

**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, April 30, 2019**

- A. The meeting was called to order by President Hartley-Nagle at 6:32 p.m. A moment of silence was recognized; members of Council remained standing for 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

Absent

Kenneth R. Woods

**B. Approval of Minutes:**

- Councilman Smiley moved to approve both the April 9, 2019 council meeting minutes, it was seconded, and all were in favor.

**C. Announcements:**

- Councilman Cartier announced that he had to leave at 7:30 PM for an important civic association meeting.
- Councilwoman Durham announced that she would move Ordinance 19-042 and that she would present Resolution 19-070 under presentations.
- Councilman Bell announced that Ordinance 17-095 and Ordinance 17-096 would remain tabled and provided an update on the legislation.
- Councilman Smiley announced that he withdrew Ordinance 19-045.
- Councilman Tackett announced that he had an amendment for Resolution 19-076.
- Councilman Sheldon announced that he would move Resolution 19-073 and Ordinance 19-041 together.

**D. Introduction of Ordinances:**

- **\*19-043: AMEND THE GRANTS BUDGET: APPROPRIATE \$5,000 FEDERAL PASS THROUGH FUNDING FROM THE HIGH INTENSITY DRUG TRAFFICKING AREA FUNDS THROUGH THE DELAWARE DEPARTMENT OF JUSTICE TO THE 2019 HIDTA/DOJ-HERO HELP INITIATIVE GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

- **19-044: AMEND THE FY2019 APPROVED SEWER FUND OPERATING BUDGET: REALIGN BUDGETARY FUNDING OF \$300,000 WITHIN THE DEPARTMENT OF PUBLIC WORKS TO FUND LEGAL AND ATTORNEY FEES.** Introduced by: Mr. Sheldon, Mr. Woods
- **19-046: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 3 (“USE REGULATIONS”) AND ARTICLE 33 (“DEFINITIONS”) REGARDING LANDFILLS.** Introduced by: Mr. Street

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

- Councilman Smiley reported that the Finance Committee met on 4/29/19 to hold Budget Hearings for the Executive Office and Community Services. The final department budget hearings will be held on Monday, May 6, 2019.
- Councilman Smiley reported that the Finance Committee met on 4/30/19 and discussed items on tonight’s agenda, approved grants and held an executive session to receive legal updates.
- Councilwoman Kilpatrick reported that the Land Use Committee met on 4/16/19 and discussed items on tonight’s agenda.
- Councilwoman Diller reported that the Boards and Commissions Sub-Committee did not meet. However, there will be three Library Advisory Board re-appointment on the next council agenda.

**F. Consent Calendar:**

- **R19-069: REMEMBERING AMERICAN CIVIL WAR GENERAL THOMAS ALFRED SMYTH.** Introduced by: Ms. Hartley-Nagle
- **R19-070: CELEBRATING NEARLY FIFTEEN YEARS PROVIDING HOME REPAIRS TO VULNERABLE SENIORS, VETERANS, & LOW-INCOME FAMILIES BY THE DELAWARE HOUSING OPPORTUNITY FUND, INC.** Introduced by: Ms. Durham

**Consent Calendar—Adopted**

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

**G. Presentations:**

- Councilwoman Durham presented Resolution 19-070.
- President Hartley-Nagle presented Resolution 19-069.

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

- **R19-071: TO AMEND THE MAINTENANCE DECLARATION FOR PEOPLES PARK TO INCORPORATE ADJACENT PROPERTY OWNED BY D.M. PEOPLES INVESTMENT CORPORATION AND TO ADDRESS THE SALE OF LANDS WITHIN PEOPLES PARK TO DOT FOODS.** Introduced by: Mr. Bell  
 --It was moved and seconded that R19-071 be read by title only and placed before Council for its consideration and adoption.

**Resolution 19-071—Adopted**

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

- **R19-072: A RESOLUTION PRESCRIBING THE DETAILS AND FORM AND PROVIDING FOR THE SALE OF GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY.** Introduced by: Mr. Smiley, Mr. Cartier  
 --It was moved and seconded that R19-072 be read by title only and placed before Council for its consideration.

