

**REGULAR MEETING OF THE NEW CASTLE COUNTY COUNCIL  
VIRTUAL ZOOM WEBINAR MEETING**

**MINUTES**

**Tuesday, January 26, 2021**

- A. The meeting was called to order by President Hartley-Nagle at 6:30 p.m.  
A moment of silence was recognized; members of Council performed the Pledge of Allegiance.

**Roll Call**

Present

William J. 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 January 12, 2021 council meeting minutes, it was seconded by Councilwoman Kilpatrick, and all were in favor.

**C. Announcements:**

- Councilman Bell announced that ordinance 20-122 will remain tabled and should be brought forward in February. Councilman Bell also announced that he will introduce and present resolutions 21-005 and 21-006.
- Councilman Cartier announced that he will make comments under Item L, Other.

**D. Introduction of Ordinances:**

**21-006: REVISE ZONING MAP: CHRISTIANA HUNDRED, SOUTHERN CORNER OF BARLEY MILL ROAD AND KENNETT PIKE INTERSECTION; 3510 KENNETT PIKE, TAX PARCELS 07-030.10-007 & 07-030.10-070, 2.88 ACRES FROM S (SUBURBAN) TO S (SUBURBAN) AND H (HISTORIC OVERLAY ZONE) (The property owner is requesting the H (Historic Overlay Zone) for the subject parcels. 2020-0617 R/Z.). Introduced by: Ms. Durham**

**21-007: REVISE ZONING MAP: ST. GEORGES HUNDRED, EAST SIDE OF ROUTE 301, APPROX. 4,600 FEET SOUTH OF BOYDS CORNER ROAD; 1405 CEDAR LANE ROAD, 5.81 ACRES OF TAX PARCEL NO. 13-012.00-045 FROM S (SUBURBAN) TO S (SUBURBAN) AND H (HISTORIC OVERLAY ZONE) (The property owner is requesting the H (Historic Overlay Zone) for the subject parcel. 2020-0210-S/Z). Introduced by: Mr. Bell**

**21-008: REVISE ZONING MAP: NEW CASTLE HUNDRED, SOUTHEASTERLY CORNER OF CHRISTIANA ROAD (DE ROUTE 273) AND DE ROUTE 1 NORTHBOUND; 485 CHRISTIANA ROAD, 0.29± ACRES OF TAX PARCEL 10-028.00-030 & 0.03± ACRES OF TAX PARCEL 10-028.00-052, TOTALING 0.32 ACRES FROM ST (SUBURBAN TRANSITION) TO ST (SUBURBAN TRANSITION) AND H (HISTORIC OVERLAY ZONE) (The property owner is requesting the H (Historic Overlay Zone) for the subject parcels. 2019-0633- S/Z). Introduced by: Mr. Woods**

**21-009: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), REGARDING ARTICLE 4 (“DISTRICT INTENSITY AND BULK STANDARDS”), ARTICLE 5 (“SITE CAPACITY AND CONCURRENCY CALCULATIONS”), ARTICLE 10 (“ENVIRONMENTAL STANDARDS”),**

**ARTICLE 20 (“SUBDIVISION AND LAND DEVELOPMENT DESIGN PRINCIPLES”), ARTICLE 23 (“LANDSCAPING, TREES, PLANT MAINTENANCE, AND EROSION AND SEDIMENT CONTROL”), ARTICLE 26 (“MODIFICATION OF STANDARDS”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”), ARTICLE 33 (“GENERAL DEFINITIONS”), APPENDIX 1 (“APPLICATION AND PLAN REQUIREMENTS”), AND APPENDIX 3 (“PLANT LISTS AND PLANTING GUIDANCE FOR NEW CASTLE COUNTY”). Introduced by: Mr. Tackett, Ms. Kilpatrick**

**21-010: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFFILIATE LOCAL 459 FOR THE POSITION OF BARN MANAGER. Introduced by: Ms. Hartley-Nagle**

**21-011: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE LIGHTS WITH 12FT ALUMINUM POLES IN THE SUMMIT POINTE SUBDIVISION LOCATED IN THE PENCADER HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Carter**

