

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, May 8, 2018

- A. The meeting was called to order by President Hartley-Nagle at 6:34 p.m.
The Prayer was silent; 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
William Powers, Jr.
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett
Kenneth R. Woods

Absent

Janet T. Kilpatrick
Robert S. Weiner

B. Approval of Minutes:

- Councilman Smiley moved to approve the April 24, 2018 Council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Councilman Bell announced that Ordinance 17-095 and Ordinance 17-096 would remain tabled.
- Councilman Cartier announced that he had a floor amendment to Substitute No. 1 to Ordinance 17-108.

D. Introduction of Ordinances:

- **°18-042: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (“AFSCME”), AFFILIATE LOCAL 459, AND CHANGE THE TITLES OF SPECIAL SERVICES SPECIALIST I AND SPECIAL SERVICES SPECIALIST II TO COMMUNITY SERVICES SPECIALIST I AND COMMUNITY SERVICES SPECIALIST II. Introduced by: Ms. Hartley-Nagle**
- **°18-043: AMEND THE GRANTS BUDGET: FOR FY2019, APPROPRIATE \$1,764,820 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES TO: (A) LIBRARY ADMINISTRATION \$1,540,803; (B) APPOQUINIMINK LIBRARY \$12,809; (C) BEAR LIBRARY \$30,318; (D) CLAYMONT LIBRARY \$12,707; (E) BRANDYWINE HUNDRED LIBRARY \$69,740; (F) ELSMERE LIBRARY \$12,706; (G) HOCKESSIN LIBRARY \$15,448; (H) KIRKWOOD LIBRARY \$19,150; (I) NEWARK LIBRARY \$26,727; (J) ROUTE 9 LIBRARY \$8,000; AND (K) WOODLAWN LIBRARY \$16,412 WHICH ARE ALL ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**
- **°18-044: AMEND THE GRANTS BUDGET: APPROPRIATE \$28,076 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE-SPECIAL LAW ENFORCEMENT ASSISTANCE**

FUND (SLEAF), TO THE SLEAF – NATIONAL LATENT PRINT EXAMINER TRAINING ACADEMY GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street

- **°18-045: AMEND THE GRANTS BUDGET: APPROPRIATE \$33,367 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE-SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF), TO THE SLEAF – CYANOACRYLATE FUMING CHAMBER GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **°18-046: APPROPRIATE \$250,000 FROM THE GARSTIN TRUST PORTFOLIO TO THE GARSTIN TRUST FUND IN ORDER TO FUND PARK MAINTENANCE FOR FISCAL YEAR 2019, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS. Introduced by: Mr. Sheldon, Mr. Powers**
- **°18-047: AMEND THE GRANTS BUDGET: TRANSFER FEDERAL FUNDING OF \$40,000 FROM THE FY2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), APPROPRIATE NEW CASTLE COUNTY FUNDING OF \$64,800 FROM THE DEPARTMENT OF COMMUNITY SERVICES FY2018 APPROVED GENERAL FUND OPERATING BUDGET, AND APPROPRIATE ACTUAL AND ANTICIPATED PROGRAM INCOME OF \$190,200 TO THE SUMMER RECREATION CAMPS GRANTS. Introduced by: Mr. Hollins, Ms. Diller**
- **°18-048: AMEND THE ANNUAL OPERATING BUDGET: REDUCE THE DEPARTMENT OF COMMUNITY SERVICES FY2018 OPERATING BUDGET BY \$64,800 TO PROVIDE FUNDING TOWARD THE SUMMER RECREATION CAMPS GRANT. Introduced by: Mr. Hollins, Ms. Diller**
- **°18-049: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 (“FINANCE AND TAXATION”) REGARDING PREQUALIFICATION OF PURCHASERS AT TAX SALES. Introduced by: Ms. Diller**
- **°18-050: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), SECTION 2.03.004 (“FEES FOR RECORDER OF DEEDS”) RELATING TO CERTAIN CHANGES TO FEES OF THE OFFICE OF THE RECORDER OF DEEDS. Introduced by: Mr. Sheldon**
- **°18-051: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 (“FINANCE AND TAXATION”), ARTICLE 1 (“IN GENERAL”) RELATING TO A LIBRARY RESERVE ACCOUNT. Introduced by: Mr. Woods, Mr. Smiley**
- **°18-052: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 (“FINANCE AND TAXATION”), ARTICLE 10 (“REAL PROPERTY TRANSFER TAX”), SECTION 14.10.012 (“USE OF TRANSFER TAX REVENUES”) REGARDING REAL PROPERTY TAXES. Introduced by: Mr. Smiley**

E. Reports from Select and Special Committees:

- Councilman Powers reported that the Special Services Committee met on 5/1/18 and discussed the meadow plan and the reorganization of the department.
- Councilman Tackett reported that the Land Use Committee met on 5/1/18 and discussed items on tonight’s agenda.
- Councilman Cartier reported that the Finance Committee met on 5/8/18 and discussed the council document archiving project, approved grants and received an update from the Executive branch on legislation and the reserves/tax stabilization accounts.
- Councilman Street reported that the Public Safety Committee met on 5/8/18 and discussed legislation scheduled to be heard at the 5/22/18 Council Meeting and had a presentation on the volunteer fire service and southern paramedic service.
- Councilman Smiley reported that the Executive Committee met on 5/8/18 and discussed items on tonight’s agenda and after hour building access.

