NEW CASTLE COUNTY COUNCIL
ADMINISTRATIVE-FINANCE COMMITTEE MEETING

Co-Chair George Smiley, Seventh District
Co-Chair John Cartier, Eighth District

July 25, 2023
4:00 PM

VIRTUAL ZOOM WEBINAR MEETING &**
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801

AGENDA

A. Call To Order/Roll Call

B. Approval of Minutes - July 11, 2023

C. Review/Discussion of Resolution(s)

R23-134: AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE DELAWARE CHILDREN'S MUSEUM, INC. IN THE AMOUNT OF $100,000.00 Introduced by: Mr. Smiley, Mr. Cartier

R23-135: AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH THE WEST END NEIGHBORHOOD HOUSE INCORPORATED IN THE AMOUNT OF $308,174.73 Introduced by: Mr. Smiley, Mr. Cartier

R23-136: APPROVING REVISED CLASS SPECIFICATION FOR INFORMATION SYSTEMS ASSISTANT MANAGER PURSUANT TO NEW CASTLE COUNTY CODE SECTION 26.03.105(F) Introduced by: Ms. Hartley-Nagle

D. Review/Discussion of Ordinance(s)

°23-089: TO REVISE CHAPTER 14 OF THE *NEW CASTLE COUNTY CODE* TO PROVIDE A FINITE TAX EXEMPTION FOR ROHM AND HAAS ELECTRONIC MATERIALS CMP, LLC, TAX PARCEL NO. 11-018.00-061, 2001 OLD COOCHS BRIDGE RD, NEWARK, DELAWARE, IN SUPPORT OF ECONOMIC DEVELOPMENT Introduced by: Mr. Tackett

°23-090: TO DECLARE SURPLUS CERTAIN LANDS OF NEW CASTLE COUNTY ASSOCIATED WITH THE NEW CASTLE COUNTY AIRPORT AND TO AUTHORIZE THE TRANSFER OF LANDS TO THE STATE OF DELAWARE FOR A PUBLIC PURPOSE Introduced by: Mr. Smiley, Mr. Cartier

°23-093: (STATUS: TO BE TABLED) AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $1,245,950 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, HUMAN RESOURCE MANAGEMENT FOR 25-YEAR RETIREMENT UNFUNDED LIABILITY Introduced by: Mr. Smiley, Mr. Cartier

°23-094: AMENDING NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE") AND CHAPTER 7 ("PROPERTY MAINTENANCE CODE") TO ESTABLISH ROUTINE INSPECTIONS FOR CERTAIN COMMON INTEREST COMMUNITY BUILDINGS, INCLUDING CONDOMINIUMS, IN NEW CASTLE COUNTY Introduced by: Mr. Cartier, Ms. Kilpatrick, Mr. Sheldon

E. New Castle County Grant Requests/Community Events

-7/25/23 Grant Matrix

F. Expense and Revenue Round Table

- Council Members ARPA Grants update - Aundrea Almond, Chief of Staff

G. Other

H. Public Comment

I. Adjournment

AGENDA POSTED: Tuesday, July 18, 2023

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing zoom Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : https://zoom.us/j/377322142 You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at https://www.nccde.org/2351/Agendas-and-Minutes Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: July 25, 2023

RESOLUTION NO. 23-134

AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE DELAWARE CHILDREN'S MUSEUM, INC. IN THE AMOUNT OF $100,000.00

WHEREAS, New Castle County, as an eligible recipient, received a total of $108,531,220.00 in Coronavirus State and Local Fiscal Recovery ("CSLFR") funds under the American Rescue Plan Act of 2021 ("ARPA"), Pub. Law. No. 117-2 from the United States Department of the Treasury ("Treasury"); and

WHEREAS, New Castle County Ordinance 21-129 and Ordinance 22-097 (the "Ordinances") appropriated the full amount of these CLSFR funds from the Department of the Treasury to the American Rescue Plan Act Grant for New Castle County to respond to the COVID-19 public health emergency and its negative economic impacts, including $9,550,000.00 for Non-Profit Grants; and

WHEREAS, The Delaware Children's Museum, Inc. ("DCM") has requested funds to mitigate financial hardship experienced by DCM during the COVID-19 pandemic; and

WHEREAS, New Castle County must enter into a grant agreement with DCM to comply with the Uniform Guidance, 2 CFR Part 200; and

WHEREAS, *New Castle County Code* § 2.02.004 requires that all contracts involving expenditures of funds in excess of $50,000.00 in aggregate to one vendor in a fiscal year, which are not competitively bid, be approved by Resolution of County Council; and

WHEREAS, the grant agreement with DCM contemplates transfers of up to $100,000.00 to DCM to assist in recovering from losses incurred due to closure of DCM during the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby approves the grant agreement listed on the attached Exhibit "A," entitled "New Castle County Purchase Requisition/Justification Form," as a valid contract in excess of $50,000.00 pursuant to *New Castle County Code* § 2.02.004.

Adopted by County Council of
New Castle County on:

____
President of County Council
of New Castle County

SYNOPSIS: This Resolution approves the execution of the listed grant agreement.

Department of Administration, Office of Finance

The Delaware Children's Museum, Inc.	$100,000.00

FISCAL IMPACT: This Resolution authorizes the execution of one grant agreement totaling $100,000.00. Funding is included in the FY2024 Approved Grant Budget in the American Rescue Plan Act Grant.

Michael Smith
Chief Financial Officer

NEW CASTLE COUNTY
PURCHASE REQUISITION / JUSTIFICATION FORM

EXHIBIT A

Please complete all the blue highlighted fields. If the total is greater than $50,000 (Non-Bid only); or if the purchase, for this vendor, in aggregate for the fiscal year exceeds $50,000 (Non-Bid only), you must also complete items I-VI in the lower half of the form.

REQUISITIONER INFORMATION						VENDOR INFORMATION			
NAME	Ben Morris-Levenson		FISCAL YR	2024		NAME	The Delaware Children's Museum, Inc.		
DEPARTMENT	ADMINISTRATION_12		FUND	110 GRANTS		ADDRESS	550 Justison Street		
ORGANIZATION	11122013 ADMIN - FIN - GRANTS						Wilmington, DE 19801		
PHONE	302-395-5126		REQ#	2401148					
DELIVERY LOCATION									
SEND VENDOR PO	☑ YES	☐ NO				CONTACT NAME	Jennifer Bush		
CURRENT VENDOR	☑ YES	☐ NO				PHONE	302-654-2340	EXT	
VENDOR #	101540					EMAIL	jbush@delawarechildrensmuse	FAX #	

ITEM#	QTY	DESCRIPTION	UNIT PRICE	TOTAL	OBJ LEVEL	GRANT or PROJECT #/ DETAIL / LOCATION
1	1	Delaware Community Foundation	100,000.00	$100,000.00	57210	G12830001
				$0.00		1000000337
				$0.00		ARPA00049
				$0.00		57210
				$0.00		
				$0.00		
				$0.00		
				$0.00		
			TOTAL	$100,000.00		

ADDITIONAL NOTES

PURCHASES > $50,000 (Non-Bid) OR IF THE FY AGGREGATE FOR THIS VENDOR > $50,000 (Non-Bid), PLEASE COMPLETE THE SECTION BELOW.

I. What is the purpose of the requisition or advice of change?

Provide funds to The Delaware Children's Museum, Inc. ("DCM") to mitigate financial hardship experienced by DCM during the COVID-19 pandemic.

II. Why is it needed?

To assist DCM in recovering from losses incurred due to the closure of DCM during the COVID-19 pandemic.

III. What will the impact (cost) be to New Castle County if the requisition or advice of change is not processed?

DCM will lack funds that would assist in mitigating the financial hardship experienced due to the closure of the museum during the pandemic, negatively impacting DCM's ability to provide services to NCC children.