**Resolution 19-072—Adopted**

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

Absent: Woods

- **R19-073: AMEND THE FY2019 CAPITAL PROGRAM: APPROPRIATE \$100,000 IN STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) FUNDING TOWARDS THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Woods**
- **°19-041: AMEND THE FY2019 CAPITAL BUDGET: APPROPRIATE \$100,000 IN STATE OF DELAWARE, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) FUNDING TOWARD THE DEPARTMENT OF PUBLIC WORKS, GENERAL PARKLAND IMPROVEMENTS CAPITAL PROJECT. Introduced by: Mr. Sheldon, Mr. Woods**
  - Councilman Sheldon moved to go out of order to consider R19-073 and °19-041 together. The motion was seconded and approved.
  - It was moved and seconded that R19-073 and °19-041 be read by title only and placed before Council for its consideration and adoption.

**Resolution 19-073 and Ordinance 19-041 —Adopted**

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

Absent: Woods

- **R19-074: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT AND OTHER DOCUMENTS NECESSARY TO ACCEPT A DONATION OF LAND AT 60 CONSTITUTION BOULEVARD FROM JEFFERSON FARMS SWIM CLUB, INC. FOR COUNTY PARKLAND AND RECREATIONAL PURPOSES. Introduced by: Mr. Smiley**
  - It was moved and seconded that R19-074 be read by title only and placed before Council for its consideration.

**Resolution 19-074—Adopted**

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

Absent: Woods

- **R19-075: EARMARKING FUNDS TO CONDUCT A COMPREHENSIVE STUDY AND ASSESSMENT OF PARK LAND AND OPEN SPACE AND THE POTENTIAL CREATION AND PRESERVATION OF CERTAIN PARK LAND AND OPEN SPACE IN NEW CASTLE COUNTY BY NEW CASTLE COUNTY COUNCIL IN COLLABORATION WITH THE MEYER ADMINISTRATION. Introduced by: Mr. Smiley**
  - It was moved and seconded that R19-075 be read by title only and placed before Council for its consideration.
  - Councilman Smiley moved to amend R19-075 and read the amendment into the record. The motion was seconded and approved by voice vote.
  - It was moved and seconded that R19-075 as amended by Amendment No. 1 be read by title only and placed before Council for its consideration.

**Resolution 19-075 as Amended by Amendment No. 1—Adopted**

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

Absent: Woods

- **R19-076: NEW CASTLE COUNTY COUNCIL REQUESTS THAT THE DELAWARE GENERAL ASSEMBLY AMEND DELAWARE CODE TITLE 9, SECTION 8131 RELATING TO THE RESIDENCY REQUIREMENT AND CERTAIN TAX EXEMPTIONS. Introduced by: Mr. Tackett, Mr. Bell, Mr. Carter, Mr. Cartier, Ms. Diller, Ms. Durham, Ms. Hartley-Nagle, Mr. Hollins, Ms. Kilpatrick, Mr. Sheldon, Mr. Street, Mr. Woods**

--It was moved and seconded that R19-076 be read by title only and placed before Council for its consideration.

--Councilman Tackett moved to amend R19-076 and read the changes into the record. The motion was seconded and approved by roll call vote.

**Amendment No. 1 to R19-076**

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

Absent: Woods

---It was moved and seconded that R19-076 as amended by Amendment No. 1 be read by title only and placed before Council for its consideration.

**Resolution 19-076 as amended by Amendment No. 1—Adopted**

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

Absent: Woods

**I. Consideration of Ordinances:**

- **°19-035: (STATUS: TO BE TABLED) THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2020 BEGINNING JULY 1, 2019. Introduced by: Mr. Smiley, Mr. Cartier**
- **°19-036: (STATUS: TO BE TABLED) CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2019 FOR FISCAL YEAR 2020. Introduced by: Mr. Smiley, Mr. Cartier**
- **°19-037: (STATUS: TO BE TABLED) AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS APPROVED IN THE FISCAL YEAR 2020 CAPITAL BUDGET. Introduced by: Mr. Smiley, Mr. Cartier**
- **°19-038: (STATUS: TO BE TABLED) THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2019. Introduced by: Mr. Smiley, Mr. Cartier**
- **°19-039: (STATUS: TO BE TABLED) ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2019. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °19-035, °19-036, °19-037, °19-038, and °19-039 be read by title only and placed before Council for its consideration.