F. Consent Calendar: None

G. Presentations: None

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

- **R18-065: TO AMEND THE WESTHAMPTON, EMBLEM AT CHRISTIANA (CHURCHMAN'S MEADOWS), IRONSIDE CROSSING, BAYBERRY NORTH, RESERVE AT BECKS POND (ARBEITER PLACE), SPRING OAKS, PRESERVE AT ROBINSON FARM, MARRA LANDING, GOLDSBOROUGH FARMS, HIGH HOOK FARMS, PONDS OF ODESSA, AND DARLEY GREEN MASTER WORKFORCE HOUSING AGREEMENTS TO ELIMINATE WORKFORCE HOUSING RESTRICTIONS IN CASES OF FORECLOSURE. Introduced by: Mr. Hollins**
--It was moved and seconded that R18-065 be read by title only and placed before Council.

Resolution 18-065—Adopted

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

- **R18-066: TO RENAME THE PORTION OF “OGLETOWN ROAD” TO “BALA ROAD” FROM THE INTERSECTION OF “OGLETOWN ROAD” AND “BALA ROAD” NORTHEAST, CROSSING THE “OGLETOWN BYPASS” AND ENDING AT THE INTERSECTION OF “RED MILL ROAD.” Introduced by: Ms. Diller**
--It was moved and seconded that R18-066 be read by title only and placed before Council.

Resolution 18-066—Adopted

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

- **R18-067: HONORING THE LIFE OF FELIX A. RUTKOSKE AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Powers**
--It was moved and seconded that R18-067 be read by title only and placed before Council.

Resolution 18-067—Adopted

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

- **R18-068: REQUESTING THAT THE MEYER ADMINISTRATION IMMEDIATELY SUSPEND THE DISTRIBUTION OR PROVISION OF ANY AND ALL FUNDS AND/OR MONETARY ASSISTANCE IN ANY FORM FROM NEW CASTLE COUNTY TO INTERFAITH COMMUNITY HOUSING OF DELAWARE UNTIL SUCH TIME THAT THE VARIOUS INVESTIGATIONS INTO USE OF “FREE LABOR” AND ANY OTHER POTENTIAL INFRACTIONS BY INTERFAITH COMMUNITY HOUSING OF DELAWARE HAVE BEEN COMPLETED. Introduced by: Mr. Hollins, Mr. Street**
--It was moved and seconded that R18-068 be read by title only and placed before Council.
--Councilman Hollins moved to table R18-068, it was seconded and unanimously approved.

Resolution 18-068—Tabled

- **R18-069: NEW CASTLE COUNTY COUNCIL REQUESTS THAT THE DELAWARE GENERAL ASSEMBLY AMEND HOUSE BILL NO. 380 TO PERMIT THE COUNTIES TO MODEL THEIR FIRST-TIME HOMEBUYER EXEMPTION PROGRAM AFTER THE EXEMPTION PROGRAM PROPOSED FOR THE STATE OF DELAWARE IN HOUSE BILL NO. 380. Introduced by: Mr. Weiner, Mr. Smiley**
--It was moved and seconded that R18-069 be read by title only and placed before Council.

Resolution 18-069—Adopted

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

I. Consideration of Ordinances

- **°18-038: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 26 (“HUMAN RESOURCES”), TO INCLUDE ADDITIONAL ANTI-DISCRIMINATION PROTECTIONS RECOGNIZED UNDER FEDERAL AND DELAWARE STATE LAW. Introduced by: Mr. Weiner**
--It was moved and seconded that °18-038 be read by title only and placed before Council for its consideration.

