

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

**MINUTES**

**Tuesday, July 13, 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

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 June 22, 2021 council meeting minutes, it was seconded by Councilman Tackett, and all were in favor.

**C. Announcements:**

- Councilman Cartier announced that under other he will have remarks about the Le parc condominium problem.
- Councilwoman Durham announced that she plans to withdraw ordinance 21-013.

**D. Introduction of Ordinances:**

°21-084: REVISE PREVIOUSLY APPROVED EXPLORATORY MINOR LAND DEVELOPMENT PLAN WITH REZONING FOR SCARFO, DOMINIC M.; PENCADER HUNDRED; NORTH SIDE OF PULASKI HIGHWAY, 885 FEET EAST OF PLEASANT VALLEY ROAD; TAX PARCEL NO. 11-026.00-002 & 11-026.00-003 (2787 PULASKI HIGHWAY) (The revised plan for 2787 Pulaski Highway proposes to revise the previously approved design of the exploratory minor land development plan by combining Tax Parcel No.11-026.00-002 and Tax Parcel No. 11-026.00-003 to allow for the development of 89,400 square feet of mini warehouse/self-storage Gross Floor Area. This new plan will supersede the previously approved exploratory minor land development plan and rezoning. Section 40.31.113 of the New Castle County Code requires that the submitted record plan be in general conformance with the development on the approved exploratory plan that was relied upon by County Council when it granted the rezoning. County Council adopted Ordinance 03-022 in June 2003. CR (Commercial Regional) zoning district. App. 2021-0004-S/Z.)  
Introduced by: Mr. Tackett

°21-085: AMEND THE GRANTS BUDGET: APPROPRIATE \$72,461.96 IN ACTUAL PROGRAM INCOME TO THE INNOVATIVE DEVELOPMENT EMPOWERMENT AREA (IDEA) HOMEBUYER/HOMEOWNER REHAB GRANT, WHICH IS ADMINISTERED BY THE

DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING. Introduced by: Mr. Hollins, Ms. Diller

°21-086: AMEND THE GRANTS BUDGET: APPROPRIATE AN ADDITIONAL \$35,681 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2022, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING. Introduced by: Mr. Hollins, Ms. Diller

°21-087: AMEND THE FY2022 CAPITAL BUDGET: APPROPRIATE \$50,000 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, RECORDER OF DEEDS HOA PORTAL CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier

°21-088: AMEND THE FY2022 CAPITAL BUDGET: APPROPRIATE \$50,000 FROM THE REGISTER OF WILLS TECHNOLOGY FEE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, REGISTER OF WILLS SYSTEM CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier

°21-089: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 26 (“HUMAN RESOURCES”), ARTICLE 1 (“IN GENERAL”), SECTION 26.01.003. (“RESERVED”) REGARDING RESIDENCY REQUIREMENTS FOR CERTAIN COUNTY EMPLOYEES. Introduced by: Mr. Carter, Ms. Durham

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

- Councilman Sheldon reported that the Personnel Committee met on 6/6/21 and a motion was made and accepted that county council and staff will be meeting in the city county building starting Aug. 31
- Councilman Tackett reported that the Land Use Committee met on 7/6/21 and discussed several items on tonight’s agenda.
- Councilman Bell reported that the Public Safety Committee met on 6/13/21 and discussed the police fund ordinance 21-081, and had presentations from Col. Bond on Project Seed, the police academy, staffing, and the emergency management operations.
- Councilman Cartier reported that the Finance Committee met on 6/13/21 and discussed items on tonight’s agenda and approved grants.

**F. Consent Calendar:**

R21-120: IN MEMORY OF THE LIFE OF JAMES P. “JIM” YOUNG AND IN HONOR OF HIS SERVICE TO NEW CASTLE COUNTY AND EXPRESSING CONDOLENCES TO HIS FRIENDS AND FAMILY. Introduced by: Mr. Carter, Mr. Bell

Consent Calendar

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

**G. Presentations: None**

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

R21-121: AMEND THE FY2022 CAPITAL PROGRAM: INCREASE APPROPRIATIONS AND BOND AUTHORIZATIONS \$1,119,395 AND APPROPRIATE \$651,455 IN FUNDING FROM THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES, APPOQUINIMINK LIBRARY CAPITAL PROJECT. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that R21-121 be read by title only and placed before Council for its consideration.

Resolution 21-121—Adopted

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

R21-122: APPROVING REVISED CLASS SPECIFICATION FOR ACCOUNTANT III PURSUANT TO NEW CASTLE COUNTY CODE SECTION 26.03.105(F). Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-122 be read by title only and placed before Council for its consideration.