IV. IS THIS A SOLE SOURCE CONTRACT?	☐ YES	☑ NO		
V. IS THIS A PASS THROUGH GRANT?	☑ YES	☐ NO	**IF YES, AGENCY**	

VI. OTHER, PLEASE EXPLAIN

SIGNATURE	Ben Morris-Levenson	DATE	6/30/2023

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: July 25, 2023

RESOLUTION NO. 23-135

AUTHORIZING THE EXECUTION OF A SUBAWARD AGREEMENT WITH THE WEST END NEIGHBORHOOD HOUSE INCORPORATED IN THE AMOUNT OF $308,174.73

WHEREAS, New Castle County, as an eligible recipient, received a total of $108,531,220.00 in Coronavirus State and Local Fiscal Recovery ("CSLFR") funds under the American Rescue Plan Act of 2021 ("ARPA"), Pub. Law. No. 117-2 from the United States Department of the Treasury ("Treasury"); and

WHEREAS, New Castle County Ordinance 21-129 and Ordinance 22-097 (the "Ordinances") appropriated the full amount of these CLSFR funds from the Treasury to the American Rescue Plan Act Grant for New Castle County to respond to the COVID-19 public health emergency and its negative economic impacts; and

WHEREAS, the Ordinances appropriated funding for Workforce Development, which contemplated providing funds for The West End Neighborhood House Incorporated ("WENH") to provide entrepreneurship training and technical assistance to low-income, BIPOC communities throughout New Castle County; and

WHEREAS, New Castle County must enter into a subaward agreement with WENH to comply with the Uniform Guidance, 2 CFR Part 200; and

WHEREAS, *New Castle County Code* § 2.02.004 requires that all contracts involving expenditures of funds in excess of $50,000.00 in aggregate to one vendor in a fiscal year, which are not competitively bid, be approved by Resolution of County Council; and

WHEREAS, the subaward agreement with WENH contemplates transfers of up to $308,174.73 to WENH to implement the Launcher Community Business Resources project, which will use funds to provide entrepreneurship training and technical assistance to low-income, BIPOC communities throughout New Castle County, DE, with participants either residing in, hiring from, or locating their businesses in qualified census tracts.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby approves the subaward agreement listed on the attached Exhibit "A," entitled "New Castle County Purchase Requisition/Justification Form," as a valid contract in excess of $50,000.00 pursuant to *New Castle County Code* § 2.02.004.

Adopted by County Council of
New Castle County on:

____
President of County Council
of New Castle County

SYNOPSIS: This Resolution approves the execution of the listed subaward agreement.

<u>Department of Administration, Office of Finance</u>

The West End Neighborhood House Incorporated	$308,174.73

FISCAL IMPACT: This Resolution authorizes the execution of one subaward agreement totaling $308,174.73. Funding is included in the FY2024 Approved Grant Budget in the American Rescue Plan Act Grant.

____
Michael Smith
Chief Financial Officer

NEW CASTLE COUNTY
PURCHASE REQUISITION / JUSTIFICATION FORM

EXHIBIT A

Please complete all the blue highlighted fields. If the total is greater than $50,000 (Non-Bid only); or if the purchase, for this vendor, in aggregate for the fiscal year exceeds $50,000 (Non-Bid only), you must also complete items I-VI in the lower half of the form.

REQUISITIONER INFORMATION				VENDOR INFORMATION	
NAME	Ben Morris-Levenson	FISCAL YR	2024	NAME	The West End Neighborhood House Incorporated
DEPARTMENT	ADMINISTRATION_12	FUND	110 GRANTS	ADDRESS	710 N. Lincoln Street
ORGANIZATION	11122013 ADMIN - FIN - GRANTS				Wilmington, DE 19805
PHONE	302-395-5126	REQ#	2401150		
DELIVERY LOCATION					
SEND VENDOR PO	☑ YES ☐ NO			CONTACT NAME	Paul F. Calistro, Jr.
CURRENT VENDOR	☑ YES ☐ NO			PHONE	(302) 658-4171 EXT 107
VENDOR #	101540			EMAIL	pcalistro@westendnh.org FAX #

ITEM#	QTY	DESCRIPTION	UNIT PRICE	TOTAL	OBJ LEVEL	GRANT or PROJECT #/ DETAIL / LOCATION
1	1	Launcher Community Business Resources	308,174.73	$308,174.73	57210	G12830001
				$0.00		1000000288
				$0.00		ARPA00098
				$0.00		57210
				$0.00		
				$0.00		
				$0.00		
				$0.00		
			TOTAL	$308,174.73		

ADDITIONAL NOTES

PURCHASES > $50,000 (Non-Bid) OR IF THE FY AGGREGATE FOR THIS VENDOR > $50,000 (Non-Bid), PLEASE COMPLETE THE SECTION BELOW.

I. What is the purpose of the requisition or advice of change?

Provide funds to The West End Neighborhood House Incorporated ("WENH") to provide entrepreneurship training and technical assistance to low-income, BIPOC communities throughout New Castle County.

II. Why is it needed?

For WENH to implement the Launcher Community Business Resources project, which will use funds to provide entrepreneurship training and technical assistance to low-income, BIPOC communities throughout New Castle County, DE, with participants either residing in, hiring from, or locating their businesses in qualified census tracts.

III. What will the impact (cost) be to New Castle County if the requisition or advice of change is not processed?

WENH will lack the funds to implement the Launcher Community Business Resources project as described, and the intended communities will not receive the contemplated entrepreneurship training and technical assistance services.

IV. IS THIS A SOLE SOURCE CONTRACT?	☐ YES	☑ NO		
V. IS THIS A PASS THROUGH GRANT?	☑ YES	☐ NO	**IF YES, AGENCY**	

VI. OTHER, PLEASE EXPLAIN

SIGNATURE	Ben Morris-Levenson	**DATE**	6/30/2023

Introduced by: Ms. Hartley-Nagle
Date of introduction: July 25, 2023

RESOLUTION NO. 23-136

APPROVING REVISED CLASS SPECIFICATION FOR INFORMATION SYSTEMS ASSISTANT MANAGER PURSUANT TO *NEW CASTLE COUNTY CODE* SECTION 26.03.105(F)

WHEREAS, the *New Castle County Code*, Section 26.03.105 (F), mandates that any change in a position description for a position in either the classified or unclassified service at a pay grade of 28 or above shall be submitted to the County Council for its approval before the change may take effect; and

WHEREAS, the Human Resources Advisory Board at its meeting on July 6, 2023, recommended the revisions to the class specification for the position title of Information Systems Assistant Manager; and

WHEREAS, the Chief Human Resources Officer concurs with the recommendation of the Human Resources Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by and for the Council of New Castle County that County Council hereby approves the updated class specification for the position of Information Systems Assistant Manager "Exhibit A."

Adopted by the County Council of
New Castle County on:

____
President of County Council
New Castle County

SYNOPSIS: This Resolution updates the class specification for the position of Information Systems Assistant Manager. A new date will be assigned to the specification to designate when the changes were made in accordance with the *New Castle County Code*.

FISCAL IMPACT: There will be no discernable fiscal impact upon the adoption of this Resolution.

NEW CASTLE COUNTY GOVERNMENT

CLASS SPECIFICATION

Number 0246	
Page 1 of 2	
Date 11/01/03	
Title: INFORMATION SYSTEMS ASSISTANT MANAGER	**Approved:**

GENERAL STATEMENT OF DUTIES: Assists in the planning, organization, direction, and coordination of assigned aspects of information services and technology needed to support the functions required by New Castle County Government through understanding and anticipating the business and customer requirements and by translating those requirements into appropriate solutions through the application of information services and technology; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class performs responsible administrative and managerial work, in assigned areas of responsibility, providing leadership through ongoing communications and team building activities. This employee serves as a catalyst for continuous improvement in these areas between all County departments and Row Offices. The work includes process evaluation and design, vendor coordination and management, systems evaluation, systems design~~, programming~~, computer operations, data image and voice networks, technical support, and end-user training and support. Significant responsibilities include participation in the development, evaluation, and support of business processes used to accomplish the objectives of the County; the planning, design, development, documentation, and presentation of an ongoing comprehensive technology strategy that anticipates the availability and costs of appropriate applications of information technology and incorporates that technology into the evolving requirements of the County; the identification, evaluation, and management of multiple, complex vendor contracts and relationships affecting core components of the County's application of information technology; the management oversight of a County-wide network, software applications, and customer service activities.~~; and coordination of County-wide participation in user groups and office automation committees~~.

