

**REGULAR MEETING OF THE NEW CASTLE COUNTY COUNCIL**  
**Louis L. Redding City/County Building**  
**City/County Chambers**  
**800 French Street; Wilmington, DE 19801**

**REVISED MINUTES**  
**Tuesday, February 16, 2010**

- A. The meeting was called to order by President Clark at 7:04 p.m.  
The Prayer was silent; members of Council remained standing for the Pledge of Allegiance.

**Roll Call**

Present

J. William Bell  
John J. Cartier  
Paul G. Clark  
Elisa Diller  
Penrose Hollins  
William Powers, Jr.  
Joseph M. Reda  
Timothy P. Sheldon  
George Smiley  
Jea P. Street  
David L. Tackett  
William J. Tansey  
Robert S. Weiner

- B. **Approval of Minutes:**  
It was moved for the approval of the minutes from January 26, 2010. The motion was seconded.  
All were in favor and the minutes were adopted.

- C. **Announcements:**  
Councilman Weiner announced he would like to table °09-090.  
Councilman Powers announced he would like to table °09-091, °09-092, °09-093, and °09-106.  
Councilman Smiley announced that he will table °10-005.  
Councilman Reda announced he will table °09-107 and °09-114.  
Councilman Sheldon announced that he will table °09-105.  
Councilwoman Diller announced that she will table °08-088.  
Councilman Hollins announced that he would like to add Councilman Bell and Councilman Powers as co-sponsors to R10-024.  
President Clark announced that all of council will be added to R10-022.

- D. **Introduction of Ordinances:**  
**°10-017: AMEND THE FY2010 ANNUAL OPERATING BUDGET:  
REVISE ADMINISTRATION. Introduced by: Mr. Smiley, Mr. Tansey**

**°10-018: TO REVISE CHAPTER 40 OF THE NEW CASTLE COUNTY  
CODE (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”)  
REGARDING ARTICLE 3 (“USE REGULATIONS”). Introduced by: Mr. Smiley**

**°10-019: TO PROVIDE FOR THE INSTALLATION OF  
TRADITIONAIRE AND STANDARD POLE STREET LIGHTS IN DARLEY  
GREEN BLOCK F SUBDIVISION LOCATED IN BRANDYWINE HUNDRED  
AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS.  
Introduced by: Mr. Cartier**

**SUBSTITUTE NO. 1 TO °10-020: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND TO ADOPT THE CLASS SPECIFICATION FOR ASSISTANT PURCHASING AGENT. Introduced by: Mr. Clark**

**°10-021: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND ADOPT THE CLASS SPECIFICATION FOR SENIOR NETWORK ENGINEER. Introduced by: Mr. Clark**

**°10-022: AMEND THE GRANTS BUDGET: APPROPRIATE \$250,000 TO STATE HOUSING REHAB FY10. Introduced by: Mr. Hollins, Mr. Cartier**

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

Councilman Sheldon reported that the Community Services Committee met on 1/26/10.

Councilman Reda reported that the Land Use Committee met on 2/2/10 and 2/16/10.

Councilman Bell reported that the Public Safety Committee met on 2/16/10

Councilman Tansey reported that the Finance Committee met on 2/16/10.

Councilman Powers reported that the Special Services Committee was canceled in order to accommodate other committee meetings.

President Clark reported that the Executive/Personnel Committee met on 2/16/10.

**F. Consent Calendar:**

**R10-018: HONORING MARY MALOY SCOTT AS A ROLE MODEL OF INTEGRITY. Introduced by: Mr. Powers**

**R10-019: AUTHORIZING THE EXECUTION OF CERTAIN CONTRACTS. Introduced by: Mr. Smiley, Mr. Tansey**

**R10-020: APPROVING REVISED POSITION DESCRIPTION FOR EMERGENCY MEDICAL SERVICES ASSISTANT CHIEF PURSUANT TO NEW CASTLE COUNTY CODE SECTION 26.03.105(F). Introduced by: Mr. Clark**

**R10-021: CONSENTING TO THE APPOINTMENT OF PATRICIA CREEDON FOR THE POSITION OF GENERAL MANAGER OF SPECIAL SERVICES. Introduced by: Mr. Sheldon**

