

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 13, 2014

- A. The meeting was called to order by President Bullock at 6:30 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 April 22, 2014. The motion was seconded by Councilman Tackett. All were in favor and the minutes were adopted.

C. Announcements:

- Councilman Street announced that he will not introduce R14-115 under the Consent Calendar.
- Councilman Sheldon announced that he will not introduce °14-048.
- Councilman Weiner announced that he will not introduce R14-125.
- Councilman Bell announced that, at the appropriate time, he will have a presentation.
- Councilman Tackett announced that, at the appropriate time, he will introduce a floor amendment to °14-044.
- Councilman Hollins announced that, at the appropriate time, he will move to table R14-119.

D. Introduction of Ordinances:

°14-045: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND ADOPT THE CLASS SPECIFICATION OF COMMUNITY SERVICES FINANCE OFFICER. Introduced by: Mr. Bullock

°14-046: AMEND THE PAY PLAN AND RATES OF PAY FOR THE FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5. Introduced by: Mr. Bullock

°14-047: TO 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, AFFILIATE LOCAL 1607, AND ADOPT THE CLASS SPECIFICATION OF TREASURY CUSTOMER SERVICE REPRESENTATIVE. Introduced by: Mr. Bullock

°14-049: AMEND THE FY2014 APPROVED OPERATING BUDGET: APPROPRIATE \$200,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVES TO THE DEPARTMENT OF SPECIAL SERVICES TO COVER THE COST OF VEHICLE AND FACILITIES MAINTENANCE.

Introduced by: Mr. Sheldon, Mr. Powers

°14-050: AMEND THE GRANTS BUDGET; APPROPRIATE \$250,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVES TO THE PROPERTY MAINTENANCE REVOLVING FUND. Introduced by: Mr. Tackett, Mr. Reda°14-051: AMEND THE FY2014 APPROVED

OPERATING BUDGET: INCREASE THE FY2014 APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE, BY \$200,000 TO FUND THE STREET LIGHT PROGRAM. Introduced by: Mr. Smiley, Mr. Cartier

°14-052: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), DIVISION 2.03.100 (“THE CODE OF ETHICS”), REGARDING ANNUAL FINANCIAL DISCLOSURE STATEMENTS. Introduced by: Mr. Smiley, Mr. Weiner, Mr. Bullock

E. Reports from Select and Special Committees:

- Councilman Cartier reported that the Finance Committee met on 5/13/14 for a presentation on the 2014 Pension Review, to discuss items on tonight’s agenda, and to approve grant requests.
- Council President Bullock reported that the Executive Committee met on 5/13/14 to discuss a video streaming proposal and to discuss items on tonight’s agenda.
- Councilman Sheldon reported that the Special Services Committee met on 5/6/14 for a Cityworks update and for a presentation on possible changes to County procurement.
- Councilman Smiley reported that the Finance Committee met for Budget Hearing on 5/5/14 and 5/12/14 to discuss the proposed FY2015 budget.
- Councilman Street reported that the Public Safety Committee met on 5/13/14 to discuss County crossing guards.
- Councilman Tackett reported that the Land Use Committee met on 5/6/14 to discuss items on tonight’s agenda.
- Councilman Sheldon reported that the Subcommittee on Personnel met on 5/5/14 to discuss compensatory time for Council employees and for an update from Holly Shinn, Deputy Clerk.
- Councilwoman Diller reported that Subcommittee on Boards and Commissions met on 5/6/14 for a review of vacancies and to discuss the boards and commissions appointing process.

F. Consent Calendar:

- Councilmember Street announced that he will not introduce R14-115.
- **R14-116: CONGRATULATING SALLY JENSEN FOR 40 YEARS OF SERVICE AS AN EMPLOYEE OF NEW CASTLE COUNTY GOVERNMENT AND WISHING HER WELL ON HER RETIREMENT. Introduced by: Mr. Reda, Mr. Powers, Mr. Weiner, Mr. Smiley**
- **R14-117: CONGRATULATING THE OFFICE OF FINANCE FOR EARNING A CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR NEW CASTLE COUNTY’S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THIRTY-THREE CONSECUTIVE YEARS. Introduced by: Mr. Smiley, Mr. Cartier**

Consent Calendar--Adopted

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

G. Presentations:

- Councilman Bell presented R14-105 to the recipient.
- Councilman Reda spoke regarding R14-116.