EXAMPLES OF WORK: (Illustrative only)

- Manages and directs technical and professional employees performing work in the areas of application design, computer networks and operations, technical support operations
- Ensures that information technology training is provided for portions of division staff and for other County staff;
- Oversees the day-to-day operation of assigned information systems projects, data processing operations, and communications activities
- Participates in the development, presentation, and explanation of strategic and tactical County-wide information technology plans;
- Participates in the formulation of County-wide business strategies and plans;
- Participates in departmental business process planning and contributes information and costs of appropriate technology approaches;
- Identifies and evaluates information technology solutions available and evaluates their application to the County's business strategies and plans;
- Manages research activities and provides technical advice in response to requests for information from County departments and Row Offices;
- ~~Provides consulting help for business process redesign activities, computer systems development, and network management;~~

- Manages special projects and responds to various requirements for information not otherwise provided by current system capabilities;
- Directs the preparation of office procedures, reports, policies, and operations manuals;
- ~~Manages and directs technical and professional employees performing work in the areas of application design, computer networks and operations, user training, and administrative and clerical support;~~
- ~~Ensures that information technology training is provided for portions of division staff and for other County staff;~~
- ~~Oversees the day-to-day operation of assigned information systems projects, data processing operations, and communications activities~~;
- ~~Administers complex contracts and coordinates relationships with multiple vendors for the delivery and maintenance of critical information systems products and services~~;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- ~~Operates a data processing terminal, personal computer, and other related equipment in the course of the work~~.

<u>REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES</u>: Thorough knowledge of appropriate aspects of information systems analysis, design, construction, integration, operation, security, and maintenance; good knowledge of local government functions, organizations, and management procedures; good knowledge of the principles and practices of project management, contract management, vendor relationships, and process innovation and redesign; good knowledge of contract design and implementation including development, procurement, and negotiation; knowledge of budgetary planning, input, and development techniques; ability to analyze complex technical data and draw valid conclusions; ability to organize, plan, and direct a variety of complex technical operations; ability to establish and maintain effective working relationships with associates, other governmental agencies, private organizations, the general public, and customers and to promote an ongoing attitude of dedication to overall exceptional customer service; ability to work with managers to identify business opportunities and to achieve success through effective employment of technology; ability to present, justify, and defend controversial ideas effectively and to negotiate agreements which accommodate the interests and viewpoints of numerous groups and organizations, including County managers; ability to communicate courteously and effectively, both verbally and in writing; ability to pass a Class III County physical examination.

<u>ACCEPTABLE EXPERIENCE AND TRAINING</u>: At least two years progressively responsible managerial experience in applying information technology to meet the needs of a medium to large government or business organization; or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities.

<u>HISTORY OF REVISIONS</u>:
Established: 08/30/99
Revised: 11/01/03

Introduced by: Mr. Tackett
Date of introduction: July 11, 2023

ORDINANCE NO. 23-089

TO REVISE CHAPTER 14 OF THE *NEW CASTLE COUNTY CODE* TO PROVIDE A FINITE TAX EXEMPTION FOR ROHM AND HAAS ELECTRONIC MATERIALS CMP, LLC, TAX PARCEL NO. 11-018.00-061, 2001 OLD COOCHS BRIDGE RD, NEWARK, DELAWARE, IN SUPPORT OF ECONOMIC DEVELOPMENT

WHEREAS, Article VIII**,** Section 1 of the *Delaware Constitution of 1897* authorizes New Castle County to exempt from County taxation such property as in its opinion will best promote the public welfare; and

WHEREAS, Rohm and Haas Electronic Materials CMP, LLC ("Rohm and Haas"), a subsidiary of Dupont de Nemours, Inc., is a leading manufacturer of specialty chemicals and semiconductors for leading edge markets; and

WHEREAS, Rohm and Haas has entered into a lease agreement with LPC First State Holding Company LP to lease a parcel of real property located at 2001 Old Coochs Bridge Rd., Newark, DE 19702, identified as Tax Parcel Number 11-018.00-061 (the "Property"); and

WHEREAS, Rohm and Haas intends to complete construction of an approximately 300,000 square foot facility for manufacturing semiconductors on the Property in the first quarter of calendar year 2024; and

WHEREAS, Rohm and Haas's development of the Property will create job opportunities and generally benefit the economy of New Castle County; and

WHEREAS, pursuant to the Strategic Grant Agreement dated December 8, 2022 (attached hereto as Exhibit A, the "State Grant Agreement"), by and between the Delaware Economic Development Authority (the "Authority") and Rohm and Haas, the State of Delaware will provide (a) up to $65,550 for performance-based funding, (b) up to $1,578,000 capital expenditure grant funding or a three percent (3%) match of qualified expenditures; and

WHEREAS, pursuant to paragraph 5(b) of the State Grant Agreement, Rohm and Haas is obligated to make reasonable commercial efforts to employ 11 new-full time employees by December 25, 2025; and

WHEREAS, Rohm and Haas represented that this facility will allow them to retain 73 jobs in Delaware that may have moved out of state; and

WHEREAS, the New Castle County Council ("Council") recognizes the substantial costs for the planned capital expenditures for infrastructure and equipment, and other costs associated with the utilization of the Property, which are estimated to be a minimum of $50 million; and

WHEREAS, the Council joins the State of Delaware in seeking to increase the likelihood for Rohm and Haas's success by eliminating the County property tax burden for a period of five years up to a maximum cumulative amount of $300,000.00; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 14 ("Finance and Taxation"), Article 6 ("Exemption from Real Property Taxation"), is hereby amended by the addition of the underlined text as set forth below:

Section 14.06.1204. Special exemption for new or renovated commercial or manufacturing project.

1. 2001 Old Coochs Bridge Road, Newark, DE 19702, identified as tax parcel number 11-018.00-061 (the "Property"), shall be exempt from County property tax. The exemption shall commence in Fiscal Year 2024.

2. The County property tax exemption for the Property shall terminate in its entirety on the earlier of: (i) June 30, 2028; (ii) when a total of $300,000.00 in County property tax has been exempted; (iii) the failure of Rohm & Haas to finish construction of its facility on the Property on or before December 31, 2024; (iv) if Rohm and Haas has not created 11 new full-time positions at the facility on the Property by December 25, 2025; or (v) if Rohm and Haas applies for bankruptcy protection, makes an assignment for the benefit of its creditors or seeks similar relief, or consents to the appointment of a receiver, trustee or liquidator of all or a substantial part of its assets, or takes advantage of any insolvency law, or submits an answer admitting the material allegations of a petition in bankruptcy, reorganization or insolvency proceeding.

3. Nothing in this Section shall prevent the County from increasing the assessed value of all property taxable under 9 *Del. C.* § 8101 to reflect improvements made to the Property during the Exemption Period.

4. Nothing in this Section shall entitle Rohm and Haas or the Owner to an exemption from County sewer service charges, ditch taxes, taxes imposed by any school district, or any other fee associated with the Property.

5. Nothing in this Section shall entitle Rohm and Haas or the Owner to an exemption from real estate transfer tax obligations that may be associated with the transfer of any interest in of the Property.

6. In any County Fiscal Year in which Rohm and Haas fails to comply with the conditions of the Delaware Economic Development Authority ("DEDA") Strategic Grant Agreement, the otherwise applicable County tax exemption shall be forfeited for the following County Fiscal Year.

7. In any County Fiscal Year in which the County sewer service charges or annual school taxes for the Property that are not subject to dispute or timely appeal are not paid timely, the otherwise applicable County tax exemption shall be forfeited for the following County Fiscal Year.

8. This property tax exemption shall sunset no later than June 30, 2028.

Section 2. This ordinance shall become effective upon passage by the New Castle County Council and approval by the County Executive or as otherwise set forth in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on

____
President of County Council
of New Castle County

Approved on:

____
County Executive
New Castle County

SYNOPSIS: This legislation provides for a five year or $300,000 exemption, whichever comes first, from County taxes for 2001 Old Coochs Bridge Rd, Newark, DE 19702 (Parcel # 11-018.00-061) to encourage the development of a semiconductor manufacturing facility and associated job creation.