**R10-022: A RESOLUTION TO DESIGNATE FEBRUARY 7, 2010 AS NATIONAL BLACK HIV AWARENESS DAY IN NEW CASTLE COUNTY. Introduced by: Mr. Clark, All of Council**

**R10-023: CONSENTING TO THE RE-APPOINTMENT OF GAIL GILL TO THE NEW CASTLE COUNTY LIBRARY ADVISORY SUBCOMMITTEE TO COMMUNITY SERVICES BOARD. Introduced by: Mr. Bell**

**R10-024: REALLOCATE HOME INVESTMENT PARTNERSHIP (HOME) FUNDS TO A NEW SUB-RECIPIENT. Introduced by: Mr. Hollins, Mr. Bell, Mr. Powers**

President Clark moved for the adoption of the Consent Calendar. The motion was seconded.

**Consent Calendar: ADOPTED**

Yes: Bell, Cartier, Clark, Diller, Hollins, Powers, Reda, Sheldon, Smiley, Street, Tackett, Tansey  
Weiner

G. Presentations: None

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

I. Consideration of Ordinances:

**SUBSTITUE NO 1 TO °10-015: TO REVISE CHAPTER 19 OF THE NEW CASTLE COUNTY CODE (ALSO KNOWN AS THE “RESIDENTIAL RENTAL PROPERTY CODE”). Introduced by: Mr. Cartier**

**°10-015: ADOPTED**

Yes: Bell, Cartier, Clark, Diller, Hollins, Powers, Reda, Sheldon, Smiley, Street, Tackett, Tansey,  
Weiner

**°10-016: AMEND THE ANNUAL OPERATING BUDGET: REVISE PUBLIC SAFETY. Introduced by: Mr. Smiley, Mr. Tansey**

**°10-016: ADOPTED**

Yes: Bell, Cartier, Clark, Diller, Hollins, Powers, Reda, Sheldon, Smiley, Street, Tackett, Tansey,  
Weiner

**°08-088: REVISE ZONING MAP: WHITE CLAY CREEK HUNDRED; SOUTH SIDE SR 273, WEST OF OLD OGLETOWN ROAD, AND OPPOSITE AVON AND LOWES; 13.38 ACRES FROM I (INDUSTRIAL) TO CR (COMMERCIAL REGIONAL).** (Preliminary redevelopment plan for Potts Shopping Center proposes to construct a 129,000 square foot shopping center; 2008-0005-S/Z).

**Introduced by: Ms. Diller**

Councilwoman Diller made a motion that °08-088 be read by title only and placed before Council for its consideration and adoption. Councilwoman Diller moved that °08-088 be tabled. All were in favor. Councilwoman Diller asked to suspend the rules for advertising. The rules were suspended with one voted opposed (Councilman Smiley).

**°08-088: TABLED**

**COUNCILMAN TACKETT MADE A MOTION TO GO OUT OF ORDER. THE MOTION WAS SECONDED. ALL WERE IN FAVOR.**

**°09-091: (TO BE TABLED) REVISE ZONING MAP: NEW CASTLE HUNDRED; NORTH SIDE OLD PORTER ROAD, WEST OF RED LION ROAD AND EAST OF LAUREN DRIVE; 56.709 ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION) AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH.** Preliminary plan for Vista at Red Lion Section One proposes to construct 286 age-restricted single-family townhouse dwelling units on 56.709 acres with 26.499 acres of private open space. 2008-0002-S/Z.) **Introduced by: Mr. Powers**

Councilman Powers made a motion that °09-091 be read by title only and placed before Council for its consideration and adoption. Councilman Powers moved that °09-091 be tabled. All were in favor.

**°09-091: TABLED**

**°09-092: (TO BE TABLED) REVISE ZONING MAP: NEW CASTLE HUNDRED; SOUTH SIDE OLD PORTER ROAD, WEST OF RED LION ROAD AND EAST OF LAUREN DRIVE; 144.81 ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION).** Preliminary plan for Vista at Red Lion Section Two proposes to construct 289 single-family detached dwelling units on 144.81 acres with 70.009 acres of private open space. 2008-0003-S/Z.) **Introduced by: Mr. Powers** Councilman Powers made a motion that °09-092 be read by title only and placed before Council for its consideration and adoption. Councilman Powers moved that °09-092 be tabled. All were in favor.

