

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 14, 2020

- 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 remained standing for the Pledge of Allegiance.

Roll Call

Present

William J. Bell
David Carter
John J. Cartier
Elisa Diller
Dee Durham
Karen Hartley-Nagle
Penrose Hollins
Janet T. Kilpatrick
Timothy P. Sheldon
George Smiley
David L. Tackett
Kenneth R. Woods

B. Approval of Minutes:

- Councilman Smiley moved to approve the December 10, 2019 council meeting minutes, it was seconded, and all were in favor.

C. Announcements:

- Councilman Street commented on the lobby renovations.
- President Hartley-Nagle provided information on the garage elevators.

D. Introduction of Ordinances:

- **20-001: AMEND THE FY2020 APPROVED OPERATING BUDGET: REALIGN BUDGETARY FUNDING OF \$182,181 WITHIN THE DEPARTMENT OF ADMINISTRATION TO FUND SOFTWARE LICENSING. Introduced by: Mr. Smiley, Mr. Cartier**
- **20-002: AMEND THE GRANTS BUDGET: APPROPRIATE \$39,069.48 IN EMERGENCY ILLEGAL DRUG ENFORCEMENT (EIDE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE EIDE-FY2020 DRUG CONTROL OVERTIME GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **20-003: AMEND THE GRANTS BUDGET: APPROPRIATE \$98,390 OF FEDERAL FUNDS THROUGH THE DELAWARE CRIMINAL JUSTICE COUNCIL (CJC) TO THE ABH –CJC CASE MANAGER GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**
- **20-004: AMEND THE GRANTS BUDGET: APPROPRIATE \$72,839.67 IN STATE AID TO LOCAL LAW ENFORCEMENT (SALLE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE STATE AID TO LOCAL LAW ENFORCEMENT (SALLE) – FY2020 OVERTIME AND TRAINING GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY. Introduced by: Mr. Bell, Mr. Street**

- **20-005: AMEND THE GRANTS BUDGET: FOR FY2020, APPROPRIATE STATE FUNDS OF \$121,350 FROM THE STATE OF DELAWARE, OFFICE OF MANAGEMENT AND BUDGET TO THE CENSUS 2020 OUTREACH GRANT, WHICH IS ADMINISTERED BY THE OFFICE OF THE COUNTY EXECUTIVE. Introduced by: Mr. Hollins, Mr. Smiley**
- **20-006: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE STREET LIGHTS IN THE FRENCH PARK SUBDIVISION LOCATED IN PENCADER HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Tackett**
- **20-007: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS STREET LIGHTS IN THE SILVER WIND ESTATES SUBDIVISION LOCATED IN PENCADER HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS. Introduced by: Mr. Bell**
- **20-008: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 3 (“USE REGULATIONS”) AND ARTICLE 33 (“DEFINITIONS”) REGARDING INDUSTRIAL USES. Introduced by: Ms. Kilpatrick**

E. Reports from Select and Special Committees:

- Councilman Sheldon reported that the Personnel Subcommittee met on 1/7/20 and discussed council’s vacant positions and preparing an ordinance for consideration at an upcoming meeting.
- Councilman Tackett reported that the Land Use Committee met on 1/7/20 and discussed legislation on this evening’s agenda.
- Councilman Bell reported that the Public Safety Committee met on 1/14/20 and discussed legislation and grants, received an update on the Verlanda Cameras, an update from Emergency Medical Services, and the Communications Division.
- Councilman Cartier reported that the Finance Committee met on 1/14/20 and discussed items on tonight’s agenda, reviewed a board and commissions reappointment, approved grants and received an update from Mr. Brian Boyle on the County’s 2020 Legislative Agenda.