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

- **R14-118: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5 COLLECTIVE BARGAINING AGREEMENT. Introduced by: Mr. Bullock**
-- It was moved and seconded that R14-118 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-118—Adopted

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

Absent: Bell

- **R14-119: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE TWO AMENDMENTS TO THE AGREEMENTS BETWEEN NEW CASTLE COUNTY AND THE POLICE ATHLETIC LEAGUE OF DELAWARE RELATING TO THE HOCKESSIN AND GARFIELD PARK POLICE ATHLETIC LEAGUE FACILITIES. Introduced by: Mr. Hollins, Ms. Diller**
-- It was moved and seconded that R14-119 be read by title only and tabled.
- **R14-120: TO SET NEW CASTLE COUNTY’S FISCAL YEAR 2015 CONTRIBUTION RATE FOR THE COUNTY’S PENSION PLANS. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that R14-120 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-120--Adopted

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

Absent: Bell

- **R14-121: AUTHORIZING THE EXECUTION OF SEVENTEEN PURCHASE ORDER CONTRACTS FOR THE DEPARTMENT OF COMMUNITY SERVICES FOR LIBRARY BOOKS AND MATERIALS FOR VARIOUS LIBRARIES IN THE AMOUNT OF \$104,065.00. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that R14-121 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-121--Adopted

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

Absent: Bell

- **R14-122: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT TO TEN BEARS ENVIRONMENTAL FOR A COMPLETE BROWNFIELDS INVESTIGATION FOR THE ROUTE 9 LIBRARY FOR THE DEPARTMENT OF SPECIAL SERVICES TOTALING \$42,900.00. Introduced by: Mr. Smiley, Mr. Cartier, Mr. Bullock, Mr. Street**
-- It was moved and seconded that R14-122 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-122--Adopted

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

Absent: Bell

- **R14-123: AUTHORIZING THE EXECUTION OF THREE PURCHASE ORDER CONTRACT FOR THE DEPARTMENT OF COMMUNITY SERVICES FOR LIBRARY BOOKS, SUBSCRIPTIONS AND MATERIALS FOR VARIOUS LIBRARIES IN THE AMOUNT OF \$7,700.00. Introduced by: Mr. Smiley, Mr. Cartier**
-- It was moved and seconded that R14-123 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-123--Adopted

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

- **R14-124: AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL ASSISTANCE WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED; AND THE CRASNTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT OF 1992, AS AMENDED. Introduced by: Mr. Hollins, Ms. Diller**
-- It was moved and seconded that R14-124 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-124--Adopted

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

- **R14-107: (STATUS: TABLED) REQUESTS NEW CASTLE COUNTY COUNCIL IMPLEMENT BOTH LIVE AND VIDEO ON DEMAND VIDEO BROADCASTS OF ALL PUBLICALLY ADVERTISED NEW CASTLE COUNTY COUNCIL MEETINGS. Introduced by: Mr. Weiner**
-- It was moved that R14-107 remain tabled.
- **R14-108: (STATUS: TABLED) REQUESTS NEW CASTLE COUNTY COUNCIL IMPLEMENT VIDEO ON DEMAND BROADCASTS OF ALL PUBLICALLY ADVERTISED NEW CASTLE COUNTY COUNCIL MEETINGS. Introduced by: Mr. Weiner**
-- It was moved that R14-108 remain tabled.

