

REGULAR MEETING OF THE NEW CASTLE COUNTY COUNCIL

**Louis L. Redding City/County Building
City/County Chambers
800 French Street; Wilmington, DE 19801**

REVISED MINUTES

Tuesday, November 20, 2018

- A. The meeting was called to order by President Hartley-Nagle at 6:35 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
Elisa Diller
Dee Durham
Karen Hartley-Nagle
Penrose Hollins
Janet T. Kilpatrick
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett
Kenneth R. Woods

B. Approval of Minutes:

- Councilman Smiley moved to approve the October 23, 2018 and November 13, 2018 Council meeting minutes, it was seconded and all were in favor.

C. Announcements:

- Councilman Bell announced that °17-095 and °17-096 would remain tabled.
- President Hartley-Nagle welcomed Councilwoman Durham and Councilman Carter to County Council.

D. Introduction of Ordinances:

- **°18-115: AMEND THE GRANTS BUDGET: APPROPRIATE ANTICIPATED FEDERAL FUNDS OF \$17,082,673 FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE SECTION 8 HOUSING CHOICE VOUCHERS – 2019 GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**
- **°18-116: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PURCHASE AGREEMENT AND OTHER DOCUMENTS NECESSARY TO SELL APPROXIMATELY 3.3728± ACRES OF PROPERTY LOCATED IN MIDDLETOWN, DELAWARE AT 617 MARL PIT ROAD, TAX PARCEL NO. 13-017.00-036 FOR \$71,800.00, TO BE USED TO IMPROVE THE INTERSECTION AT CEDAR LANE AND MARL PIT ROAD. Introduced by: Mr. Bell**
- **°18-117: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PURCHASE AGREEMENT AND OTHER DOCUMENTS NECESSARY TO SELL APPROXIMATELY 0.6329± ACRES OF PROPERTY LOCATED IN MIDDLETOWN, DELAWARE AT 729 MARL PIT ROAD, TAX PARCEL NO. 13-017.00-040 FOR \$12,700.00, TO BE USED TO**

IMPROVE THE INTERSECTION AT CEDAR LANE AND MARL PIT ROAD. Introduced by: Mr. Bell

- **°18-118: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A PURCHASE AGREEMENT AND OTHER DOCUMENTS NECESSARY TO SELL APPROXIMATELY 1.0730± ACRES OF PROPERTY LOCATED IN MIDDLETOWN, DELAWARE AT 0 W. MIDDLEPARK DRIVE, TAX PARCEL NO. 23-064.00-001, FOR \$55,000.00, TO BE USED TO IMPROVE THE INTERSECTION AT CEDAR LANE AND MARL PIT ROAD. Introduced by: Mr. Carter**
- **°18-119: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (“AFSCME”), AFFILIATE LOCAL 459 AND UPGRADE THE POSITION TITLE OF UTILITY TECHNICIAN PURSUANT TO *NEW CASTLE COUNTY CODE* SECTION 26.03.104. Introduced by: Ms. Hartley-Nagle**
- **°18-120: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS AND OFFICES”), DIVISION 2.05.500 (“DEPARTMENT OF ADMINISTRATION”), SECTION 2.05.514 (“OFFICE OF LAW”), REGARDING RETENTION OF LEGAL CONSULTANTS AND MONTHLY REPORTS TO COUNTY COUNCIL. Introduced by: Mr. Smiley**
- **°18-121: AMEND THE GRANTS BUDGET: APPROPRIATE \$40,743.50 IN ACTUAL PROGRAM INCOME TO THE COMMUNITY POLICING GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **°18-122: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDING OF \$172,973 TO THE JAG (JUSTICE ASSISTANCE GRANT) 2018 – FORTIFYING OFFICER AND COMMUNITY SAFETY GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **°18-123: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 7 (“PROPERTY MAINTENANCE CODE”), ARTICLE 1 (“STANDARDS FOR PROPERTY MAINTENANCE”), TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AND AMENDMENTS THERETO. Introduced by: Mr. Tackett, Ms. Kilpatrick**
- **°18-124: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 26 (“HUMAN RESOURCES”), ARTICLE 3 (“MERIT SYSTEM”), SECTION 26.03.206. (“DEFERRED COMPENSATION PLAN”) REGARDING DISTRIBUTION OF PLAN PROCEEDS. Introduced by: Mr. Smiley**

E. Reports from Select and Special Committees:

- Councilwoman Diller reported that the Boards and Commissions Sub-committee met on 11/20/18 and reviewed 3 appointments and had a personnel discussion.
- Councilman Cartier reported that the Finance Committee met on 11/20/18 and discussed items on tonight’s agenda, approved a grant and reviewed holiday meeting schedule
- Councilman Tackett reported that the Land Use Committee met on 11/20/18 and discussed items on tonight’s agenda
- President Hartley-Nagle moved to have the Clerk make sure the time for Council Meetings are posted on the website. The motion was seconded and approved.