FISCAL NOTE: Based on the current property tax rates, this Ordinance, if adopted, would result in an estimated minimum annual tax revenue decrease of $4,491.96.

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: July 11, 2023

ORDINANCE NO. 23-090

TO DECLARE SURPLUS CERTAIN LANDS OF NEW CASTLE COUNTY ASSOCIATED WITH THE NEW CASTLE COUNTY AIRPORT AND TO AUTHORIZE THE TRANSFER OF LANDS TO THE STATE OF DELAWARE FOR A PUBLIC PURPOSE

WHEREAS, New Castle County ("County") owns certain lands constituting the New Castle County Airport (the "Airport"), located along the north and south sides of Old Churchmans Road, and along Churchmans Road, being part of Tax Parcel No. 10-018.00-006 (the "Airport Property"); and

WHEREAS, the County acquired the Airport Property from the United States of America, acting by and through the War Assets Administration, in 1947, subject to certain restrictions; and

WHEREAS, one of these restrictions requires the approval of the Federal Aviation Administration ("FAA") prior to transferring any part of the Airport Property for non-aviation related purposes; and

WHEREAS, 49 U.S.C. § 47107 requires that the revenues generated by a public airport be expended for the capital or operating costs of the airport; and

WHEREAS, Title 14, Part 155 of the *Code of Federal Regulations* states that proceeds from the sale of any of the Airport Property are considered revenue generated by the Airport and therefore must be re-invested in the Airport; and

WHEREAS, the Delaware River and Bay Authority ("DRBA") leased the Airport Property from New Castle County in 1995 for a thirty-year term with a thirty year renewal option (the "Lease Agreement"), and, under the Lease Agreement, the DRBA manages the operation of the Airport; and

WHEREAS, pursuant to Title 9, Section 1521(g) of the *Delaware Code*, the County may by ordinance transfer lands held by the County, including but not limited to, surplus lands, to the State of Delaware ("State") after written notification from the Governor or the Governor's designee that such lands are required by the State for public purposes; and

WHEREAS, the Delaware Army National Guard (the "Guard") currently leases 24 ± acres of land at the Airport; and

WHEREAS, the Guard has a need to expand their facilities to add a Readiness Center for the 126th Army Aviation Company (UH-60) Air Ambulance and to have space for staging in relation to pandemic response; and

WHEREAS, the Guard currently leases a portion of the Airport, commonly referred to as 12 Penns Way (Tax Parcel No. 10-018.00-006L0027, the "Premises"); and

WHEREAS, the Premises sits on 2.94 ± acres and contains an office building totaling 27,000 sq. ft.; and

WHEREAS, the Guard, through the Office of Management and Budget of the State of Delaware, desires to purchase the Premises and has received American Rescue Plan Act funds for the purchase; and

WHEREAS, the Offices of Law and Finance, and the Chief Administrative Officer are satisfied that the State has demonstrated that the 2.94 ± acre property is required for the public purpose of a Readiness Center for the Guard (as set forth in the January 27, 2023 letter from the Office of the Governor attached hereto as Exhibit "A"); and

WHEREAS, DRBA has consented to the Guard's acquisition of the Premises; and

WHEREAS, the FAA has approved the transfer of the Premises to the Guard for non-aviation related purposes, including, specifically, the public purpose of a Readiness Center for the Guard; and

WHEREAS, in accordance with *Federal Register*, Volume 64, Number 30 (February 16, 1999), the State must pay fair market value in consideration for the release of airport property for non-aeronautical purposes; and

WHEREAS, to complete the transfer, the State will be required to pay the fair market value of the 2.94 ± acres into the DRBA's airport fund; and

WHEREAS, County Council has determined that the purpose of the transfer identified below substantially advances, and is reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY COUNCIL OF NEW CASTLE COUNTY HEREIN ORDAINS:

Section 1. The property described below is land that is required by the State of Delaware for a public purpose in accordance with Title 9, Section 1521(g) of the *Delaware Code*. The State of Delaware requires this property to use as a Readiness Center for the Delaware National Guard. Therefore, subject to the approval of the Federal Aviation Administration, the County Executive is authorized to execute all documents necessary to transfer and convey the following land to the State of Delaware:

> 2.94 ± acre Parcel, with an address of 12 Penns Way, New Castle, New Castle County, Delaware 19720, consisting of County Tax Parcel No. 10-018.00-006L0027.

New Castle County shall not receive the proceeds from the sale of this property, except ten dollars ($10.00) may be recited in the deed. In accordance with the law cited above, the State of Delaware will pay the purchase price to the Delaware River and Bay Authority airport fund.

Section 2. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code.*

Section 3. Severability. The provisions of this ordinance shall be severable. If any provision of this ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this ordinance shall remain valid, unless the court finds that the valid provisions of this ordinance are so essentially and inseparably connect with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions without the unconstitutional or void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with County Council's intent. If any provision of this ordinance or any zoning map or portion thereof is found to be unconstitutional or void all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

Section 4. Effective Date. This ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del.* C. § 1156.

Adopted by County Council of
New Castle County on:

____
President of County Council
of New Castle County

Approved on:

____
County Executive
New Castle County

SYNOPSIS: This Ordinance, if adopted, declares certain real property owned by the County as surplus and further authorizes the County Executive to execute all documents necessary to transfer the property described above to the State of Delaware. The property will be used as a Readiness Center for the Delaware National Guard.

FISCAL NOTE: This Ordinance, if adopted, would authorize the County Executive to sign the documents necessary for the transfer of the 2.94 ± acre Parcel of land located on New Castle County Airport Property, as described above. New Castle County shall not receive the proceeds of the sale of this property, except ten dollars ($10.00) may be recited in the deed. In accordance with the law cited above, the State of Delaware will pay the fair market value to the Delaware River and Bay Authority Airport Fund to be invested in the Airport Property. New Castle County is not responsible for any portion of the closing costs.

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: July 11, 2023

ORDINANCE NO. 23-093

AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $1,245,950 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, HUMAN RESOURCE MANAGEMENT FOR 25-YEAR RETIREMENT UNFUNDED LIABILITY

WHEREAS, Ordinance 23-092 contained revisions to the County 2011 Plan; and

WHEREAS, in accordance with New Castle County Code Chapter 2, Section 2.05.505, the Employees Retirement System Board of Trustees considered the County 2011 Plan changes and delivered its recommendation to County Council; and

WHEREAS, the reduction to the credit service requirement to twenty-five (25) years for certain County Emergency Medical Services Division Employees and County Emergency Communications Division Employees based upon the nature of the job duties would result in an estimated unfunded liability of $1,245,950; and

WHEREAS, additional funding is needed to fund the unfunded liability in the amount of $1,245,950; and

WHEREAS, the revenue measures heretofore adopted by the County Council, are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Approved Annual Operating Budget as hereinafter amended.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2023, is hereby amended by deleting the material stricken and adding the material underscored on the attached "Exhibit A."

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2023, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Section 4. The provisions of this Ordinance shall become effective on July 1, 2023.

Adopted by County Council of
New Castle County on:

____
President of County Council
of New Castle County

Approved on:

____

County Executive
New Castle County

SYNOPSIS: Companion Ordinance 23-092 TO AMEND NEW CASTLE COUNTY CODE CHAPTER 26 (“HUMAN RESOURCES”), ARTICLE 4 (“PENSIONS”), COUNTY 2011 PENSION PLAN TO PROVIDE FOR SERVICE RETIREMENT ANNUITY AFTER TWENTY-FIVE YEARS OF CREDITED SERVICE FOR EMERGENCY MEDICAL SERVICES DIVISION EMPLOYEES AND EMERGENCY COMMUNICATIONS DIVISION EMPLOYEES AND PROVIDING FOR INCREASED EMPLOYEE CONTRIBUTIONS FROM EMERGENCY MEDICAL SERVICES DIVISION EMPLOYEES AND EMERGENCY COMMUNICATIONS DIVISION EMPLOYEES) must be approved prior to the consideration of this Ordinance.

