

**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, July 23, 2019**

- A. The meeting was called to order by President Hartley-Nagle at 6:31 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  
Kenneth R. Woods

**B. Approval of Minutes:**

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

**C. Announcements:**

- Councilman Cartier announced that he will table R19-133.
- Councilman Bell announced that he will table Ordinance 19-074
- Councilman Bell announced that Ordinances 17-095 and 17-096 will remain tabled at the request of the applicant.

**D. Introduction of Ordinances:**

- **19-075: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES, TO REVISE THE POSITION TITLE OF ENGINEERING AND ENVIRONMENTAL SERVICES MANAGER TO ENGINEERING SERVICES MANAGER AND TO APPROVE THE REVISED CLASS SPECIFICATION. Introduced by: Ms. Hartley-Nagle**
- **19-076: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 2 (“COUNTY COUNCIL”) REGARDING PUBLIC ACCESS AND MEETINGS OF COUNTY COUNCIL. Introduced by: Mr. Carter**

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

- Councilwoman Diller reported that the Boards and Commissions Sub-committee met on 7/16/19 and interviewed candidates for various boards.
- Councilman Tackett reported that the Land Use Committee met on 7/16/19 and discussed items on tonight’s agenda.
- Councilman Cartier reported that the Finance Committee met on 7/23/19 and discussed items on tonight’s agenda, board appointments, streaming of Council meetings, maintenance corporation fees,

fiscal update on 2019, property tax assessment regarding agricultural structures, task force appointments, and considered grant requests.

**F. Consent Calendar:**

- **R19-128: CONSENTING TO THE APPOINTMENT OF KENNETH LESTER TO THE NEW CASTLE COUNTY DESIGN REVIEW ADVISORY COMMITTEE (DRAC) OF NORTH ST. GEORGE'S BRIDGE. Introduced by: Mr. Bell**
- **R19-129: CONSENTING TO THE APPOINTMENT OF LARRY W. LESTER TO THE NEW CASTLE COUNTY DESIGN REVIEW ADVISORY COMMITTEE (DRAC) OF NORTH ST. GEORGE'S BRIDGE. Introduced by: Mr. Bell**
- **R19-130: CONSENTING TO THE APPOINTMENT OF ANN PALMER TO THE NEW CASTLE COUNTY DESIGN REVIEW ADVISORY COMMITTEE (DRAC) OF NORTH ST. GEORGE'S BRIDGE. Introduced by: Mr. Bell**
- **R19-131: CONSENTING TO THE APPOINTMENT OF BENJAMIN F. RIZZO TO THE NEW CASTLE COUNTY DESIGN REVIEW ADVISORY COMMITTEE (DRAC) OF NORTH ST. GEORGE'S BRIDGE. Introduced by: Mr. Bell**
- **R19-132: CONSENTING TO THE APPOINTMENT OF RAYMOND M. KRETT TO THE FIRE AND AMBULANCE ADVISORY BOARD. Introduced by: Mr. Smiley**

**Consent Calendar—Adopted**

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:**

- **R19-133: AUTHORIZING THE EXECUTION OF ONE PURCHASE ORDER CONTRACT FOR THE STATE OF DELAWARE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR ANIMAL CONTROL SERVICES AS MANDATED BY THE STATE OF DELAWARE FOR THE DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$1,575,666.00. Introduced by: Mr. Smiley, Mr. Cartier**  
--It was moved and seconded that R19-133 be read by title only and placed before Council for its consideration and adoption.  
--It was moved and seconded that R19-133 be tabled.
- **R19-134: PLAN OF BAYMONT FARMS; ST. GEORGES HUNDRED; NORTH AND SOUTH SIDES OF VANCE NECK ROAD; 1100 FEET EAST OF ASHLEIGH DRIVE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO EXTINGUISH THE PREVIOUSLY RECORDED SUBDIVISION AND EASEMENTS AND DEVELOP 289 SINGLE FAMILY LOTS; AND TO AMEND THE MAINTENANCE DECLARATION FOR BAYMONT FARMS; S ZONING; COUNCIL DISTRICT 12. Introduced by: Mr. Bell**  
--It was moved and seconded that R19-134 be read by title only and placed before Council for its consideration.

