096 would remain tabled and provided an update on this legislation.

**D. Introduction of Ordinances:**

- **°18-106: AMEND THE FY2019 APPROVED OPERATING BUDGET: TRANSFER \$12,500 FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE CONTRACTUAL SERVICES BUDGET LINE ITEM FOR THE DEPARTMENT OF PUBLIC WORKS, FOR THE PURPOSE OF FUNDING A FLEET MANAGEMENT STUDY. Introduced by: Mr. Smiley**
- **°18-107: AMEND THE GRANTS BUDGET: APPROPRIATE \$28,668 FROM THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION (DELDOT) TO THE FIVE POINTS FIRE COMPANY ALL TERRAIN VEHICLES GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street, Mr. Woods**
- **°18-108: AMEND THE GRANTS BUDGET: APPROPRIATE \$526,086.69 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2019 FUND TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

- **18-109**: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS – 12 FOOT POLE WITH OPTIONAL FLUTED BASE STREET LIGHTS IN THE TRADITIONS AT WHITEHALL SUBDIVISION LOCATED IN THE ST. GEORGES HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Bell
- **18-110**: AMEND THE FY19 APPROVED OPERATING BUDGET: TRANSFER \$104,154 IN THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE FY19 APPROVED BUDGET *MATERIALS AND SUPPLIES* BUDGET LINE ITEM TO THE COMMUNITY SERVICES FY19 APPROVED BUDGET *CONTRACTUAL SERVICES* BUDGET LINE ITEM TO SUPPORT THE COMMUNITY INTERVENTION TEAM. Introduced by: Mr. Street
- **18-111**: TO AUTHORIZE ABATEMENT OF OUTSTANDING NEW CASTLE COUNTY REAL PROPERTY TAXES AND PENALTIES AND INTEREST ON THE PROPERTY OF THE EDMOOR COMMUNITY CENTER, DBA “BELLEVUE COMMUNITY CENTER,” LOCATED AT 510 DUNCAN ROAD, WILMINGTON, DE, TAX PARCEL NUMBER 06-132.00-229. Introduced by: Mr. Cartier
- **18-112**: TO REVISE NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”), DIVISION 2.05.300 (“DEPARTMENT OF PUBLIC WORKS”) REGARDING ALCOHOL AND DRUG TESTING OF EMPLOYEES OF GENERAL CONTRACTORS AND SUBCONTRACTORS WORKING ON PUBLIC WORKS PROJECTS AND WORKSITES. Introduced by: Mr. Sheldon
- **18-113**: REVISE ZONING MAP: NEW CASTLE HUNDRED, EAST SIDE CHURCHMANS ROAD, NORTH SIDE CHRISTIANA ROAD (SR 273) AND SOUTHWEST SIDE OLD CHURCHMANS ROAD, 100 PICCARD ROAD, TAX PARCEL NO. 10-024.00-025, 56.49 ACRES FROM CR (COMMERCIAL REGIONAL) TO I (INDUSTRIAL) (The Exploratory Major Land Development Plan for 100 Piccard Road proposes to rezone the property to I for development of a 1,168,211 square foot warehouse facility on 56.49 acres. 2018-0513-S/Z). Introduced by: Mr. Smiley
- **18-114**: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 (“BUILDING CODE”) REGARDING ARTICLE 1 (“GENERAL”), ARTICLE 2 (“DEFINITIONS”), ARTICLE 3 (“ADMINISTRATION”), ARTICLE 4 (“BUILDING CODE”), ARTICLE 5 (“RESIDENTIAL CODE”), ARTICLE 6 (“MECHANICAL CODE”), ARTICLE 7 (“PLUMBING CODE”), ARTICLE 8 (“FUEL GAS CODE”), ARTICLE 9 (“EXISTING BUILDING CODE”), ARTICLE 10 (“ENERGY CONSERVATION CODE”), ARTICLE 11 (“SWIMMING POOL AND SPA CODE”) AND ARTICLE 12 (“VIOLATIONS, ENFORCEMENT, AND PENALTIES”). Introduced by: Mr. Tackett, Ms. Kilpatrick

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

- Councilman Weiner reported that the Boards and Commissions Sub-committee met on 10/16/18 and discussed items on tonight’s agenda.
- Councilman Smiley reported that the Finance Committee met on 10/23/18 and discussed items on tonight’s agenda, approved grants and approved moving the 2 PM 11/13 Finance Committee to 11/20 at 4PM.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 10/23/18 and discussed Pyles Lane/Lambson Lane port traffic issue.