This Ordinance, if approved, amends the FY2024 Approved Operating Budget by appropriating $1,245,950 from the General Fund Tax Stabilization Reserve Account to the Department of Administration, Human Resources Benefits Budget Line Item.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by appropriating $1,245,950 from the General Fund Tax Stabilization Reserve Account to the Department of Administration, Human Resources Benefits Budget Line Item. Companion Ordinance 23-092 (TO AMEND NEW CASTLE COUNTY CODE CHAPTER 26 (“HUMAN RESOURCES”), ARTICLE 4 (“PENSIONS”), COUNTY 2011 PENSION PLAN TO PROVIDE FOR SERVICE RETIREMENT ANNUITY AFTER TWENTY-FIVE YEARS OF CREDITED SERVICE FOR EMERGENCY MEDICAL SERVICES DIVISION EMPLOYEES AND EMERGENCY COMMUNICATIONS DIVISION EMPLOYEES AND PROVIDING FOR INCREASED EMPLOYEE CONTRIBUTIONS FROM EMERGENCY MEDICAL SERVICES DIVISION EMPLOYEES AND EMERGENCY COMMUNICATIONS DIVISION EMPLOYEES) must be approved prior to the consideration of this Ordinance.

The revised FY2024 Approved Operating Budget will be $332,719,358. The General Fund Tax Stabilization Reserve balance upon passage of this Ordinance is estimated to be $73,456,203.

EXHIBIT A1

COUNTY COUNCIL

Salaries and Wages		$	2,428,665
Benefits			1,428,590
Training and Civic Affairs			70,888
Communication and Utilities			17,849
Materials and Supplies			61,042
Contractual Services			253,148
Equipment			1,600
Grants and Fixed Charges			441,482
Operating Transfer Charges			161,959
Total		***$***	***4,865,223***
Total Authorized Full-Time Positions 35			

COUNTY EXECUTIVE

Salaries and Wages		$	1,777,524
Benefits			1,045,578
Training and Civic Affairs			31,904
Communication and Utilities			15,698
Materials and Supplies			22,236
Contractual Services			148,565
Equipment			1,000
Grants and Fixed Charges			43,000
Contingency			55,000
Operating Transfer Charges			82,016
Total		***$***	***3,222,521***
Total Authorized Full-Time Positions 15			

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		$	12,223,612
Benefits	~~7,092,525~~		8,338,475
Training and Civic Affairs			130,625
Communication and Utilities			8,273,491
Materials and Supplies			158,147
Contractual Services			6,793,141
Equipment			389,900
Grants and Fixed Charges			3,932,350
Operating Transfer Charges			1,163,161
Operating Transfer Credits			(12,098,321)
Total	***~~28,058,631~~***	***$***	***29,304,581***
Total Authorized Full-Time Positions 167			

EXHIBIT A2

DEPARTMENT OF PUBLIC WORKS			
Salaries and Wages		$	24,594,391
Benefits			14,346,471
Training and Civic Affairs			42,945
Communication and Utilities			24,785,917
Materials and Supplies			4,524,681
Contractual Services			10,366,975
Equipment			483,333
Grants and Fixed Charges			1,193,757
Land and Structures			35,000
Operating Transfer Charges			4,843,006
Operating Transfer Credits			(7,438,785)
Total		***$***	***77,777,691***
Total Authorized Full-Time Positions	***384***		

DEPARTMENT OF LAND USE			
Salaries and Wages		$	8,375,178
Benefits			4,899,879
Training and Civic Affairs			68,665
Communication and Utilities			111,017
Materials and Supplies			113,127
Contractual Services			1,541,973
Equipment			55,175
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,136,835
Operating Transfer Credits			(803,217)
Total		***$***	***15,555,132***
Total Authorized Full-Time Positions	***118***		

DEPARTMENT OF COMMUNITY SERVICES			
Salaries and Wages		$	11,754,322
Benefits			5,318,947
Training and Civic Affairs			18,560
Communication and Utilities			935,330
Materials and Supplies			1,383,163
Contractual Services			2,348,236
Equipment			18,900
Grants and Fixed Charges			3,110,149
Operating Transfer Charges			1,230,637
Operating Transfer Credits			(190,829)
Total		***$***	***25,927,415***
Total Authorized Full-Time Positions	***160***		

EXHIBIT A3

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages	$	67,198,478
Benefits		39,138,665
Training and Civic Affairs		178,869
Communication and Utilities		1,010,888
Materials and Supplies		1,039,511
Contractual Services		2,179,206
Equipment		1,471,072
Grants and Fixed Charges		6,492,175
Operating Transfer Charges		7,298,634
Total	***$***	***126,007,498***
Total Authorized Full-Time Positions 711		

REGISTER OF WILLS

Salaries and Wages	$	1,081,015
Benefits		616,908
Training and Civic Affairs		35,275
Communication and Utilities		12,374
Materials and Supplies		10,625
Contractual Services		62,668
Equipment		1,950
Operating Transfer Charges		85,180
Total	***$***	***1,905,995***
Total Authorized Full-Time Positions 19		

EXHIBIT A4

RECORDER OF DEEDS

Salaries and Wages		$	1,263,001
Benefits			730,446
Training and Civic Affairs			43,170
Communication and Utilities			33,977
Materials and Supplies			12,398
Contractual Services			79,718
Equipment			6,150
Grants and Fixed Charges			18,350
Operating Transfer Charges			148,002
Total		$	***2,335,212***
Total Authorized Full-Time Positions	***24***		

SHERIFF

Salaries and Wages		$	1,260,692
Benefits			737,678
Training and Civic Affairs			29,452
Communication and Utilities			16,189
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			144,938
Total		***$***	***2,271,207***
Total Authorized Full-Time Positions	***21***		

CLERK OF THE PEACE

Salaries and Wages		$	474,736
Benefits			279,250
Training and Civic Affairs			14,130
Communication and Utilities			5,168
Materials and Supplies			5,424
Contractual Services			17,568
Equipment Replacement			6,000
Operating Transfer Charges			31,776
Total		***$***	***834,052***
Total Authorized Full-Time Positions	***7***		

DEBT SERVICE

Debt Service		$	45,540,069
Total		***$***	***45,540,069***
Total Authorized Full-Time Positions			

EXHIBIT A5

ETHICS COMMISSION		
Salaries and Wages	$	38,000
Benefits		3,385
Training and Civic Affairs		10,500
Communication and Utilities		1,922
Materials and Supplies		2,450
Contractual Services		290,642
Equipment		500
Operating Transfer Charges		6,699
Total	***$***	***354,098***
Total Authorized Full-Time Positions ***0***		

COUNCIL CONTINGENCY		
Contingency	$	250,000
Total	***$***	***250,000***
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY		
Contingency	$	600,000
Total	***$***	***600,000***
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY		
Contingency	$	455,000
Total	***$***	***455,000***
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY		
Personal Services - Salaries and Wages	$	(4,293,340)
Personal Services - Employee Benefits	$	(2,525,429)
Total	***$***	***(6,818,769)***
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY		
Contingency	$	2,332,433
Total	***$***	***2,332,433***

EXHIBIT A6

NEW CASTLE COUNTY			
Salaries and Wages		$	128,176,274
Benefits	~~73,112,893~~		74,358,843
Training and Civic Affairs			674,983
Communication and Utilities			35,219,820
Materials and Supplies			7,354,063
Contractual Services			24,137,839
Equipment			2,440,580
Grants and Fixed Charges			15,287,763
Debt Service			45,540,069
Land and Structures			35,000
Contingency			3,692,433
Operating Transfer Charges			16,332,843
Operating Transfer Credits			(20,531,152)
Sub-Total New Castle County	***~~331,473,408~~***	***$***	**332,719,358**
Total Authorized Full-Time Positions 1,661			

RESERVE ACCOUNTS AS OF JULY 1, 2023		
Tax Stabilization Reserve Account (Unaudited)	~~74,702,153~~	73,456,203
Sewer Rate Stabilization Reserve Account (Unaudited)		10,915,451
General Fund Budget Reserve Account (Unaudited)		45,512,418
Sewer Fund Budget Reserve Account (Unaudited)		18,872,304
Total Reserves:	**~~150,002,326~~**	**148,756,376**