F. Consent Calendar:

- **R18-185: HONORING THE LIFE AND LEGACY OF JEROLD “JERRY” SCHULTZ. Introduced by: Ms. Kilpatrick, Ms. Diller**

Consent Calendar--Adopted

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

G. Presentations:

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

- **R18-186: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR MERIT CONSTRUCTION FOR UPGRADE OF EXISTING SANITARY SEWER LINE IN THE COMMUNITY OF CLAYMONT HEIGHTS FOR THE DEPARTMENT OF PUBLIC WORKS IN THE AMOUNT OF \$33,800.00. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that R18-186 be read by title only and placed before Council for its consideration.

Resolution 18-186—Adopted

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

- **R18-187: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A SALES AGREEMENT AND OTHER DOCUMENTS NECESSARY TO PURCHASE APPROXIMATELY 8± ACRES OF PROPERTY LOCATED IN MIDDLETOWN, DELAWARE, AT 1001 PROMENADE PLACE, TAX PARCEL NO. 23-009.00-157, TO BE USED FOR THE SITE OF THE SOUTHERN REGIONAL LIBRARY AND RELATED EDUCATIONAL AND COMMUNITY PURPOSES. Introduced by: Mr. Carter**
--It was moved and seconded that R18-187 be read by title only and placed before Council for its consideration.
--Councilman Carter moved to table R18-187. The motion was seconded and unanimously approved

Resolution 18-187— Tabled

- **R18-188: TO AMEND RULE NO. 13 OF NEW CASTLE COUNTY COUNCIL RULES OF PROCEDURE REGARDING “LAME DUCK” COUNCIL MEMBERS. Introduced by: Mr. Smiley, Mr. Carter**
--It was moved and seconded that R18-188 be read by title only and placed before Council for its consideration.

Resolution 18-188—Adopted

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

- **R18-189: NEW CASTLE COUNTY COUNCIL REQUESTS THAT THE DELAWARE GENERAL ASSEMBLY AMEND DELAWARE CODE TITLE 9, SECTIONS 334(b), 1141 PRESIDENT. Introduced by: Mr. Smiley, Mr. Cartier**
--It was moved and seconded that R18-189 be read by title only and placed before Council for its consideration.

Resolution 18-189—Adopted

Yes: Bell, Carter, Cartier, Diller, Hollins, Kilpatrick, Sheldon, Smiley, Street, Woods

No: Durham, Hartley-Nagle

Present: Tackett

I. Consideration 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**

--It was moved and seconded that °18-106 be read by title only and placed before Council for its consideration.

Ordinance 18-106—Adopted

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

- **°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. Wood**

--It was moved and seconded that °18-107 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-107—Adopted

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

--It was moved and seconded that °18-108 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-108—Adopted

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

- **°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**

--It was moved and seconded that °18-109 be read by title only and placed before Council for its consideration.

Ordinance 18-109—Adopted

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

- **°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**

--It was moved and seconded that °18-110 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-110—Adopted

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

- **°18-111: TO AUTHORIZE ABATEMENT OF OUTSTANDING NEW CASTLE COUNTY REAL PROPERTY TAXES AND PENALTIES AND INTEREST ON THE PROPERTY OF THE EDGEMOOR COMMUNITY CENTER, DBA “BELLEVUE COMMUNITY CENTER,”**

LOCATED AT 510 DUNCAN ROAD, WILMINGTON, DE, TAX PARCEL NUMBER 06-132.00-229. Introduced by: Mr. Cartier

--It was moved and seconded that °18-111 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-111—Adopted

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

- **°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, Ms. Kilpatrick, Mr. Woods**
--It was moved and seconded that °18-112 be read by title only and placed before Council for its consideration and adoption.
--Mr. Sheldon moved to table °18-112. The motion was seconded and unanimously approved.

Ordinance 18-112—Tabled

- **°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**
--It was moved and seconded that °18-114 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-114—Adopted

Yes: 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 table

J. Time Sensitive Congratulatory/Honorary Resolutions:

- **R18-190: RECOGNIZING THE VALUE OF APPRENTICESHIPS TO NEW CASTLE COUNTY AND ITS LABOR FORCE AND CELEBRATING NATIONAL APPRENTICESHIP WEEK 2018. Introduced by: Mr. Sheldon, Mr. Woods**
--It was moved and seconded that R18- be read by title only and placed before Council for its consideration and adoption.

Resolution 18-190—Adopted

Yes: Bell, Carter, Cartier, Diller, Durham, Hartley-Nagle, Hollins, Kilpatrick, Sheldon, Smiley, Street, Tackett, 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 Smiley to adjourn, it was seconded, and the meeting was adjourned at 7:17 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