**°09-092: TABLED**

**°09-093: (TO BE TABLED) REVISE ZONING MAP: NEW CASTLE HUNDRED; NORTHWEST SIDE OLD STATE ROAD, NORTHWEST OF US 13 ACROSS FROM LLANGOLLEN ESTATES; 13.51 ACRES FROM S (SUBURBAN) TO CR (COMMERCIAL REGIONAL); AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH.** Preliminary plan for Old State Road Self Storage proposes to construct 47,750 square feet of self storage buildings and 600 square feet of office on 13.51 acres. 2007-1227-S/Z.) **Introduced by: Mr. Powers**

Councilman Powers made a motion that °09-093 be read by title only and placed before Council for its consideration and adoption. Councilman Powers moved that °09-093 be tabled. All were in favor.

**°09-093: TABLED**

**°09-094: REVISE ZONING MAP: PENCADER HUNDRED, EAST SIDE SR 72 (SUNSET LAKE ROAD), SOUTH OF OLD BALTIMORE PIKE; 0.62 ACRE FROM ST (SUBURBAN TRANSITION) TO I (INDUSTRIAL); AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH.**

(Preliminary plan for Pike Excavating, Inc. proposes to combine two parcels and to construct two warehouse buildings with 18,700 square feet of gross floor area. 2008-0755-S/Z) **Introduced by: Mr. Tackett**

Councilman Tackett made a motion that °09-094 be read by title only and placed before Council for its consideration and adoption.

**°09-094: ADOPTED**

Yes:

Councilman Bell voted yes based on the positive recommendation of the Land Use Department and consistency with the comprehensive plan.

Councilman Cartier based on the positive recommendation of the Land Use Department and consistency with the comprehensive plan.

Council president Clark based on the positive recommendation of the Land Use Department and consistency with the comprehensive plan.

Councilwoman Diller based on the positive recommendation of the Land Use Department and consistency with the comprehensive plan.

Councilman Hollins based on the positive recommendation of the Land Use Department.

Councilman Powers based on the positive recommendation of the Land Use Department and consistency with the comprehensive plan.

Councilman Reda based on the positive recommendation of the Land Use Department and consistency with the comprehensive plan.

Councilman Sheldon based on the positive recommendation of the Land Use Department and consistency with the comprehensive plan.

Councilman Smiley based on consistency with the comprehensive plan.

Councilman Street based on the positive recommendation of the Land Use Department and consistency with the comprehensive plan.

Councilman Tackett based on the positive recommendation of the Land Use Department and the Planning Board.

Councilman Tansey based on the positive recommendation of the Land Use Department and consistency with the comprehensive plan.

Councilman Weiner based on the positive recommendation of the Land Use Department and consistency with the comprehensive plan.

**°09-105: (TO BE TABLED) REVISE ZONING MAP: MILL CREEK HUNDRED, SOUTH SIDE LIMESTONE ROAD (SR7), WEST SIDE MILLTOWN ROAD, AND NORTH SIDE OLD LIMESTONE ROAD; 8.557 ACRES FROM S (SUBURBAN) TO CN (COMMERCIAL NEIGHBORHOOD); AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH.** (Preliminary plan for Milltown Square proposes to construct a mixed use development with 100,418 square feet of office, retail, restaurant, and residential uses on 8.557 acres; 2009-0122-S/Z.)

**Introduced by: Mr. Sheldon**

Councilman Sheldon made a motion that °09-105 be read by title only and placed before Council for its consideration and adoption. Councilman Sheldon moved that °09-105 be tabled. All were in favor.