**Resolution 19-134—Adopted**

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

- **R19-135: PLAN OF THE PRESERVE AT ROBINSON FARMS; APPOQUINIMINK HUNDRED; NORTH AND SOUTH SIDES OF FIELDSBORO ROAD; MAJOR RECORD PLAN THAT PROPOSES TO REVISE THE PREVIOUSLY RECORDED SUBDIVISION PLAN TO REVISE/REALIGN PREVIOUSLY RECORDED SUBDIVISION STREETS, TO ELIMINATE/REVISE PREVIOUSLY RECORDED SUBDIVISION LINES AND EASEMENTS, AND TO ELIMINATE 168 APARTMENT UNITS AND AN APARTMENT LOT**

**AND REPLACE THE SAME WITH 168 SINGLE FAMILY LOTS; AND TO AMEND THE MAINTENANCE DECLARATION FOR THE PRESERVE AT ROBINSON FARMS; S ZONING; COUNCIL DISTRICT 12. Introduced by: Mr. Bell**

--It was moved and seconded that R19-135 be read by title only and placed before Council for its consideration.

**Resolution 19-135—Adopted**

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

- **R19-136: PLAN OF MEADOWCREST AT MIDDLETOWN; ST. GEORGES HUNDRED; SOUTH SIDE OF MIDDLETOWN-ODESSA ROAD, EAST OF ROUTE 1; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO ELIMINATE SEVERAL LOT LINES, AS TO CONSTRUCT A 164,487 SQUARE FOOT SENIOR LIVING FACILITY; NC40 ZONING; COUNCIL DISTRICT 12. Introduced by: Mr. Bell**

--It was moved and seconded that R19-136 be read by title only and placed before Council for its consideration.

**Resolution 19-136—Adopted**

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

- **R19-137 PLAN OF FORWOOD COMMONS; BRANDYWINE HUNDRED; SOUTH SIDE OF SILVERSIDE ROAD, 862 FEET WEST OF MARSH ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES CONSTRUCTION OF A MIXED-USE DEVELOPMENT (SHOPPING CENTER AND RESIDENTIAL) ON 11.46 ACRES, CONSISTING OF 32,240 SQUARE FEET OF NON-RESIDENTIAL USE AND 38 TOWNHOUSE UNITS; CN ZONING; COUNCIL DISTRICT 2. Introduced by: Ms. Hartley-Nagle**

--It was moved and seconded that R19-137 be read by title only and placed before Council for its consideration.

**Resolution 19-137—Adopted**

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

**I. Consideration of Ordinances:**

- **°19-073: AMEND THE FY2019 APPROVED OPERATING BUDGET: APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE NEW CASTLE COUNTY POLICE EMPLOYEE'S RETIREMENT SYSTEM TO THE DEPARTMENT OF PUBLIC SAFETY EMPLOYEE BENEFITS BUDGETARY LINE ITEM. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °19-073 be read by title only and placed before Council for its consideration and adoption.

**Ordinance 19-073—Adopted**

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

- **°19-074: AMEND THE FY2020 APPROVED OPERATING BUDGET: APPROPRIATE \$31,513 OF TAX STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE GRANTS AND FIXED CHARGES BUDGET LINE ITEM. Introduced by: Mr. Bell, Mr. Street**

--It was moved and seconded that °19-074 be read by title only and placed before Council for its consideration and adoption.

--It was moved and seconded that °19-074 be tabled.