Resolution 21-122—Adopted

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

R21-123: DECLARING 16.34± ACRES LOCATED IN NEW CASTLE COUNTY, DELAWARE AT 1 PENNS WAY, TAX PARCEL NO. 10-013.00-023 AND ASSOCIATED WITH THE NEW CASTLE COUNTY AIRPORT SURPLUS LAND AND APPROVING THE AGREEMENT OF SALE AND OTHER DOCUMENTS NECESSARY TO TRANSFER SAID LAND TO CITIBANK, N.A. FOR \$10,000,000.00, WITH THE PROCEEDS TO BE REINVESTED IN THE AIRPORT. Introduced by: Mr. Smiley

--It was moved and seconded that R21-123 be read by title only and placed before Council for its consideration.

Resolution 21-123—Adopted

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

R21-124: PLAN OF GRAYS LANDING; RED LION HUNDRED; TERMINUS OF MCCOY ROAD, 2100' SOUTH OF ELIZABETH LANE; SUBDIVISION PLAN THAT SUBDIVIDES THE PROPERTY INTO FORTY (40) SINGLE FAMILY DWELLING UNITS; S ZONING; APPLICATION NO. 2017-0540-S; COUNCIL DISTRICT 12. Introduced by: Mr. Bell

--It was moved and seconded that R21-124 be read by title only and placed before Council for its consideration.

--Mike Hoffman, attorney for the applicant spoke.

--Public comment: Henry Miller, Karen Miller

--Mike Migliore, Counsel to Council, spoke.

--Rich Hall, General Manager of the Department of Land Use, spoke.

Resolution 21-124—Adopted

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

Not voting: Street

Absent: Durham

R21-125: PLAN OF HARMONY AT GLASGOW SENIOR LIVING FACILITY; PENCADER HUNDRED; SOUTH SIDE OF OLD COUNTY ROAD, 1700' WEST OF GLASGOW AVENUE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 187,651 SF SENIOR LIVING FACILITY; S ZONING; APPLICATION NO. 2019-0223-S; COUNCIL DISTRICT 6. Introduced by: Mr. Carter

--It was moved and seconded that R21-125 be read by title only and placed before Council for its consideration.

--John Tracey, attorney for the applicant, spoke.

--Public comment: Steve Griffith, Tamera Pearson

Resolution 21-125—Adopted

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

Not voting: Street, Tackett

R21-126: PLAN OF SAFSTOR – DUPONT HIGHWAY; NEW CASTLE HUNDRED; WEST SIDE OF DUPONT HIGHWAY, 1,800 FEET NORTH OF BEAR-TYBOUTS CORNER ROAD; CONSTRUCT A THREE-STORY 103,650 S.F. SELF-STORAGE BUILDING WITH ASSOCIATED SITE IMPROVEMENTS; CR ZONING; APPLICATION NO. 2019-0802-S; COUNCIL DISTRICT 7. Introduced by: Mr. Smiley

--It was moved and seconded that R21-126 be read by title only and placed before Council for its consideration.

Resolution 21-126—Adopted

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

Absent: Durharm

R21-127: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT AND OTHER DOCUMENTS NECESSARY TO PURCHASE PROPERTY LOCATED IN NEW CASTLE COUNTY, DELAWARE AT 273 POLLY DRUMMOND HILL ROAD, TAX PARCEL NO. 08-042.00-013 AND 15 FOX DEN ROAD, TAX PARCEL NO. 08-042.00-041 FROM DELAWARE HOSPICE INC. FOR COUNTY PARKLAND AND RECREATIONAL PURPOSES. Introduced by: Mr. Sheldon, Ms. Kilpatrick

--It was moved and seconded that R21-127 be read by title only and placed before Council for its consideration.

--Public comment: Arabella Bianca, Don Sharp

Resolution 21-127—Adopted

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

R21-110: (STATUS: TABLED) AUTHORIZING THE EXECUTION OF A SOFTWARE AS A SERVICE AND PROFESSIONAL SERVICES AGREEMENT WITH TYLER TECHNOLOGIES, INC. TO PROVIDE AND IMPLEMENT A COMPUTER ASSISTED MASS APPRAISAL SYSTEM AND CONDUCT THE FISCAL YEAR 2024 GENERAL REASSESSMENT. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that R21-110 be lifted from the table.

--It was moved and seconded that R21-110 be read by title only and placed before Council for its consideration.