**°09-105: TABLED**

**°09-106: (TO BE TABLED) REVISE ZONING MAP: NEW CASTLE HUNDRED, SOUTHWEST SIDE CHURCH ROAD, NORTHWEST OF RED LION, AND SOUTHEAST OF MERIDIAN BOULEVARD; 135 ACRES FROM NCMM (NEIGHBORHOOD CONSERVATION – MOBILE-MANUFACTURED) TO ST (SUBURBAN TRANSITION).** (This is a proactive rezoning filed pursuant to a Settlement Agreement between New Castle County and Sterling Property Holdings, Inc. to rezone 135 acres from NCMM to ST and to void the Record Major Land Development Plan of Red Lion Village, a Mobile Home Community (microfilm 3087). No associated land development plan is filed with this rezoning. 2009-0577-Z) **Introduced by: Mr.**

**Powers**

Councilman Powers made a motion that °09-106 be read by title only and placed before Council for its consideration and adoption. Councilman Powers moved that °09-106 be tabled. All were in favor.

**°09-106: TABLED**

**°09-107: (TO BE TABLED) REVISE ZONING MAP: WHITE CLAY HUNDRED, NORTH SIDE PATTERSON LANE, EAST SIDE OLD SR 7 (NORTH OLD BALTIMORE PIKE) IN NORTH CHRISTIANA; 13.654 ACRES FROM NC21 (NEIGHBORHOOD CONSERVATION) TO ST (SUBURBAN TRANSITION); AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH.** (Preliminary plan for Patterson Lane proposes a residential development of 28 townhomes on 13.65 acres with 9.94 acres of open space, 2008-0902-S/Z.) **Introduced by: Mr. Reda**

Councilman Reda made a motion that °09-107 be read by title only and placed before Council for its consideration and adoption. Councilman Reda moved that °09-107 be tabled. All were in favor.

**°09-107: TABLED**

**SUBSTITUTE NO. 2 TO °09-071: (STATUS: TABLED) TO REVISE CHAPTER 40 OF THE NEW CASTLE COUNTY CODE ( ALSO KNOW AS THE UNIFIED DEVELOPMENT CODE – UDC) REGARDING ARTICLE 12 (SEWER AND WATER IMPACT) TO PERMIT PROPERTY ADJACENT TO THE PUBLIC SEWER SERVICE AREA TO CONNECT TO THE PUBLIC SANITARY SEWER UNDER CERTAIN CONDITIONS. Introduced by: Mr. Cartier**

Councilman Cartier made a motion that Substitute 2 to °09-071 be read by title only and placed before Council for its consideration and adoption.

**SUBSTITUTE NO. 2 TO °09-071: ADOPTED**

Yes: Bell, Cartier, Clark, Diller, Hollins, Powers, Reda, Sheldon, Smiley, Street, Tackett, Tansey  
Weiner

**°09-114: (STATUS: TABLED) TO REVISE CHAPTER 14 OF THE NEW CASTLE COUNTY CODE TO EXEMPT CERTAIN PROPERTY FROM TAXATION. Introduced by: Mr. Reda**

Councilman Reda made a motion that °09-114 be read by title only and placed before Council for its consideration and adoption. Councilman Reda moved that °09-114 be tabled. All were in favor.

**°09-114: TABLED**

**°10-005: (STATUS: TABLED) AN ORDINANCE AUTHORIZING UP TO \$8,291,000 RECOVERY ZONE FACILITY BONDS (RAMA CORPORATION PROJECT). Introduced by: Mr. Smiley**

Councilman Smiley requested that °10-005 remain on the table. All were in favor.

**°10-005: TABLED**

**COUNCILMAN TACKETT MADE A MOTION TO RESUME THE REGULAR ORDER. THE MOTION WAS SECONDED. ALL WERE IN FAVOR.**

**°09-090: REVISE ZONING MAP: BRANDYWINE HUNDRED; SOUTH SIDE OF GARDEN OF EDEN ROAD, WEST OF CONCORD PIKE AND EAST OF TAUNTON DRIVE; 15.39 ACRES FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION); AND TO AMEND THE COMPREHENSIVE PLAN CONSISTENT THEREWITH.**

(Preliminary plan for Columbia Place at Garden of Eden Road proposes to redevelop the property with 150 age restricted dwelling units on 15.39 acres with 6.43 acres of open space; 2009-0201-S/Z). **Introduced by: Mr. Weiner**

**Weiner**

Councilman Weiner made a motion that °09-090 be read by title only and placed before Council for its consideration and adoption. Councilman Weiner moved that °09-090 be tabled. The motion was denied 6 Yes, 7 No:

Yes: Cartier, Diller, Hollins, Sheldon, Tansey Weiner

No: Bell, Clark, Powers, Reda, Smiley, Street, Tackett

A presentation from the applicant and attorney was presented.