I. Consideration of Ordinances

- **SUBSTITUTE NO. 1 TO °14-036: TO REPEAL ORDINANCE NOS. 14-008, 14-009 AND 14-010 APPROVING GRANVILLE STREET LIGHTS FOR THE DARLEY GREEN SUBDIVISION BLOCKS A, B, D, E1, S, E2, B4 & I, LOCATED IN BRANDYWINE HUNDRED AND SUBSTITUTE TRADITIONAIRE STREET LIGHTS IN PREVIOUSLY LISTED AREAS. Introduced by: Mr. Cartier**
-- It was moved and seconded that Substitute No. 1 to °14-036 be read by title only and placed before Council for its consideration and adoption.

Substitute No. 1 to Ordinance 14-036--Adopted

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

- **°14-037: AMEND THE GRANTS BUDGET: FOR FY2015, APPROPRIATE \$1,826,202 FROM THE DEPARTMENT OF STATE, DELAWARE DIVISION OF LIBRARIES, TO (A) LIBRARY ADMINISTRATION \$84,680; (B) APPOQUINIMINK LIBRARY \$123,947; (C) BEAR LIBRARY \$287,621; (D) CLAYMONT LIBRARY \$114,423; (E) BRANDYWINE HUNDRED LIBRARY \$269,098; (F) ELSMERE LIBRARY \$131,621; (G) HOCKESSIN**

LIBRARY \$159,255; (H) KIRKWOOD LIBRARY \$212,045; (I) NEWARK LIBRARY \$276,329; AND THE (J) WOODLAWN LIBRARY \$167,183 TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller, Mr. Cartier

-- It was moved and seconded that °14-037 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-037--Adopted

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

- **°14-038: AMEND THE GRANTS BUDGET: APPROPRIATE \$87,722 IN FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DELAWARE WORKFORCE INVESTMENT BOARD – TO THE 2014 STATE YOUTH EMPLOYMENT PROGRAM GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller, Mr. Bullock, Mr. Street**

-- It was moved and seconded that °14-038 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-038--Adopted

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

- **°14-039: AMEND THE GRANTS BUDGET: APPROPRIATE \$205,375 IN STATE GRANT-IN-AID FUNDS TO THE ABSALOM JONES SENIOR CENTER FY2015, WHICH FUNDS WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller, Mr. Reda**

-- It was moved and seconded that °14-039 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-039--Adopted

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

- **°14-040: AMEND THE GRANT BUDGET: APPROPRIATE \$2,217,205 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND \$375,000 IN ESTIMATED PROGRAM INCOME TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) FY2015, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

-- It was moved and seconded that °14-040 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-040--Adopted

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

- **°14-041: AMEND THE GRANTS BUDGET: FOR FY2015, APPROPRIATE FEDERAL FUNDS OF \$789,739 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ESTIMATED PROGRAM INCOME OF \$100,000 TO THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) AS FOLLOWS: APPROPRIATE \$48,560 TO HOME ADMINISTRATION FY2015; \$661,179 TO HOME INVESTMENT PARTNERSHIP AND PROGRAM HOME REHABILITATION FY2015; AND \$180,000 TO HOME INVESTMENT PARTNERSHIP COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (“CHDO”) FY2015 WHICH GRANTS AND PROGRAM INCOME ARE**

ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller, Mr. Bullock

-- It was moved and seconded that °14-041 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-041--Adopted

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

- **°14-042: AMEND THE GRANTS BUDGET: FOR FY2015, APPROPRIATE FEDERAL FUNDS OF \$179,469 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO THE HUD EMERGENCY SOLUTIONS GRANT (ESG) FY2015, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

-- It was moved and seconded that °14-042 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-042--Adopted

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

- **°14-044 AS AMENDED BY FLOOR AMENDMENT NO. 1: 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, Mr. Bell**

-- Councilman Tackett moved to introduce Floor Amendment No. 1. It was seconded and approved unanimously.

-- It was moved and seconded that °14-044 as amended by Floor Amendment No. 1 be read by title only and placed before Council for its consideration and adoption.