F. Consent Calendar:

- **R20-001: HONORING THE LIFE AND LEGACY OF MR. ROBERT L. WATSON, SR. Introduced by: Mr. Street, Mr. Smiley**
- **R20-002: HONORING THE LIFE AND LEGACY OF MRS. MARTHA T. SMITH. Introduced by: Mr. Street**
- **R20-003: CONGRATULATING AND COMMENDING LIEUTENANT JACOB ANDREWS ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-004: CONGRATULATING AND COMMENDING SENIOR LIEUTENANT JASON ATALLIAN ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-005: CONGRATULATING AND COMMENDING SENIOR LIEUTENANT PATRICK MALONE ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-006: CONGRATULATING AND COMMENDING SENIOR SERGEANT WILLIAM BOILEAU ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-007: CONGRATULATING AND COMMENDING SENIOR SERGEANT WESLEY REYNOLDS ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-008: CONGRATULATING AND COMMENDING MASTER CORPORAL CHARLES “CHIP” SHEPHERD ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-009: CONGRATULATING AND COMMENDING MASTER CORPORAL DAVID COLE ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**

- **R20-010: CONGRATULATING AND COMMENDING MASTER CORPORAL DEBORAH PROVENZA ON HER RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-011: CONGRATULATING AND COMMENDING MASTER CORPORAL DESHAWN PRICE ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-012: CONGRATULATING AND COMMENDING MASTER CORPORAL EDWIN MAXWELL ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-013: CONGRATULATING AND COMMENDING MASTER CORPORAL JEFFREY GAUTIER ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-014: CONGRATULATING AND COMMENDING MASTER CORPORAL JOSE BAERGA ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-015: CONGRATULATING AND COMMENDING MASTER CORPORAL JOSEPH ARCHANGELO ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-016: CONGRATULATING AND COMMENDING MASTER CORPORAL LYNDA SCELSI ON HER RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-017: CONGRATULATING AND COMMENDING MASTER CORPORAL MARC ALFREE ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-018: CONGRATULATING AND COMMENDING MASTER CORPORAL MICHAEL JUSTISON ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**
- **R20-019: CONGRATULATING AND COMMENDING MASTER CORPORAL SEAN RANKIN ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY POLICE DEPARTMENT. Introduced by: Mr. Bell, Mr. Street**

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:

- **R20-020: CONSENTING TO THE APPOINTMENT OF MICHAEL R. SMITH TO THE POSITION OF CHIEF FINANCIAL OFFICER. Introduced by: Ms. Hartley-Nagle**
--It was moved and seconded that R20-020 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-020—Adopted

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

- **R20-021: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT AND OTHER DOCUMENTS NECESSARY TO ACCEPT A DONATION OF LAND AT 0 UPPER PIKE CREEK ROAD FROM DAVID R. HAMRICK FOR COUNTY PARKLAND AND RECREATIONAL PURPOSES. Introduced by: Mr. Sheldon**
--It was moved and seconded that R20-021 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-021—Adopted

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

- **R20-022: TO RENAME THE APARTMENT COMPLEX KNOWN AS “FARRAND VILLAGE APARTMENTS,” TAX PARCEL NO. 08-038.40-164, LOCATED ON THE EAST SIDE OF FARRAND DRIVE APPROXIMATELY 300 FEET NORTH OF KIRKWOOD HIGHWAY TO “KIRKWOOD CROSSING APARTMENTS;” APPLICATION NO. 2019-0796; COUNCIL DISTRICT 9. Introduced by: Mr. Sheldon**

--It was moved and seconded that R20-022 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-022—Adopted

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

- **R20-023: TO RENAME THE APARTMENT COMPLEX KNOWN AS “LIMESTONE TERRACE APARTMENTS,” TAX PARCEL NO. 08-044.40-133, LOCATED ON THE WEST SIDE OF LIMESTONE ROAD, APPROXIMATELY 1,190 FEET SOUTH OF KIRKWOOD HIGHWAY TO “THE CROSSINGS AT LIMESTONE;” APPLICATION NO. 2019-0744; COUNCIL DISTRICT 1. Introduced by: Mr. Woods**

--It was moved and seconded that R20-023 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-023—Adopted

