

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, January 28, 2014

- A. The meeting was called to order by President Bullock at 6:37 p.m.
The Prayer was silent; members of Council remained standing for the Pledge of Allegiance.

Roll Call

Present

J. William Bell
Christopher A. Bullock
John J. Cartier
Elisa Diller
Penrose Hollins
Janet T. Kilpatrick
William Powers, Jr.
Joseph M. Reda
Timothy P. Sheldon
George Smiley
Jea P. Street
David L. Tackett
Robert S. Weiner

B. Approval of Minutes:

Councilman Smiley moved for the approval of the minutes from January 14, 2014. The motion was seconded by Councilwoman Kilpatrick. All were in favor and the minutes were adopted.

C. Announcements:

- Councilman Smiley announced that, at the appropriate time, he will introduce Substitute No. 1 to Ordinance 14-011, move to table Ordinances 14-006 and 14-007, and move to go out of order in order to consider Ordinance 13-096 prior to Substitute No. 1 to Ordinance 13-089.
- Councilman Weiner announced that, at the appropriate time, he will move to table Ordinance 14-003.

D. Introduction of Ordinances:

- ***14-012: TO ABATE PENALTY ON 18 DREXEL ROAD; TAX PARCEL NUMBER 06-106.00-382. Introduced by: Mr. Cartier, Mr. Smiley**
- ***14-013: AMEND THE CAPITAL BUDGET: TRANSFER \$225,000 OF APPROPRIATIONS AND GENERAL OBLIGATION BOND AUTHORIZATIONS FROM THE COMMUNICATIONS UPGRADE PROJECT TO THE 800 MGHZ PROJECT. Introduced by: Mr. Bell**
- ***14-014: AMEND THE GRANTS BUDGET: APPROPRIATE \$34,250 IN SPECIAL LAW ENFORCEMENT ASSISTANCE FUNDS (SLEAF) FROM THE STATE OF DELAWARE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF PUBLIC SAFETY'S SLEAF-POLICE TRAINING GRANT. Introduced by: Mr. Bell**
- ***14-015: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 6 ("EXEMPTION FROM REAL PROPERTY TAXATION"), SECTION 1103 ("FILING FREQUENCY"), REGARDING FILING DEADLINES FOR THE 65 OR OLDER AND DISABILITY REAL PROPERTY TAX EXEMPTIONS. Introduced by: Mr. Tackett**

- **°14-016: AMEND THE PAY PLANS AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE ROW OFFICE EMPLOYEES – REMOVE THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE ROW OFFICE EMPLOYEES HIRED ON OR AFTER JULY 1, 2011. Introduced by: Mr. Bullock**
- **°14-017: AMEND THE PAY PLANS AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE ROW OFFICE EMPLOYEES – REMOVE THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE ROW OFFICE EMPLOYEES HIRED ON OR AFTER JULY 1, 2011. Introduced by: Mr. Bullock**
- **°14-018: AMEND THE GRANTS BUDGET: APPROPRIATE \$500,000 FROM THE FEDERAL HOME LOAN BANK OF PITTSBURGH’S AFFORDABLE HOUSING PROGRAM TO THE ROUTE 9 CORRIDOR NEIGHBORHOOD STABILIZATION PROJECT ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

E. Reports from Select and Special Committees:

- Councilman Smiley reported that the Finance Committee met on 1/28/14 to discuss items on tonight’s agenda and to approve a grant request and a travel request.
- Council President Bullock reported that the Executive Committee met on 1/28/14 to interview a Board nominee, for a presentation on the Freedom of Information Act, to discuss items on tonight’s agenda, and for an executive session.
- Councilman Tackett reported that the Land Use Committee met on 1/28/14 for a presentation from Eileen Fogarty, General Manager of the Department of Land Use, and to discuss items on tonight’s agenda.

F. Consent Calendar:

- **R14-031: CONGRATULATING AND COMMENDING CAPTAIN RUBEN MARTINEZ ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell**
- **R14-032: CONGRATULATING AND COMMENDING SENIOR CORPORAL DAVID KASTNER ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell**
- **R14-033: HONORING THE LIFE OF RUTH ELIZABETH “TOOTS” (WALTER) PRESS AND EXPRESSING CONDOLENCES TO HER FAMILY AND FRIENDS. Introduced by: Mr. Bell**
- **R14-034: CONSENTING TO THE APPOINTMENT OF BEATRICE PATTON DIXON TO THE NEW CASTLE COUNTY ETHICS COMMISSION. Introduced by: Mr. Street**

Consent Calendar--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

G. Presentations: None

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

- **R14-035: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT TO INTERACT PUBLIC SAFETY FOR RENEWAL OF THE ANNUAL COMPUTER SOFTWARE TECHNICAL SERVICES AGREEMENT FOR THE OFFICE OF TECHNOLOGY IN THE AMOUNT OF \$3,608.82. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that R14-035 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-035—Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **R14-036: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT TO ORACLE AMERICA, INC. FOR SYSTEMS ANALYST TRAINING FOR THE OFFICE OF TECHNOLOGY IN THE AMOUNT OF \$3,360.00. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that R14-036 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-036--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **R14-037: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT TO BUCHI ANALYTICAL, INC. FOR A BUCHI KJELDAHL DISTILLATION SYSTEM FOR THE DEPARTMENT OF SPECIAL SERVICES TOTALING \$23,785.50. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that R14-037 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-037--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