**F. Consent Calendar:**

- **R18-170**: CONGRATULATING STATE REPRESENTATIVE JOSEPH E. MIRO ON BEING CHOSEN AS DELAWARE TECHNICAL COMMUNITY COLLEGE’S 2018 HISPANIC HERITAGE HONOREE. Introduced by: Ms. Kilpatrick
- **R18-171**: HONORING THE LIFE AND LEGACY OF DAVID G. BAKERIAN. Introduced by: Ms. Kilpatrick, Mr. Powers
- **R18-172**: CELEBRATING THE 50<sup>TH</sup> WEDDING ANNIVERSARY OF JOHN AND HARRIS CUNNINGHAM. Introduced by: Mr. Bell
- **R18-173**: HONORING THE HOWARD J. WESTON COMMUNITY AND SENIOR CENTER ON ITS 40<sup>th</sup> ANNIVERSARY. Introduced by: Mr. Smiley

- **R18-174: HONORING THE LIFE OF EDWARD C. AUSTIN AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS.** Introduced by: Mr. Woods

**Consent Calendar--Adopted**

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

**G. Presentations:** None

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

- **R18-175: AMEND THE FY2019 CAPITAL PROGRAM: 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

--It was moved and seconded that R18-175 be read by title only and placed before Council for its consideration.

**Resolution 18-175—Adopted**

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

- **R18-176: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR PICTOMETRY INTERNATIONAL CORPORATION FOR RENEWAL OF AERIAL PHOTOGRAPHY SOFTWARE LICENSES FOR THE OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES IN THE AMOUNT OF \$71,899.00.** Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R18-176 be read by title only and placed before Council for its consideration.

**Resolution 18-176—Adopted**

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

- **R18-177: 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 \$6,184,000, TO FUND THE MT. PLEASANT INTERCEPTOR PROJECT, HOCKESSIN GREENE STORMWATER REHABILITATION PROJECT AND WOODSIDE COURT STORMWATER REHABILITATION PROJECT; 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 R18-177 be read by title only and placed before Council for its consideration.

**Resolution 18-177—Adopted**

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

- **R18-178: CONSENTING TO THE APPOINTMENT OF KAREN PETERSON TO THE POSITION OF CHAIR OF THE NEW CASTLE COUNTY PLANNING BOARD.** Introduced by: Mr. Woods

--It was moved and seconded that R18-178 be read by title only and placed before Council for its consideration.

**Resolution 18-178—Adopted**

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

- **R18-179: REAPPOINTING JOSEPH MANNION TO THE NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW. Introduced by: Mr. Weiner**

--It was moved and seconded that R18-179 be read by title only and placed before Council for its consideration.

**Resolution 18-179—Adopted**

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

- **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**

--Councilman Cartier moved to lift R18-141 from the table. The motion was seconded and approved.

--Councilman Cartier moved that R18-141 be read by title only and placed before Council for its consideration and adoption. The motion was seconded.

--Public comment: Carrie Casey (Department of Community Services), Dawn Lentz, Dora Williams

**Resolution 18-141—Defeated**

Yes: Bell, Diller

No: Hollins, Powers, Sheldon, Smiley, Street, Tackett, Weiner, Woods

Not Voting: Cartier, Hartley-Nagle, Kilpatrick

**I. Consideration 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**

--It was moved and seconded that °18-101 be read by title only and placed before Council for its consideration.

**Ordinance 18-101—Adopted**

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

- **°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**

--It was moved and seconded that °18-102 be read by title only and placed before Council for its consideration.

**Ordinance 18-102—Adopted**

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

Not Voting: Street

- **°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**  
--It was moved and seconded that °18-103 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 18-103—Adopted**

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

- **°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**  
--It was moved and seconded that °18-104 be read by title only and placed before Council for its consideration.