Introduced by: Mr. Cartier, Ms. Kilpatrick, Mr. Sheldon
Date of introduction: July 11, 2023

ORDINANCE NO. 23-094

AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 6 ("BUILDING CODE") AND CHAPTER 7 ("PROPERTY MAINTENANCE CODE") TO ESTABLISH ROUTINE INSPECTIONS FOR CERTAIN COMMON INTEREST COMMUNITY BUILDINGS, INCLUDING CONDOMINIUMS, IN NEW CASTLE COUNTY

WHEREAS, failing building infrastructure in common interest communities, like condominiums, can lead to loss of life and personal property and serious injuries; and

WHEREAS, structural failures and building collapses in the United States continue to occur, including a recent deadly building collapse in Iowa and a balcony collapse in Sea Isle City, New Jersey, in addition to the catastrophic collapse of Champlain Towers South in Surfside, Florida that resulted in 98 deaths and dozens of serious injuries; and

WHEREAS, New Castle County, unfortunately, has its own examples of common interest community buildings that present concerns, including multi-story buildings located at Le Parc Condominiums, which are currently under observation by the County due to structural stability concerns; and

WHEREAS, the above have led growing concerns and increased attention on the structural and façade integrity of residential buildings in New Castle County; and

WHEREAS, currently there is no requirement that common interest community buildings undergo routine structural and façade inspections to ensure the safety of a building over its service life; and

WHEREAS, in light of the above, it is appropriate for New Castle County to enact procedures for inspecting, evaluating, and maintaining the structural and façade integrity of common interest community buildings, including condominiums, within the County; and

WHEREAS, routine inspections of these buildings and structures, especially older ones, will help avert structural and façade failures causing injury and loss of life; and

WHEREAS, a routine inspection program also will reduce life cycle costs by averting unexpected and expensive remediation or replacement projects; and

WHEREAS, New Castle County Council finds and declares that:

a. The structural and facade integrity of residential common interest community buildings in New Castle County has become a growing concern, especially in the wake of the tragic collapse of a multifamily residential building in Florida.

b. Given these concerns, it is appropriate for County Council to enact procedures for inspecting, evaluating, and maintaining the structural and façade integrity of certain residential common interest community buildings, including condominiums, within the County; and

WHEREAS, County Council has determined that the provisions of this Ordinance will substantially advance, and are reasonably and rationally related to, legitimate government interests by promoting the health, safety, prosperity, and welfare of the citizens of New Castle County.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 6 ("Building Code"), Article 2 ("Definitions") and Article 4 ("Building Code") are hereby amended by adding the material that is underscored, and deleting the material with strikethroughs, as set forth below.

Chapter 6 – BUILDING CODE…

ARTICLE 2. – DEFINITIONS…

Section 6.02.001. – Definitions…

The following terms and related language as underlined are to be added alphabetically as new definitions to read as follows:

…

Corrective maintenance means maintenance to be undertaken following the detection of deterioration of the primary load bearing system or the façade with the goal of remediating conditions reported by the design professional.

Covered building, for purposes of a structural inspection, means a residential building or a mixed use building that is, wholly or in part, residential and is a *common interest community building*, including, for example, a *condominium* or *cooperative building*, as such terms are defined in *Delaware Code* Title 25, Chapter 81 (the "Delaware Uniform Common Interest Ownership Act" or the "DUCIOA"), and have a *primary load bearing system* constructed of concrete, masonry, steel, or heavy timber, in addition to such buildings with structural slabs over unconditioned space.

Covered building, for purposes of a *façade* inspection, means a residential building or a mixed use building that is, wholly or in part, residential and is a *common interest community building*, including, for example, a *condominium* or *cooperative building* as such terms are defined in the DUCIOA, and is 4 stories or taller as measured from the lowest elevation of grade plane around the perimeter of the building, unless the building is 3 stories or less and has balconies or decks in which case only the balconies and decks on the second and third stories above grade plane shall be inspected.

Covered building owner means the owner, the owners' authorized agent, or the person having charge or control of a *covered building*.

Façade means all areas on the exterior of a building including all exterior walls and exterior wall covering; without limitation, a façade further includes cornices, belt courses, corbels, terra cotta trim, wall facings, and other decorative features, parapets, architectural trim and embellishments, and all connected or attached appurtenances such as balconies and decks and attached handrails, fire escapes, chimneys, hanging air conditioners, and window washing and exterior maintenance systems.

Primary load bearing system ("PLBS") means the assemblage of structural components within a building comprised of columns, beams, and/or bracing that by contiguous interconnection form a path by which external and internal forces applied to the building are delivered to the foundation.

…

ARTICLE 4. – BUILDING CODE…

Sec. 6.04.002. – Amendments to the International Building Code…

The following sections of the International Building Code, 2018 edition, are revised as follows…

Note: Although the International Building Code does not identify sections with a "B" designation, such a designation is utilized to avoid any confusion as to which Code the amendment relates…

CHAPTER 17. SPECIAL INSPECTIONS AND TESTS…

CHAPTER 17, SPECIAL INSPECTIONS AND TESTS is amended by adding the following underlined language into a newly added SECTION 1710 immediately following existing SECTION 1709, PRECONSTRUCTION LOAD TESTS, as indicated by underscore as follows:

Section B1710 *Structural and façade inspections for certain residential common interest community buildings, including condominiums*.

Section B1710.1 General. New Castle County Council finds that maintaining the structural and façade integrity of a building and structure throughout its service life is of paramount importance to ensure that buildings and structures do not pose a threat to the public health, safety, or welfare. Accordingly, County Council finds that requiring structural and façade inspections for common interest buildings, including condominiums, in the County is necessary to ensure that the buildings and occupants thereof are safe.

Section B1710.1.1 Applicability. Covered buildings, as defined in this Chapter, shall have a structural and façade inspection completed in accordance with Section B1710.2.

Section B1710.2. ***Inspections: Pre-issuance of certificate of occupancy.***

1. When a construction application that proposes to create, amend, or modify the PLBS or façade of a covered building is filed with the Department, prior to issuance of a certificate of occupancy, the Department shall consult with the design professional chosen by the covered building owner to confirm that the PLBS and/or facade as-built is equivalent to the proposed design.
2. All inspections required herein shall be performed by or under the direction of a design professional. All structural and façade inspection reports shall be signed and sealed by the design professional. The design professional may be assisted by other professionals qualified in various special disciplines, including geotechnical and civil engineering practices, as needed to conduct the inspections required by this Section.
3. In conducting inspections pursuant to subsections 1. and 2., the design professional shall review the construction plans submitted with the construction application and issue a written report determining whether the PLBS and/or facade conforms with the building plans. If the design professional determines that the PLBS and/or the façade is not in conformance with the building plans, the applicant shall provide additional plans which show conformance with a modification to the PLBS and/or façade. No certificate of occupancy shall be issued until the design professional issues a written report that confirms that the construction of the PLBS and/or the façade of the building is equivalent with the approved construction plans.
4. The covered building owner shall record with the Recorder of Deeds Office signed and sealed structural and/or façade drawings, special inspection reports, and a maintenance plan, as provided in the Community Associations Institute Best Practices Report on Maintenance or a similar nationally-recognized guide, along with a copy of the certificate of occupancy within 10 business days of the issuance of the certificate of occupancy.
5. The creation of or repair, renovation, alteration, or modification of the PLBS and/or façade of a covered building required pursuant to any inspection shall be conducted by a design professional prior to issuance of a certificate of occupancy.
6. The Department may adopt rules and regulations consistent herewith as necessary and helpful to effectuate the intent and purpose of this Section, and such authority includes the ability of the Department to adopt forms necessary to further the intent and purposes of this Section.

Section 2. *New Castle County Code* Chapter 7 ("Property Maintenance Code"), Article 1 ("Standards for Property Maintenance"), Section 7.01.002 ("Amendments to the Property Maintenance Code") are hereby amended by adding the material that is underscored and deleting the material as struck through, as set forth below.