I. Consideration of Ordinances

- **°14-001: AMEND THE PAY PLANS AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES – REMOVE THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES HIRED ON OR AFTER JULY 1, 2011. Introduced by: Mr. Bullock**
-- It was moved and seconded that °14-001 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-001--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-002: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES) (AFL-CIO), AND ITS AFFILIATE LOCAL 459, BY AMENDING THE PAY GRADE AND RATES OF PAY FOR THE POSITION OF CLASSIFICATIONS OF PIPELAYER AND ELECTRICIAN. Introduced by: Mr. Bullock**
-- It was moved and seconded that °14-002 be read by title only and placed before Council for its consideration and adoption.
-- Nadine Frost asked if this ordinance was confirming a new union contract.
-- David Grimaldi, Chief Administrative Officer, answered the question.

Ordinance 14-002--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-003: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”) CONCERNING COUNTY ATTORNEY OR DESIGNEE APPROVAL OF EXECUTIVE BRANCH GENERATED LEGISLATION AS TO FORM AND LEGALITY. Introduced by: Mr. Weiner**

-- It was moved that °14-003 be read by title only tabled.

- **°14-004: TO AMEND THE FEE PROVISIONS APPLICABLE TO THE REGISTER OF WILLS BY WAIVING THE FEE FOR SAFEKEEPING OF WILLS FOR MEMBERS OF THE DELAWARE NATIONAL GUARD. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that °14-004 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-004--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **°14-005: AMEND THE FY2014 APPROVED OPERATING BUDGET: REALIGN THE FY2014 APPROPRIATION TO THE DEPARTMENT OF LAND USE BY TRANSFERRING \$300,000 FROM SALARIES AND WAGES TO CONTRACTUAL SERVICES FUND PLANNING CONSULTING SERVICES. Introduced by: Mr. Tackett, Mr. Reda**
-- It was moved and seconded that °14-005 be read by title only and placed before Council for its consideration and adoption.
-- Mike Coupe, Chief Financial Officer, answered questions from Council
-- Eileen Fogarty, General Manager of the Department of Land Use, answered questions from Council.
-- Bill Dunn, president of the Civic League for New Castle County, spoke in support of the ordinance.

Ordinance 14-005--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- Councilman Smiley requested that °14-006 and °14-007 be considered together. The motion was seconded and all were in favor.
- **°14-006: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), DIVISION 2.03.100 (“THE CODE OF ETHICS”), REGARDING DEFINITIONS AND STATEMENTS OF FINANCIAL INTERESTS. Introduced by: Mr. Smiley, Mr. Weiner, Mr. Bullock**
- **°14-007: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2, (“ADMINISTRATION”), ARTICLE 3 (“OFFICERS AND EMPLOYEES”), REGARDING THE CODE OF CONDUCT SECTION OF THE NEW CASTLE COUNTY CODE OF ETHICS. Introduced by: Mr. Smiley, Mr. Weiner, Mr. Bullock**
-- It was moved that °14-006 and °14-007 be read by title only and tabled.
- Councilman Cartier requested that °14-008, °14-009, and °14-010 be considered together. The motion was seconded and all were in favor.
- **°14-008: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE STREET LIGHTS WITH STANDARD POLES IN THE DARLEY GREEN SUBDIVISION BLOCKS A,B,D,E1, AND S, LOCATED IN BRANDYWINE HUNDRED, AND FOR A LIGHT TAX BASED ON THE COST OF SAID STREET LIGHTS. Introduced by: Mr. Cartier**
- **°14-009: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE STREET LIGHTS WITH STANDARD POLES IN THE DARLEY GREEN SUBDIVISION BLOCK E2, LOCATED IN BRANDYWINE HUNDRED, AND FOR A LIGHT TAX BASED ON THE COST OF SAID STREET LIGHTS. Introduced by: Mr. Cartier**

- **°14-010: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE STREET LIGHTS WITH STANDARD POLES IN THE DARLEY GREEN SUBDIVISION BLOCKS B4 and I, LOCATED IN BRANDYWINE HUNDRED, AND FOR A LIGHT TAX BASED ON THE COST OF SAID STREET LIGHTS. Introduced by: Mr. Cartier**
 -- It was moved and seconded that °14-008, °14-009, and °14-010 be read by title only and placed before Council for its consideration and adoption.

Ordinances 14-008, 14-009, and 14-010--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- **SUBSTITUTE NO. 1 TO °14-011: TO ABATE THE WILLS FOR SAFEKEEPING FEE FOR THE DAY OF JANUARY 20, 2014. Introduced by: Mr. Smiley, Mr. Cartier**
 -- It was moved and seconded that Substitute No. 1 to °14-011 be read by title only and placed before Council for its consideration and adoption.