Resolution 21-110—Adopted

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

**I. Consideration of Ordinances:**

°21-079: AMEND THE FY2021 APPROVED SEWER FUND OPERATING BUDGET REALIGN BUDGETARY FUNDING OF \$903,000 WITHIN THE DEPARTMENT OF PUBLIC WORKS SEWER FUND TO FUND LEGAL AND EXPERT CONSULTANT FEES. Introduced by: Mr. Sheldon, Mr. Woods

--It was moved and seconded that °21-079 be read by title only and placed before Council for its consideration.

Ordinance 21-079—Adopted

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

°21-080: AMEND THE GRANTS BUDGET: APPROPRIATE \$375,000 TO THE CONTRACTED POLICE DUTY REVOLVING FUND, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE.

Introduced by: Mr. Bell, Ms. Hartley-Nagle

--It was moved and seconded that °21-080 be read by title only and placed before Council for its consideration.

Ordinance °21-080—Adopted

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

°21-081: AMEND THE FY2022 CAPITAL BUDGET: INCREASE APPROPRIATIONS AND BOND AUTHORIZATIONS \$1,119,395 AND APPROPRIATE \$651,455 IN FUNDING FROM THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES, APPOQUINIMINK LIBRARY CAPITAL PROJECT. Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-081 be read by title only and placed before Council for its consideration.

Ordinance °21-081—Adopted

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

°21-082: AUTHORIZING THE ISSUANCE OF \$1,119,395 IN GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES, APPOQUINIMINK LIBRARY CAPITAL PROJECT.

Introduced by: Mr. Hollins, Ms. Diller

--It was moved and seconded that °21-082 be read by title only and placed before Council for its consideration.

Ordinance °21-082—Adopted

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

°20-047: REVISE ZONING MAP: NEW CASTLE HUNDRED, NORTH SIDE OF SOUTH CHERRY LANE AND ON THE NORTH EAST SIDE OF THE INTERSECTION OF UNIQEMA BOULEVARD AND CHERRY LANE; 900 AND 1000 UNIQEMA BOULEVARD, TAX PARCELS 10-015.00-021 AND 10-015.00-022; 6.178 ACRES FROM HI (HEAVY INDUSTRIAL) TO I (INDUSTRIAL) AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH. (The purpose of this County-initiated rezoning is to change the zoning of parcel 10-015.00-021 as well as the west-most 4.185 acres of parcel 10-015.00-022 from HI to I. App. No. 2020-0176-Z). Introduced by: Mr. Street

--It was moved and seconded that °20-047 be read by title only and placed before Council for its consideration.

Ordinance °20-047—Adopted

Poll Vote

Bell: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.

Carter: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board, and believes it is a positive change aligned with where our comprehensive plan needs to be moving based on the contemporary changes in our economy.

Cartier: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.

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

Durham: Yes, based upon the positive support of the sponsor.

Hartley-Nagle: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.

Hollins: Yes, based upon the positive recommendations of the Department of Land Use, and it's a positive move for environmental justice.

Kilpatrick: Yes, based upon the positive recommendation of the Department of Land Use.

Sheldon: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.

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

Street: Yes, based upon the recommendation from the Department of Land Use.

Tackett: Yes, based upon the positive recommendation.

Woods: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board.

°21-078: AMEND THE FY2021 CAPITAL BUDGET APPROPRIATE \$8,000,000 IN FUNDING FROM THE REASSESSMENT RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, REASSESSMENT 2024 CAPITAL PROJECT. Introduced by: Mr. Smiley, Mr. Cartier

--It was moved and seconded that °21-078 be lifted from the table.

--It was moved and seconded that °21-078 be read by title only and placed before Council for its consideration.

Ordinance °21-078—Adopted

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

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

R21-128: HONORING THE LIFE & LEGACY OF MICHAEL R. SCHAAL. Introduced by: Mr. Woods

--It was moved and seconded that R21-128 be read by title only and placed before Council for its consideration.

Resolution 21-128—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 the issues at the LeParc Condominiums.
- Councilman Carter spoke regarding the issues at the LeParc Condominiums.
- Nancy Willing spoke regarding issue conducting business with the County due to covid protocols.
- Dora Williams spoke to thank Council for its vote on ordinance 20-047.
- Councilman Street spoke regarding issues in the City of Wilmington

- Councilman Carter spoke regarding the State's land preservation act.
- Council President Hartley-Nagle thanked staff for their help with the meeting technology.

**M. Motion to Adjourn:**

There being no further testimony, a motion was made by Councilman Smiley to adjourn, it was seconded by Councilman Carter, and the meeting was adjourned at 8:36 pm.

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

*Respectfully submitted by Linwood Jackson, Legislative Assistant.*