Chapter 7 – PROPERTY MAINTENANCE CODE…

ARTICLE 1. – STANDARDS FOR PROPERTY MAINTENANCE…

Section 7.01.002. - Amendments to the Property Maintenance Code…

Certain sections and subsections of the International Property Maintenance Code, 2018 edition, adopted in Section 7.01.001 and/or Section 7.01.002, are hereby added, deleted, amended, changed, and/or clarified as follows by underline and/or strikethrough. *Note*: Although the International Property Maintenance Code, 2018 edition, does not identify sections with a "PM" designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates…

…

Section PM 202. DEFINITIONS

The following words, terms, and phrases, when used in this Chapter, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning: …

The following terms and related language as underlined are to be added alphabetically as new definitions to read as follows:

Corrective maintenance means maintenance to be undertaken following the detection of deterioration of the primary load bearing system or the façade with the goal of remediating conditions reported by the design professional.

Covered building, for purposes of a structural inspection, means a residential building or a mixed use building that is, wholly or in part, residential and is a *common interest community building*, including, for example, a *condominium* or *cooperative building*, as such terms are defined in *Delaware Code* Title 25, Chapter 81 (the "Delaware Uniform Common Interest Ownership Act" or the "DUCIOA"), and have a *primary load bearing system* constructed of concrete, masonry, steel, or heavy timber, in addition to such buildings with structural slabs over unconditioned space.

Covered building, for purposes of a *façade* inspection, means a residential building or a mixed use building that is, wholly or in part, residential and is a *common interest community building*, including, for example, a *condominium* or *cooperative building* as such terms are defined in the DUCIOA, and is 4 stories or taller as measured from the lowest elevation of grade plane around the perimeter of the building, unless the building is 3 stories or less in which case only the balconies and decks on the second and third stories above grade plane shall be inspected.

Covered building owner means the owner, the owners' authorized agent, or the person having charge or control of a *covered building*.

Facade means all areas on the exterior of a building including all exterior walls and exterior wall covering; without limitation, a façade further includes cornices, belt courses, corbels, terra cotta trim, wall facings, and other decorative features, parapets, architectural trim and embellishments, and all connected or attached appurtenances such as balconies and decks, and attached handrails, fire escapes, chimneys, hanging air conditioners, and window washing and exterior maintenance systems.

Grade plane means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

Primary load bearing system ("PLBS") means the assemblage of structural components within a building comprised of columns, beams, and/or bracing that by contiguous interconnection form a path by which external and internal forces applied to the building are delivered to the foundation.

Section PM 304. EXTERIOR STRUCTURE *is amended by the addition of underlined language as follows, which is followed by the addition of new* ***Section PM 310*** and its subparts *as indicated by the following underlined language…*

…

Section PM 304.1 General. The exterior of a structure and the façade, which is defined in this Section, shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety or welfare. "Covered buildings," as defined in this Chapter, shall also comply with Section PM 310 of this Chapter.

…

SECTION PM 310 *INSPECTIONS OF COVERED BUILDINGS*.

Section PM 310.1 Primary load bearing system inspections. For each covered building where the certificate of occupancy was issued prior to the effective date of this Section, an initial structural inspection of the PLBS, which shall include inspection of the foundation, shall be performed in accordance with the most recently published American Society of Civil Engineers ("ASCE") *Guideline for Structural Condition Assessment of Existing Buildings* or other recognized equivalent standards by a design professional retained by the covered building owner to determine if conditions exist which potentially affect the structural capacity of the system within the earlier of:

a. 2 years from the effective date of this Section; or
b. 60 days after observable damage to the PLBS.
c. If the design professional determines that unsafe and imminently dangerous conditions exist such that the observable damage compromises the structural integrity of the PLBS, immediate action is required. When such conditions are discovered, remedial steps to avoid harm to people or property shall be taken as required under Section PM 109.
d. For each covered building where a certificate of occupancy was issued after the effective date of this Section, an initial structural inspection shall be undertaken by a design professional within 15 years of the effective date of this Section.

Section PM 310.1.1 Structural Report. After a design professional has performed a structural inspection pursuant to Section PM 310.1., the design professional shall issue a written report describing the condition of the PLBS. The structural report shall:

a. Set forth with specificity all corrective maintenance or repairs necessary for the PLBS;
b. Determine when the subsequent inspection of the PLBS shall be performed, based on Section 310.1.3.
c. Be provided to the Code Official and the Department;
d. Be prepared in accordance with protocol established by the most recently published ASCE or other recognized equivalent standards for the structural condition assessment of a covered building or a similar protocol by another nationally recognized structural engineering organization;
e. Provide any other information or guidance necessary to maintain the structural integrity of a covered building;
f. Provide additional detailed evaluations necessary to evaluate any observed concerns.
g. The structural report shall be recorded with the Office of the Recorder of Deeds.

Section PM 310.1.2. *Corrective Maintenance*. If the design professional's report created pursuant to Section PM 310.1.1 concludes that corrective maintenance of the PLBS is needed, the report shall specify with reasonable detail the required corrective maintenance including the estimated timing and an engineering cost estimate for the work to be performed.

Section PM 310.1.3. *Subsequent Inspections*. Notwithstanding the design professional's initial inspection and report undertaken pursuant to this Section, subsequent structural inspections and reports shall be provided for as set forth by the design professional's preceding report as follows:

a. The design professional will determine a reasonable period of time within which the next structural inspection will take place provided, however, that any subsequent inspection shall not occur:

   1) More than 10 years after a preceding inspection during the first 20 years following issuance of a certificate of occupancy; or
   2) More than 5 years after a preceding inspection if the covered building is more than 20 years old.

b. The design professional shall review the preceding structural report prior to undertaking a subsequent structural inspection of the covered building. After the design professional completes this review and inspection, the design professional will then issue a subsequent structural report which shall:

   1) Make note of any new or progressive deterioration;
   2) Set forth the corrective maintenance required to address any new or progressive deterioration;
   3) Describe any additional, more detailed evaluations that must be performed to evaluate in greater detail any observed concerns; and

4) Be provided to the covered building owner, who shall undertake measures necessary to effectuate the corrective maintenance, including engaging the services of a design professional licensed by the State and qualified in structural repairs or maintenance to create plans or specifications to implement the corrective maintenance. The covered building owner shall cause any plans or specifications created pursuant to this Section to be filed with the Department.

c. If the structural inspection by the design professional finds that there is no need for corrective maintenance, the written report will reflect this and shall be recorded with the Department and the Office of the Recorder of Deeds.

d. Any written report issued by the design professional pursuant to this Section shall be provided to the covered building owner and shall be made available to any resident of the covered building upon request and posted in the building in a prominent location.

Section PM 310.2. ***Façade inspections of covered buildings*.**

Following the issuance of a certificate of occupancy after the effective date of this Section, an initial facade inspection of a covered building shall be undertaken in accordance with the most recently published ASCE *Guideline for Condition Assessment of the Building Envelope* or other recognized equivalent standards by a design professional retained by the covered building owner to review the condition of the façade to determine if conditions exist that potentially affect the integrity of the façade components that are supported by the PLBS as well as the potential for deterioration of moisture protection systems such as visually observable joints, flashings, and weeps that could lead to deterioration of the underlying building components. If conditions, which do not pose an immediate threat of harm to people or property which will be addressed under Section PM 109, are identified as a result of the inspection, a more detailed evaluation must be performed. The initial façade inspection must be performed within the earlier of:

a. 5 years of the date on which the covered building was issued a certificate of occupancy; or

b. 60 days after observable damage to the facade.

c. If a covered building was issued a certificate of occupancy prior to the effective date of this Section, then an initial facade inspection shall be undertaken by a design professional within 2 years of the effective date of this Section.