Substitute No. 1 to Ordinance 14-011--Adopted

Yes: Bell, Bullock, Cartier, Diller, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

Absent: Hollins

- Councilman Smiley moved to go out of order in order to consider °13-096. It was seconded and approved.
- **°13-096: (STATUS: TABLED) AMEND THE FY2014 APPROVED OPERATING BUDGET: INCREASE THE FY2014 APPROPRIATION TO THE DEPARTMENT OF SPECIAL SERVICES BY \$580,407 TO PROVIDE FUNDING FOR EMPLOYEE SALARIES AND BENEFIT COSTS. Introduced by: Mr. Smiley, Mr. Cartier, Mr. Weiner**
 -- It was moved and seconded that °13-096 be lifted from the table, read by title only and placed before Council for its consideration and adoption.
 -- Councilman Weiner requested to be added as a co-sponsor.

Ordinance 13-096--Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- Councilman Smiley moved to return to the regular order of business. It was seconded and approved.
- **SUBSTITUTE NO. 1 TO °13-089: TO PLACE A MORATORIUM ON LAND USE APPLICATIONS INCORPORATING WORKFORCE HOUSING INCENTIVES DELINEATED IN ARTICLE 7 (TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES) OF CHAPTER 40 OF THE NEW CASTLE COUNTY CODE (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE – UDC). Introduced by: Mr. Hollins**
 -- It was moved and seconded that Substitute No. 1 to °13-089 be read by title only and placed before Council for its consideration and adoption.
 - **FLOOR AMENDMENT NO. 1 TO SUBSTITUTE NO. 1 TO °13-089. Introduced by: Mr. Hollins**
 -- It was moved and seconded that Floor Amendment No. 1 to Substitute No. 1 to °13-089 be read by title only and placed before Council for its consideration and adoption
 -- Mary Jacobson, Department of Land Use Attorney, answered questions from Council.

- Larry Dixon, from the United Auto Workers, asked that the ordinance be tabled.
- Eric Boye spoke against the amendment.
- Kevin Whittaker, president of the Homebuilders Association of Delaware, spoke in favor of the ordinance but would like to know if applications submitted in time were vested.
- Vance Gray, Jr., owner of a property who submitted a workforce housing plan, wanted to know if his property would be vested.
- Charlie Weymouth spoke regarding the issue.
- Alena Bandy, from the United Auto Workers, spoke in favor of workforce housing.
- Tim Dewson, president of Dewson Construction, spoke regarding a specific property and his hope that it be vested.

Floor Amendment No. 1 to Substitute No. 1 to Ordinance 13-089 --Adopted

Yes: Bell, Bullock, Hollins, Powers, Reda, Sheldon, Street, Tackett, Weiner

No: Cartier, Diller, Kilpatrick, Smiley

- **FLOOR AMENDMENT NO. 2 TO SUBSTITUTE NO. 1 TO °13-089 AS AMENDED BY FLOOR AMENDMENT NO. 1. Introduced by: Mr. Cartier**
 - It was moved and seconded that Floor Amendment No. 2 to Substitute No. 1 to °13-089 as Amended by Floor Amendment No. 1 be read by title only and placed before Council for its consideration and adoption
 - Larry Dixon, from the United Auto Workers, spoke in favor of the amendment.
 - Bill Dunn, president of the Civic League for New Castle County, spoke against the amendment.
 - Mary Jacobson, Department of Land Use Attorney, answered questions from Council.
 - It was moved and seconded that Floor Amendment No. 2 to Substitute No. 1 to °13-089 as Amended by Floor Amendment No. 1 be withdrawn.

Substitute No. 1 to Ordinance 13-089 as Amended by Floor Amendment No. 1 --Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Street, Tackett, Weiner

No: Smiley

J. Time Sensitive Congratulatory/Honorary Resolutions: None

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other:

- **R14-038: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN CERTAIN CONTRACTS. Introduced by: Mr. Bell. Mr. Bullock, Mr. Powers**
 - It was moved and seconded that R14-038 be read by title only and placed before Council for its consideration and adoption.
 - President Bullock and Councilman Powers requested to be added as co-sponsors.

Resolution 14-038—Adopted

Yes: Bell, Bullock, Cartier, Diller, Hollins, Kilpatrick, Powers, Reda, Sheldon, Smiley, Street, Tackett, Weiner

- Martin Nicholson expressed his opinion that County Code regarding firearms in County Parks is violating state law.

M. Motion to Adjourn

There being no further testimony, Councilman Smiley made a motion to adjourn, it was seconded by Councilman Sheldon and the meeting was adjourned at 8:40 p.m.

Christopher A. Bullock
Council President
New Castle County

A recording of the meeting is available upon request.

Respectfully submitted by Anthony deFiore, Legislative Aide to Council President Christopher A. Bullock