- **°19-008: REVISE PREVIOUSLY APPROVED EXPLORATORY MINOR LAND DEVELOPMENT PLAN WITH REZONING FOR STANLAN 7 LLC; MILL CREEK HUNDRED; EAST SIDE OF STANTON CHRISTIANA ROAD (SR 4/7), SOUTH OF HONEYSUCKLE LANE AND OPPOSITE TELEGRAPH ROAD; TAX PARCEL NO. 08-050.00-013 (602 MAIN STREET)** (The revised plan for **Distinctive Auto Care** proposes to revise the previously approved design of the exploratory minor land development plan by developing a 6,178 square foot car wash, a 3,099 square foot detail shop, a 2,360 square foot quick lube and a 238 square foot office instead of the 17,7833 square foot shopping center. 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 14-072 in March 2015. CN (Commercial Neighborhood) zoning district. App. 2018-0420-S/Z.) **Introduced by: Mr. Woods**

--It was moved and seconded that °19-008 be read by title only and placed before Council for its consideration and adoption.

### **Ordinance 19-008—Adopted**

#### Poll vote

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

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

Cartier: Yes, based on the positive recommendation of the Department of Land Use and the consistency with the surrounding community

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

Durham: Yes, based on the positive recommendation of the Department of Land Use and on receiving no negative comments

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

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

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

- **°18-132: REVISE PREVIOUSLY APPROVED PRELIMINARY MAJOR LAND DEVELOPMENT PLAN WITH REZONING FOR MERIDIAN CROSSING; NEW CASTLE HUNDRED, SOUTHWEST SIDE OF CHURCH ROAD, SOUTH OF THE CSX RAILROAD; TAX PARCEL NUMBERS 10-048.30-257 THROUGH 297 & 10-048.30-228 THROUGH 256; ADDRESSES 11 THROUGH 41 GRISSOM DRIVE, 1001 THROUGH 1033 EDWARD WHITE AVENUE, 1024 THROUGH 1042 EDWARD WHITE AVENUE, 761 THROUGH 775 OBSERVATORY DRIVE, 931 THROUGH 949 SHEPARD AVENUE, AND 1102 THROUGH 1116 GODDARD WAY** (The Exploratory Plan for **Meridian Crossing** proposes to develop a plan that will revise the previously approved and recorded lot widths, provide changes to open space, change rear loaded units to front load units, and eliminate lots. Section 40.31.113 of the *New Castle County Code* requires that all subsequent land development plans to a previously approved preliminary and rezoning plan be in general conformity with the development on the approved preliminary plan that was relied upon by County Council when it granted the rezoning. County Council adopted Ordinance 02-021 in June 2002. ST (Suburban Transition) zoning district. App. 2018-0540-S/Z). **Introduced by: Mr. Bell**

--It was moved and seconded that °18-132 be read by title only and placed before Council for its consideration and adoption.

## **Ordinance 18-132—Adopted**

### Poll vote

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

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

Cartier: Yes, based on the positive recommendation of the Department of Land Use and that it will improve the community

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

Durham: Yes, based on the positive recommendation of the Department of Land Use and on receiving no negative comments

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 and that it is a better plan

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

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

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

- **°19-033: TO AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (“AFSCME”), AFL-CIO, AFFILIATE LOCAL 1607, TO ADOPT THE CLASS SPECIFICATION FOR THE POSITION TITLE OF EQUESTRIAN PROGRAM 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:**

- **R19-138 REMEMBERING THE LIFE OF THOMAS L. HAILE. Introduced by: Hartley-Nagle**  
--It was moved and seconded that R19-138 be read by title only and placed before Council for its consideration.

### **Resolution 19-138—Adopted**

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

- **R19-139 HONORING THE LIFE OF CHIEF WILLIAM “BILL” E. SHETZLER, SR., AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS. Introduced by: Mr. Bell**  
--It was moved and seconded that R19-139 be read by title only and placed before Council for its consideration.

### **Resolution 19-139—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:**

- Henry Miller spoke and thanked the County for its help with a nearby issue
- Sakeenah Salaan spoke regarding issues at Le Parc Condos
- Deborah Clough spoke regarding issues at Le Parc Condos
- Sylvia Lewis spoke regarding issues at Le Parc Condos
- Bernie Lovemirth spoke regarding issues at Le Parc Condos

**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 7:13 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 Anthony deFiore, Legislative Aide*