***Section PM 310.2.1 Façade report*.** After the design professional has performed an inspection following issuance of a certificate of occupancy pursuant to Section PM 310.2, the design professional shall issue a written report describing the condition of the facade. The inspection report shall:

a. Identify with specificity any required corrective maintenance or repairs, not of an unsafe and imminently hazardous nature which shall be addressed immediately under Section PM 109, relating to both the condition of the façade as well as the weatherproofing of the façade;

b. Identify when the next inspection of the façade shall be performed, but in no event shall a subsequent inspection occur more than 5 years after the initial inspection;
c. Describe any additional evaluations necessary to further evaluate any observed conditions;
d. Be provided to the Code Official and the Department;
e. Be prepared in accordance with protocol established by the most recently published ASCE *Guideline for Condition Assessment of the Building Envelope*, or a similar protocol by another nationally recognized organization; and
f. Provide any further information or guidance necessary to maintain the facade of a covered building.

Section PM 310.2.2. If the design professional determines that an unsafe and imminently dangerous condition exists, necessary remedial steps to avoid harm to people or property shall immediately be taken under Section PM 109.

Section PM 310.2.3. If the design professional's report created pursuant to Section PM 310.2.1 concludes that corrective maintenance of the façade is needed, which is not of an unsafe and imminently dangerous nature, the report shall specify with reasonable detail the required corrective maintenance including the estimated timing and an engineering cost estimate for the work to be performed.

Section PM 310.2.4. Notwithstanding the initial façade inspection and report undertaken pursuant to *Sections PM 310.2 and PM 310.2.1.*, subsequent façade inspections and reports shall be provided for as set forth by the design professional's preceding report as follows:

a. The design professional will determine a reasonable time period within which the subsequent inspection shall occur, provided, however, that any subsequent inspection shall occur within 5 years of the preceding inspection.

b. The design professional shall review the preceding inspection report prior to undertaking subsequent inspections of the covered building. After the design professional completes this review and façade inspection, the design professional will then issue a subsequent inspection report which shall:

1) Identify any new or progressive deterioration;
2) Identify corrective maintenance necessary to address any new or progressive deterioration;
3) Describe any further evaluations that must be performed to more fully assess any observed conditions; and
4) Be provided to the covered building owner, who shall undertake measures necessary to effectuate the corrective maintenance, including, but not limited to, engaging the services of a design professional who is qualified in façade repairs or maintenance to create a plan to implement corrective maintenance. The covered building owner shall cause any plans or specifications created pursuant to this subparagraph to be filed with the Department.

c. If, upon inspection, the design professional determines that corrective maintenance is not necessary, the written report shall reflect this determination and be filed with the Department.

d. Written reports issued by the design professional pursuant to this Section shall be promptly provided to the covered building's owner and shall be made available to any resident of the covered building upon request and posted in a prominent location in the building.

e. The facade report shall be recorded with the Office of the Recorder of Deeds.

Section PM 310.3. *Miscellaneous.*

Section PM 310.3.1. Costs incurred by the Department relating to inspections of a covered building made under this Section shall be recovered through a fee as determined by the Department, and shall be paid by the covered building owner.

Section PM 310.3.2. The Department may adopt rules and regulations consistent herewith as necessary and helpful to effectuate the intent and purpose of this Section, and such authority includes the ability of the Department to adopt forms necessary to further the intent and purposes of this Section.

Section 3. This Ordinance shall become effective after its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

____
President of County Council
of New Castle County

Approved on:

____
County Executive
of New Castle County

SYNOPSIS: On June 24, 2021, Champlain Towers South, a 12-story condominium building built in 1981 in Surfside, Florida, collapsed, killing 98 people and seriously injuring many others. Although the exact cause of the building collapse remains under investigation, many reports have surfaced stating that the building had major structural issues. In addition, some experts argue that the repeal of a 2010 Florida law requiring that condominiums plan for certain repairs, may have contributed to this tragic building collapse.

Currently, there is no requirement in New Castle County to inspect the structural integrity and facades of common interest community buildings on a regular basis. Such inspections would help to ensure the safety of buildings and the occupants thereof. This ordinance would require that the structure and façade of *covered buildings* be inspected by a design professional such as a licensed engineer or architect during the building's construction and post-construction phases.

In addition, this ordinance would require that a design professional review the construction plans submitted with a construction application, establish an inspection schedule to confirm that the primary load bearing system (“PLBS”) and the façade conform with the building plans, and issue a written report which expresses whether the PLBS conforms to the building plans.

A certificate of occupancy will not be issued until the design professional’s report confirms that the construction of the PLBS and the building façade are in conformance with the approved construction plans. Relatedly, the issuance of a certificate of occupancy would be precluded until all necessary repairs, renovations, alterations, or modifications to the covered building are made pursuant to the design professional’s report. Costs incurred by the Department as a result of required inspections would be recovered through a fee associated with the construction application as determined by the Department.

FISCAL NOTE: There is no immediate fiscal impact.

Grant Matrix
7/25/23

GRANT APPLICANT	AMOUNT REQUESTED / AMOUNT PROPOSED	INTENDED USE OF GRANT	Standard Accounting Practices/ Non-Discrimination Policy	PRIOR COUNCIL GRANTS IN CURRENT FISCAL YEAR	COUNCIL MEMBER
Arundel Civic Association	$2500/	Funds will be used for ongoing cost associated with the beautification of the community entrance	Yes/No	No	Sheldon
The August Quarterly Festival Committee, Inc.	$1000/$1000	Funds will be used to help offset the cost of their Youth Day on August 26,2023	Yes/Yes	No	Street
Civic Association of Belvedere	$2500/$1000	Funds will be used to purchase food and supplies for their Community Day BBQ	No/No	No	Toole
Bethel Ministry**	$2500/	Funds will be used for tablets to help bridge the digital divide in marginalized communities	Yes/No	No	Hartley-Nagle
Crossland Maintenance Corporation (Canal View)	$1000/$1000	Funds will be used to assist Canal View at Crossland to install power and outdoor lighting to help illuminate their entrance sign	Yes/No	No	Carter
Crossland Maintenance Corporation (Crossland at the Canal)	$2500/$2500	Funds will be used towards their fundraising to provide duel communities playgrounds for children 2-12	Yes/No	No	Bell
Claymont Community Center	$2500/$2500	Funds will be used for their summer camp program	Yes/Yes	No	Cartier
Crestmoor Swim Club	$6000/$2500	Funds will be used for repairs and upgrades to their pump room	Yes/Yes	No	Toole
Edgemoor Terrace Civic Association	$2500/$2500	Funds will be used to reimburse landscaping costs for common areas owned by the civic association and for snow removal costs	Yes/No	No	Cartier
Hope Dining Room, Inc.*	$2000/$2000	Funds will be used for utilities/rent and to purchase supplies needed to serve meals	Yes/No	No	Sheldon
Kiamensi Civic Association***	$1000/$1000	Funds will be used for their Fall Community Block Party	Yes/No	No	Toole
Love Nation**	$2500/$2500	Funds will be used for a Community Health Fair for the Claymont Community	Yes/No	No	Hartley-Nagle
Stop the Violence Prayer Chain Foundation	$2500/	Funds will be used for their children’s summer program.	Yes/Yes	No	Hartley-Nagle
Tomaro’s Change	$2500/	Funds will be used for their rent at the Claymont Community Center	Yes/Yes	No	Cartier
United Way of Delaware	$2500/$2500	Funds will be used for a sponsorship at the AFL-CIO 28th Annual Golf Tournament	Yes/No	No	Toole

GRANT APPLICANT	AMOUNT REQUESTED / AMOUNT PROPOSED	INTENDED USE OF GRANT	Standard Accounting Practices/ Non-Discrimination Policy	PRIOR COUNCIL GRANTS IN CURRENT FISCAL YEAR	COUNCIL MEMBER
Autism Delaware	$5000/$5000	Funds will be used for their Annual Walk for Autism which supports all of their programs	Yes/Yes	No	Bell
Special Olympics Delaware	$2500/$1000	Funds will be used to support their Over the Edge event	Yes/Yes	No	Bell

**The applicant used an older version of the grant application which has been accepted, but they have been informed that they will need to use the current version next time.*

***Bethel Ministry and Love Nation did not complete the 501(c)(3) portion of the W9(Request for Taxpayer ID Form)*

****Kiamensi Civic Association is already a registered vendor with New Castle County and the Request for Taxpayer ID Form is not needed.*