Ordinance 14-044 as Amended by FA No. 1--Adopted

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

- **°13-047 AS AMENDED BY FLOOR AMENDMENT NO. 1: REVISE ZONING MAP: CHRISTIANA HUNDRED; EAST SIDE MONTCHANIN ROAD, SOUTH SIDE BUCK ROAD AND OPPOSITE MONTCHAN DRIVE; 12.01 ACRES FROM SE (SUBURBAN ESTATE) TO S (SUBURBAN).** (The Exploratory Major Land Development Plan and Rezoning for Wagoner’s Row proposes to rezone a portion of the existing parcel to S and to create an Open Space Subdivision, Option 2 Development with 12 single-family detached lots with 50.94% open space and to amend the 2012 Comprehensive Plan Update. In addition, the plan proposes to subdivide the remaining SE zoned parcel to create two single-family detached lots. 2013-0123-S/Z). Introduced by: Mr. Weiner

-- It was moved and seconded that °13-047 be read by title only and placed before Council for its consideration and adoption.

-- Councilman Smiley moved to introduce Floor Amendment No. 1. It was seconded.

Floor Amendment No. 1--Adopted

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

Not Voting: Street

-- Wendie Stabler, attorney for the applicant, presented the proposed plan.

- Cecilia Roeberg spoke against the plan.
- Council President Bullock and Councilman Hollins announced a potential for a conflict of interest as the engineer for this project is also the engineer for a project at their church.

Ordinance 13-047 as Amended by FA No. 1 --Adopted

Bell: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board and the plan's consistency with the character of the surrounding community.

Bullock: Recused

Cartier: Yes, based upon the positive recommendation of the Department of Land Use and suitability of the plan for the surrounding community.

Diller: Yes, based upon the positive recommendation of the Department of Land Use and suitability of the plan for the surrounding community.

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

Kilpatrick: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board and the plan's consistency with the character of the surrounding community.

Powers: Yes, based upon the plan's consistency with the Comprehensive Plan regarding infill and the character of the surrounding community.

Reda: Yes, based upon the positive recommendations of the Department of Land Use and the Planning Board and the plan's consistency with the character of the surrounding community.

Sheldon: Yes, based upon the positive recommendations of the Department of Land Use and the plan's consistency with the Comprehensive Plan.

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

Street: Not Voting

Tackett: Yes, based upon the positive recommendations of the Department of Land Use

Weiner: Yes, based upon the positive recommendations of the Department of Land use and the plan's consistency with the surrounding community.

- **°13-097: TO REVISE CHAPTER 40 OF THE NEW CASTLE COUNTY CODE (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE – UDC), ARTICLE 22 (DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING) REGARDING ON-SITE WASTEWATER TREATMENT (SEPTIC SYSTEMS. Introduced by: Mr. Sheldon, Mr. Powers**
-- It was moved and seconded that °13-097 be read by title only and placed before Council for its consideration and adoption.

Ordinance 13-097--Adopted

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

- **°14-003: (STATUS: TABLED) 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 remain tabled.
- **°14-020: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”) CONCERNING COUNTY ATTORNEY OR DESIGNEE APPROVAL OF EXECUTIVE BRANCH GENERATED LEGISLATION AS TO LEGALITY. Introduced by: Mr. Weiner**
-- It was moved that °14-020 remain tabled.

J. Time Sensitive Congratulatory/Honorary Resolutions:

• **R14-126: HONORING THE LIFE AND LEGACY OF MR. ROBERT L. JONES, SR.**

Introduced by: Mr. Street

-- It was moved and seconded that R14-126 be read by title only and placed before Council for its consideration and adoption.

Resolution 14-126—Adopted

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

K. Introduction/Consideration of Emergency Ordinances: None

L. Public Comment/Other:

- Councilman Street spoke regarding the anniversary of Brown v. Board of Education.
- Council President Bullock spoke regarding an event honoring Black Anthony.
- Council President Bullock requested to have a County officer stationed at all County Council meetings.

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 8:04 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