**Ordinance 18-104—Adopted**

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

- **°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**  
--It was moved and seconded that °18-105 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 18-105—Adopted**

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

- **°18-095 AS AMENDED BY FLOOR AMENDMENT NO. 1: (STATUS: TABLED) 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**  
--°18-095 as amended by Floor Amendment No. 1 remained tabled.

- **°17-039: (STATUS: TABLED) TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 3 (“OFFICERS AND EMPLOYEES”), DIVISION 2.03.100 (“CODE OF ETHICS”), SECTION 2.03.106 (“FINANCIAL DISCLOSURE: STATEMENTS REQUIRED”) REGARDING PERSONS REQUIRED TO FILE A STATEMENT OF FINANCIAL INTERESTS. Introduced by: Ms. Kilpatrick, Mr. Weiner, Mr. Cartier**  
--Councilwoman Kilpatrick moved to lift °17-039 from the table. The motion was seconded and approved.  
--Councilwoman Kilpatrick moved that °17-039 be read by title only and placed before Council for its consideration and adoption. The motion was seconded.

**Ordinance 17-039—Adopted**

Yes: Cartier, Diller, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Tackett, Weiner, Woods  
No: Bell, Powers, Street

- **°17-051: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 3 (“OFFICERS AND EMPLOYEES”), DIVISION 2.03.100 (“CODE OF ETHICS”), SECTION 2.03.106 (“FINANCIAL DISCLOSURE: STATEMENTS REQUIRED”) REGARDING PERSONS REQUIRED TO FILE A STATEMENT OF FINANCIAL INTERESTS. Introduced by: Ms. Kilpatrick**  
 --Councilwoman Kilpatrick moved to lift °17-051 from the table. The motion was seconded and approved.  
 --Councilwoman Kilpatrick moved that °17-051 be read by title only and placed before Council for its consideration and adoption. The motion was seconded.

**Ordinance 17-051—Adopted**

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

No: Street

- **°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:**

- **R18-180: THANKING THE HONORABLE WILLIAM E. POWERS, JR., FOR TWELVE YEARS OF DEDICATED SERVICE TO THE CITIZENS OF THE SIXTH DISTRICT Introduced by: Mr. Bell, All of Council**  
 --It was moved and seconded that R18-180 be read by title only and placed before Council for its consideration and adoption.

**Resolution 18-180—Adopted**

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

- **R18-181: HONORING AND THANKING RUBY DILLMORE FOR HER DEDICATED SERVICE TO THE CITIZENS OF THE SIXTH DISTRICT. Introduced by: Mr. Powers, Mr. Bell, All of Council**  
 --It was moved and seconded that R18-181 be read by title only and placed before Council for its consideration and adoption.

**Resolution 18-181—Adopted**

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

- **R18-182: HONORING THE LIFE AND SERVICE OF CHARLES W. “CHARLIE” FRAMPTON TO THE BRANDYWINE HUNDRED FIRE CO. NO. 1 AND TO THE VOLUNTEER FIREFIGHTING COMMUNITY OF NEW CASTLE COUNTY AND THE STATE OF DELAWARE. Introduced by: Mr. Cartier, Ms. Hartley-Nagle, Mr. Powers**  
 --It was moved and seconded that R18-182 be read by title only and placed before Council for its consideration and adoption.

**Resolution 18-182—Adopted**

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

- **R18-183: NEW CASTLE COUNTY RECOGNIZES NOVEMBER AS NO STRAW NOVEMBER. Introduced by: Mr. Cartier**

--It was moved and seconded that R18-183 be read by title only and placed before Council for its consideration and adoption.

**Resolution 18-183—Adopted**

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

- **R18-184: HONORING THE LIFE OF PHILLIP JOSEPH WARD. Introduced by: Ms. Hartley-Nagle**

--It was moved and seconded that R18-184 be read by title only and placed before Council for its consideration and adoption.

**Resolution 18-184—Adopted**

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

**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 8:07 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 Tara Finnigan, Legislative Aide/Acting Deputy Clerk of Council*