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

- **R20-024: NEW CASTLE COUNTY SUPPORTS CERTAIN AMENDMENTS TO TITLE 9, CH. 11 OF THE DELAWARE CODE, AS RECOMMENDED BY THE TASK FORCE CREATED PURSUANT TO HOUSE CONCURRENT RESOLUTION NO. 54, RELATING TO THE LOCAL SERVICE FUNCTION AND URGES THE DELAWARE GENERAL ASSEMBLY TO ENACT LEGISLATION THAT APPROVES CERTAIN RECOMMENDATIONS OF THE TASK FORCE. Introduced by: Ms. Diller, Mr. Cartier**

--It was moved and seconded that R20-024 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-024—Adopted

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

- **R19-221: (STATUS: TABLED) APPROVING REVISED POSITION DESCRIPTION FOR CHIEF OF EMERGENCY MEDICAL SERVICES PURSUANT TO *NEW CASTLE COUNTY CODE SECTION 26.03.105(F)*. Introduced by: Mr. Bell, Mr. Street**

--R19-221 remained tabled

I. Consideration of Ordinances:

- **°19-118: AMEND THE GRANTS BUDGET: FOR FY2020, APPROPRIATE STATE OF DELAWARE FUNDS OF \$30,000 FROM THE HOME4GOOD PARTNERSHIP BETWEEN THE DELAWARE STATE HOUSING AUTHORITY AND THE FEDERAL HOME LOAN BANK OF PITTSBURGH TO THE NEW CASTLE COUNTY (NCC) HOUSING EVERYONE LOCATOR PROGRAM (HELP) GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES. Introduced by: Mr. Hollins, Ms. Diller**

--It was moved and seconded that °19-118 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-118—Adopted

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

- **°19-119: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), SECTION 2.03.004 (“FEES FOR RECORDER OF DEEDS”) RELATING TO CERTAIN CHANGES TO FEES OF THE OFFICE OF THE RECORDER OF DEEDS. Introduced by: Mr. Smiley, Mr. Cartier**

--It was moved and seconded that °19-119 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-119—Adopted

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

- **°19-088: REVISE ZONING MAP: BRANDYWINE HUNDRED, NORTH SIDE OF SILVERSIDE ROAD, SOUTH SIDE OF WILMONT DRIVE; 3203 SILVERSIDE ROAD, TAX PARCEL NO. 06-052.00-232, 0.35 ACRES FROM NC15 (NEIGHBORHOOD CONSERVATION) TO NC15 AND H (HISTORIC OVERLAY ZONE) (The property owner is requesting the H (Historic) Overlay Zone for the subject parcel. 2019-0541 R/Z.) Introduced by: Ms. Durham**

--It was moved and seconded that °19-088 be read by title only and placed before Council for its consideration and adoption.

Ordinance 19-088—Adopted

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

- **SUBSTITUTE NO. 4 TO °19-078: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), ARTICLE 22 (“DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING”), REGARDING ON-SITE WASTEWATER TREATMENT (SEPTIC) SYSTEMS. Introduced by: Mr. Tackett, Ms. Kilpatrick**

--It was moved and seconded to lift Substitute No. 4 to °19-078 from the table and place it before Council for its consideration and adoption.

--Public comment: Stewart Ramsey (President of NCC Farm Bureau), Lois Cahall, Jennifer Kmiec (Executive Director, Committee of 100).

Substitute No. 4 to Ordinance 19-078—Adopted

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

J. Time Sensitive Congratulatory/Honorary Resolutions:

- **R20-025: CONGRATULATING BOY SCOUT TROOP 22 OF THE DELMARVA COUNCIL POWDER MILL DISTRICT ON THEIR 25th ANNIVERSARY. Introduced by: Mr. Cartier**

--It was moved and seconded that R20-025 be read by title only and placed before Council for its consideration and adoption.

Resolution 20-025—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:

- Peggy Schultz asked Council to speak into the microphones so the public can hear.
- Henry Miller spoke about 4185 Kirkwood St. Georges Road.

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.

Karen Hartley-Nagle
Council President
New Castle County

A recording of the meeting is available upon request.

Respectfully submitted by Tara Finnigan, Deputy Clerk of Council