**21-012: TO PROVIDE FOR THE INSTALLATION OF ARLINGTON STREET LIGHTS IN THE WHISPERING WOODS SUBDIVISION LOCATED IN ST GEORGES HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Bell**

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

- Councilwoman Durham reported that the Boards and Commissions Subcommittee met on 1/19/21 and interviewed a board and commission candidate and discussed potential upcoming legislation.
- Councilman Hollins reported that the Community Services Committee met on 1/26/21 and discussed the Hope Center.
- Councilman Smiley reported that the Finance Committee met on 1/26/21 and discussed items on tonight’s agenda, discussed a revision to Council’s grant application, and reviewed grant requests.
- Councilman Tackett reported that the Land Use Committee met on 1/19/21 and discussed items on tonight’s agenda.
- Councilman Smiley reported that the Executive Committee met on 1/26/21 and received an Auditor’s report, a checkbook presentation, and discussed an item on tonight’s agenda.

**F. Consent Calendar:**

**R21-005: HONORING THE LIFE OF MICHAEL THOMAS MARINE AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Bell**

**R21-006: HONORING THE LIFE OF KAROL ZUCCARO POWERS-CASE AND EXPRESSING CONDOLENCES TO HER FAMILY AND FRIENDS. Introduced by: Mr. Bell, Ms. Hartley-Nagle, All of Council**

**R21-007: CONSENTING TO THE APPOINTMENT OF WILLIAM J. MCCOOL, III TO THE NEW CASTLE COUNTY HOUSING ADVISORY BOARD. Introduced by: Mr. Cartier**

**R21-008: CONSENTING TO THE APPOINTMENT OF NELSON WHITLOCK TO THE NEW CASTLE COUNTY CLAYMONT DESIGN REVIEW ADVISORY COMMITTEE. Introduced by: Mr. Cartier**

**Consent Calendar**

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

**G. Presentations:**

- Councilman Bell presented R21-005 and R21-006.

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

**R21-009: TO AMEND THE MAINTENANCE DECLARATION OF BRIGHTON, DATED NOVEMBER 12, 2018, WITH AMENDED AND RESTATED MAINTENANCE DECLARATION AND DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS FOR BRIGHTON – HAMLET 4: S ZONING (HAMLET DESIGN OPTION); COUNCIL DISTRICT 12. Introduced by: Mr. Bell**

--It was moved and seconded that R21-009 be read by title only and placed before Council for its consideration.

**Resolution 21-009—Adopted**

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

**R21-010: TO RENAME THE NON-RESIDENTIAL SUBDIVISION KNOWS AS “THE CREEKS OF MARSHALLTON,” TAX PARCEL NO. 08-039.30-149, LOCATED ON THE EAST SIDE OF DUNCAN ROAD, 580 FEET SOUTH OF ROBERT KIRKWOOD HIGHWAY TO “THE OAKLEY;” APPLICATION NO. 2020-0777; COUNCIL DISTRICT 1. Introduced by: Mr. Woods**

--It was moved and seconded that R21-010 be read by title only and placed before Council for its consideration.

**Resolution 21-010—Adopted**

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

**R21-011: PLAN OF NEW CASTLE AVENUE HOTEL; NEW CASTLE HUNDRED; SOUTH SIDE OF INTERSTATE 295, WEST SIDE OF ROUTE 9; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 77,544 SQUARE FOOT HOTEL; CR ZONING; APPLICATION NO. 2019-0713-S; COUNCIL DISTRICT 7. Introduced by: Mr. Smiley**

--It was moved and seconded that R21-011 be read by title only and placed before Council for its consideration.

**Resolution 21-011—Adopted**

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

**R21-012: APPROVING REVISED CLASS SPECIFICATION FOR INFORMATION SYSTEMS SPECIALIST PURSUANT TO NEW CASTLE COUNTY CODE SECTION 26.03.105 (F). Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R21-012 be read by title only and placed before Council for its consideration.

**Resolution 21-012—Adopted**

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

**R21-013: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR PICTOMETRY INTERNATIONAL CORPORATION FOR ENHANCED PICTURE RESOLUTION OF AERIAL PHOTOGRAPHY FOR THE DEPARTMENT OF LAND USE IN THE AMOUNT OF \$90,290.00. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that R21-013 be read by title only and placed before Council for its consideration.