--Councilman Smiley moved to table °19-035, °19-036, °19-037, °19-038, and °19-039. The motion seconded and approved by voice vote.

**Ordinance 19-035, 19-036, 19-037, 19-038, 19-039— Tabled**

- **°19-040: APPROPRIATE \$220,000 FROM THE GARSTIN TRUST PORTFOLIO TO THE GARSTIN TRUST FUND IN ORDER TO FUND PARK MAINTENANCE FOR FISCAL YEAR 2020, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC WORKS. Introduced by: Mr. Sheldon, Mr. Woods**

--It was moved and seconded that °19-040 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 19-040—Adopted**

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

Absent: Woods

- **°19-042: TO ABATE OUTSTANDING NEW CASTLE COUNTY REAL PROPERTY TAXES AND RELATED PENALTY ON THE PILOT SCHOOL PROPERTY LOCATED AT 208 & 212 WOODLAWN ROAD, WILMINGTON, DE, PARCEL NO. 06-029.000-02. Introduced by: Ms. Durham**

--It was moved and seconded that °19-042 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 19-042—Adopted**

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

Absent: Woods

- **°18-131: REVISE ZONING MAP: RED LION HUNDRED, EAST SIDE OF SOUTH DUPONT HIGHWAY (SR 7) AND ON THE NORTHEAST SIDE OF THE INTERSECTION OF WRANGLE HILL ROAD AND SOUTH DUPONT HIGHWAY; 1386 SCHOOL HOUSE ROAD, TAX PARCEL NUMBER 12-013.00-007; 51.01 ACRES FROM CR (COMMERCIAL REGIONAL) TO HI (HEAVY INDUSTRIAL) AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH.** (The purpose of this County-initiated rezoning is to change the zoning of the west-most portion of the site to reflect the historical and existing heavy industrial use and zoning on the site. App. No. 2018-0679-Z). **Introduced by: Mr. Bell**

--It was moved and seconded that °18-131 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 18-131--Adopted**

**Poll Vote**

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

Carter: Yes, in fairness to the applicant based on the zoning we have.

Cartier: Absent

Diller: Yes, based on the proximity of the parcel to the HI Zoned parcel.

Durham: 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.

Kilpatrick: 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.

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

Street: Not Voting

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

Woods: Absent

- **°19-033: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND REVISE THE CLASS SPECIFICATION FOR THE POSITION OF PAYROLL SUPERVISOR. Introduced by: Ms. Hartley-Nagle**

-- °19-033 Remained tabled.

- **°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 tabled.

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

- **R19-077: HONORING THE LIFE AND SERVICE OF STEVEN A. RAIGN TO THE BRANDYWINE HUNDRED FIRE CO. NO. 1 AND TO THE VOLUNTEER FIREFIGHTING COMMUNITY OF NEW CASTLE COUNTY AND THE STATE OF DELAWARE.**  
Introduced by: Mr. Cartier
- **R19-078: RECOGNIZING DOTTY MARX FOR 35 YEARS OF DEDICATED ACTIVE SERVICE TO THE LADIES AUXILIARY OF THE BRANDYWINE HUNDRED VOLUNTEER FIRE COMPANY NO. 1. Introduced by: Mr. Cartier**
- **R19-079: RECOGNIZING WALTER R. HURST FOR 65 YEARS OF DEDICATION AND COMMITMENT TO THE FIRE SERVICE. Introduced by: Mr. Cartier**
- **R19-080: RECOGNIZING RONALD SCHMIDT FOR 50 YEARS OF DEDICATION AND COMMITMENT TO THE FIRE SERVICE. Introduced by: Mr. Cartier**  
--It was moved and seconded that R19-077, 19-078, 19-079, and 19-080 be read by title only and placed before Council for its consideration.

**Resolution 19-077, 19-078, 19-079, 19-080—Adopted**

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

- **R19-081: CELEBRATING THE 40TH ANNIVERSARY OF THE MID-COUNTY SENIOR CENTER. Introduced by: Mr. Sheldon**  
--It was moved and seconded that R19-081 be read by title only and placed before Council for its consideration and adoption.

**Resolution 19-081—Adopted**

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

**K. Introduction/Consideration of Emergency Ordinances: None**

**L. Public Comment/Other: None**

**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 7:59 p.m.

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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*