Ordinance 18-038—Adopted

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

- **°18-039: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607, AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE 40-HOUR WORKWEEK EMPLOYEES REPRESENTED BY DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607, AND CHANGE THE TITLE OF SPECIAL SERVICES EQUIPMENT COORDINATOR TO PUBLIC WORKS EQUIPMENT COORDINATOR. Introduced by: Ms. Hartley-Nagle**
--It was moved and seconded that °18-039 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-039—Adopted

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

- **°18-040: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND TO ADOPT THE CLASS SPECIFICATION FOR THE POSITION TITLE OF SEWER OPERATIONS MANAGER. Introduced by: Ms. Hartley-Nagle**
--It was moved and seconded that °18-040 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-040—Adopted

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

- **°18-041: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES, TO REVISE THE POSITION TITLE OF ENVIRONMENTAL COMPLIANCE MANAGER TO STORMWATER AND ENVIRONMENTAL PROGRAMS MANAGER AND TO APPROVE THE REVISED POSITION DESCRIPTION PURSUANT TO *NEW CASTLE COUNTY CODE* SECTION 26.03.105(F). Introduced by: Ms. Hartley-Nagle**
--It was moved and seconded that °18-041 be read by title only and placed before Council for its consideration and adoption.

Ordinance 18-041—Adopted

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

- **SUBSTITUTE NO. 1 TO °17-108: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), AND ARTICLE 33 (“DEFINITIONS”). Introduced by: Mr. Cartier**
--It was moved and seconded that Substitute No. 1 to °17-108 be read by title only and placed before Council for its consideration.
--Councilman Cartier moved to amend Substitute No. 1 to °17-108 as reflected in Floor Amendment No.1,

the motion was seconded by Councilman Street. Discussion ensued.

- Antoni Sekowski, Department of Land Use, explained the floor amendment.

Floor Amendment No. 1 -- Adopted

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

Not Voting: Street

Absent: Kilpatrick, Weiner

Substitute No.1 to Ordinance 17-108 as amended by Floor Amendment No. 1 -- Adopted

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

Not Voting: Street

Absent: Kilpatrick, Weiner

- **°16-137: REVISE ZONING MAP; NEW CASTLE HUNDRED; NORTH SIDE CHRISTIANA ROAD, 1500 FEET WEST OF CHURCHMANS ROAD; 0.89 ACRES FROM ON (OFFICE NEIGHBORHOOD) TO CN (COMMERCIAL NEIGHBORHOOD). Introduced by: Mr. Smiley**
--It was moved and seconded that °16-137 be read by title only and placed before Council for its consideration.

Ordinance 16-137--Adopted

Poll Vote

Bell: Yes, based on the positive recommendation of the Department of Land Use

Cartier: Yes, based on the positive recommendation of the Department of Land Use and the nearby commercial zoning.

Diller: Yes, based on the positive recommendation of the Department of Land Use.

Hartley-Nagle: Yes, based on the positive recommendation of the Department of Land Use.

Hollins: Yes, based on the positive recommendation of the Department of Land Use.

Powers: Yes, based on the positive recommendation of the Department of Land Use.

Sheldon: Yes, based on the positive recommendation of the Department of Land Use and the Planning Board.

Smiley: Yes, based on the positive recommendation of the Department of Land Use and the surrounding community character.

Street: Yes, based on the positive recommendation of the Department of Land Use.

Tackett: Yes, based on the positive recommendation of the Department of Land Use.

Woods: Yes, based on the positive recommendation of the Department on Land Use.

- **°17-116: REVISE PREVIOUSLY APPROVED PRELIMINARY MAJOR LAND DEVELOPMENT PLAN WITH REZONING FOR COLUMBIA PLACE AT GARDEN OF EDEN ROAD; BRANDYWINE HUNDRED; SOUTH SIDE OF GARDEN OF EDEN ROAD, WEST OF CONCORD PIKE AND EAST OF TAUNTON DRIVE; TAX PARCEL NUMBER 06-051.00-014 (100 GARDEN OF EDEN ROAD). Introduced by: Mr. Weiner**
--It was moved and seconded that °17-116 be read by title only and placed before Council for its consideration.

Ordinance 17-116--Adopted

Poll Vote

Bell: Yes, based on the positive recommendation of the Department of Land Use.

Cartier: Yes, based on the positive recommendation of the Department of Land Use and the support of the surrounding community.

Diller: Yes, based on the positive recommendation of the Department of Land Use.

Hartley-Nagle: Yes, based on the positive recommendation of the Department of Land Use.

Hollins: Yes, based on the positive recommendation of the Department of Land Use.

Powers: Yes, based on the positive recommendation of the Department of Land Use and the support of the surrounding community.

Sheldon: Yes, based on the positive recommendation of the Department of Land Use

Smiley: Yes, based on the positive recommendation of the Department of Land Use.

Street: Yes, based on the positive recommendation of the Department of Land Use.

Tackett: Yes, based on the positive recommendation of the Department of Land Use
Woods: Yes, based on the positive recommendation of the Department on Land Use.

- **°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:

- Councilman Cartier thanked Council for their support on Substitute No. 1 to Ordinance 17-108 and also thanked his Legislative Aide, Brian Holajter who initiated this idea and brought the issue to his attention.

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 7:10 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