Public Comment:

Peggy Schultz spoke in favor of °09-090.

Tracey Mulveny, Karen Bifferato, Frank Maderich, Judy Magee, Dan Mulveny, Anthony Paladinetti, Nicholas Gagliano, Meg Campbell, Kim Ulrigh, Charles Landry, Dennis Williams, Nancy Hannigan, Natalie Fountain, Stephen Furman, Shawn Scarper, Matt Starness, John Taylor, Karl Agne, Robert Rosenbum, and Tom Martin all spoke against °09-090.

**°09-090: ADOPTED**

Yes:

Councilman Cartier voted yes based on the recommendation of the Department of Land Use and 2007 Comprehensive Plan.

President Clark voted yes based on the recommendation of the Department of Land Use and 2007 Comprehensive Plan

Councilman Powers voted yes based on the recommendation of the Department of Land Use and 2007 Comprehensive Plan.

Councilman Reda voted yes based on the recommendation of the Department of Land Use and 2007 Comprehensive Plan.

Councilman Sheldon voted yes based on the recommendation of the Department of Land Use and 2007 Comprehensive Plan.

Councilman Smiley voted yes based on the recommendation of the Department of Land Use and 2007 Comprehensive Plan.

Councilman Street voted yes based on the recommendation of the Department of Land Use and 2007 Comprehensive Plan.

Councilman Tackett voted yes based on the recommendation of the Department of Land Use and 2007 Comprehensive Plan.

Councilman Tansey voted yes based on the recommendation of the Department of Land Use and 2007 Comprehensive Plan.

No:

Councilman Bell voted no based on the planning board recommendation and the fact that he does not believe that the plan is consistent with the character of the neighborhood.

Councilwoman Diller voted no based on the fact that she does not believe that the plan is consistent with the character of the neighborhood and the effect on nearby properties.

Councilman Hollins voted no based on scope of the project.

Councilman Weiner voted no based on the recommendation of the Land Use Department on the Milltown Square project and its comparison to the Columbia Place project.

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

- Councilman Smiley made a motion to vote the Item J resolutions together as a consent calendar, it was seconded, and passed.
- Councilman Diller moved that all Item J's be read by title only and placed before Council for their consideration and adoption.

**R10-025: EXPRESSING CONDOLENCES TO THE FAMILY AND FRIENDS OF MRS. MARLENE BRENDA FLOWERS. Introduced by: Mr. Street**

**R10-026: EXPRESSING CONDOLENCES TO THE FAMILY AND FRIENDS OF MRS. VIVIAN J. HARRISON HILL. Introduced by: Mr. Street**

**R10-027: EXPRESSING CONDOLENCES TO THE FAMILY AND FRIENDS OF MRS. NAOMI EMMA ROSS-SMITH. Introduced by: Mr. Street**

**R10-028: CONGRATULATING THE LEAGUE OF WOMEN VOTERS ON THEIR 90<sup>TH</sup> ANNIVERSARY. Introduced by: Ms. Diller**

#### **R10-025, R10-026, R10-027, R10-028: ADOPTED**

Yes: Bell, Cartier, Clark, Diller, Hollins, Powers, Reda, Sheldon, Smiley, Street, Tackett, Tansey, Weiner

#### **K. Introduction/Consideration of Emergency Ordinances**

#### **L. Public Comment/Other:**

#### **M. Motion to Adjourn:**

There being no further testimony, a motion to adjourn was made and it was seconded the meeting was adjourned at 10:33 p.m.

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Paul G. Clark  
Council President  
New Castle County

*\*The sign in sheet is included by reference.*