**Resolution 21-013—Adopted**

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

No: Street

**I. Consideration of Ordinances:**

**21-001: AMEND THE FY2021 APPROVED OPERATING BUDGET: APPROPRIATE \$90,290 IN FUNDING RECEIVED FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF LAND USE, GEOGRAPHIC INFORMATION SYSTEMS EQUIPMENT BUDGET LINE ITEM. Introduced by: Mr. Tackett, Ms. Kilpatrick**

--It was moved and seconded that 21-001 be read by title only and placed before Council for its consideration.

**Ordinance 21-001-Adopted**

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

No: Street

**°21-002: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS LIGHTS IN THE BAKER FARM SUBDIVISION LOCATED IN 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 °20-002 be read by title only and placed before Council for its consideration.

**Ordinance 20-002 —Adopted**

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

**°21-003: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS LIGHTS IN THE BOYD’S CORNER FARM SUBDIVISION LOCATED IN 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 °21-003 be read by title only and placed before Council for its consideration.

**Ordinance 21-003—Adopted**

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

**°21-004: AMEND THE GRANTS BUDGET: APPROPRIATE \$38,848.79 IN EMERGENCY ILLEGAL DRUG ENFORCEMENT (EIDE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE EIDE-FY2021 DRUG CONTROL OVERTIME GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that °21-004 be read by title only and placed before Council for its consideration.

**Ordinance 21-004—Adopted**

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

**°21-005: AMEND THE FY2021 APPROVED SEWER FUND OPERATING BUDGET: APPROPRIATE \$700,000 OF SEWER RATE STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC WORKS SEWER FUND CONTRACTUAL SERVICES BUDGET LINE ITEM TO FUND LEGAL FEES. Introduced by: Mr. Sheldon, Mr. Woods**

--It was moved and seconded that °21-005 be read by title only and placed before Council for its consideration.

**Ordinance 21-005—Adopted**

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

**°20-122: (STATUS: TABLED) AMEND THE FY2021 APPROVED OPERATING BUDGET: INCREASE THE AUTHORIZED POSITION COUNT FOR THE DEPARTMENT OF PUBLIC SAFETY BY FIFTEEN POLICE OFFICER POSITIONS TO ACCOMMODATE THE UPCOMING 48<sup>TH</sup> NEW CASTLE COUNTY POLICE ACADEMY. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that °20-122 remain tabled.

**J. Time Sensitive Congratulatory/Honorary Resolutions:**

**R21-014: HONORING THE LIFE AND LEGACY OF FORMER NEW CASTLE COUNTY COUNCIL PRESIDENT THEODORE “TOBY” W. RYAN, JR. Introduced by: Ms. Kilpatrick, All of Council**

--It was moved and seconded that R21-014 be read by title only and placed before Council for its consideration.

--Public comment: Bill Powers

**Resolution 21-014—Adopted**

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

**R21-015: HONORING THE LIFE OF ROBERT J. SATTERFIELD. Introduced by: Mr. Woods, Mr. Sheldon**

--It was moved and seconded that R21-015 be read by title only and placed before Council for its consideration.

**Resolution 21-015—Adopted**

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

**R21-016: CELEBRATING THE HISTORIC NATURE OF THE 2020 PRESIDENTIAL ELECTION. Introduced by: Ms. Hartley-Nagle, All of Council**

--It was moved and seconded that R21-016 be read by title only and placed before Council for its consideration.

**Resolution 21-016—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:**

- Councilman Cartier spoke regarding concerns with an apparent contractor licensing backlog in the Department of Land Use.
- George Haggerty, Department of Land Use, spoke regarding licensing.
- Councilman Street spoke regarding plan for civil unrest.
- Kerry Porter spoke regarding contractor licensing issue.

**M. Motion to Adjourn**

There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded by Councilwoman Kilpatrick, and the meeting was adjourned at 7:48 pm.

*A recording of the meeting is available upon request.*

*Respectfully submitted by Anthony deFiore, Legislative Assistant.*