



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

September 26, 2023

6:30 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

- **Moment of Silence**
- **Pledge of Allegiance**
- **Roll Call**

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°23-125: AMEND THE GRANTS BUDGET: APPROPRIATE \$50,000 IN FUNDING FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2024 COLD CASE DNA GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-126: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES FOR THE CLASS SPECIFICATION OF COMMUNITY SERVICES MANAGER FOR THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Ms. Hartley-Nagle

°23-127: AMEND THE FY2023 APPROVED OPERATING BUDGET: REALIGN \$89,602 WITHIN THE SEWER FUND IN ORDER TO PROVIDE FUNDING FOR SALARIES AND WAGES Introduced by: Mr. Smiley, Mr. Cartier

°23-128: AUTHORIZING THE ISSUANCE OF \$22,033,016 IN GENERAL OBLIGATION BONDS THROUGH THE DELAWARE CLEAN WATER STATE REVOLVING LOAN FUND FOR THE DEPARTMENT OF PUBLIC WORKS, UPPER WEST WING SANITARY SEWER AS PART OF THE SOUTHERN SEWER SERVICE AREA CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Carter

°23-129: AMEND THE FY2024 APPROVED OPERATING BUDGET:TRANSFER FUNDS FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO

THE SALARIES AND WAGES AND EMPLOYEE BENEFITS BUDGET LINE ITEMS FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PARKS Introduced by: Mr. Smiley

°23-130: AMEND SECTION 14.02.006 OF THE NEW CASTLE COUNTY CODE TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO WAIVE COLLECTION FEES FOR RETURNED PAYMENTS UNDER CERTAIN CIRCUMSTANCES Introduced by: Mr. Tackett, Ms. George

°23-131: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 10 ("REAL PROPERTY TRANSFER TAX") TO PROVIDE AN INCOME QUALIFIED EXEMPTION FROM THE NEW CASTLE COUNTY PORTION OF REAL ESTATE TRANSFER TAX RELATING TO NEWLY BUILT HOUSES WITH RESIDENTIAL FIRE PROTECTION SPRINKLERS Introduced by: Mr. Carter, Mr. Smiley

°23-132: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 ("FINANCE AND TAXATION") REGARDING FISCAL NOTES FOR PROPOSED ORDINANCES AND RESOLUTIONS Introduced by: Ms. Hartley-Nagle

°23-133: AMENDING CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 1 ("IN GENERAL"), SECTION 14.01.014 OF THE *NEW CASTLE COUNTY CODE* REGARDING THE TAX STABILIZATION RESERVE ACCOUNT Introduced by: Mr. Smiley

°23-134: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 7 ("PROPERTY MAINTENANCE CODE"), SECTION 7.01.002 ("AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE"), AS AMENDED, SECTION PM 308 ("RUBBISH AND GARBAGE") AND CHAPTER 19 ("RESIDENTIAL RENTAL PROPERTIES"), ARTICLE 3 ("RENTAL CODE"), ARTICLE 4 ("ENFORCEMENT"), AND APPENDIX RELATING TO REMOVAL OF RUBBISH AND GARBAGE Introduced by: Ms. George

E. Reports from Select and Special Committees

F. Consent Calendar

R23-165: CELEBRATING AND HONORING THE LIFE OF CAROLYN WOLFE BURLEW AND EXPRESSING CONDOLENCES TO HER FAMILY AND FRIENDS Introduced by: Mr. Cartier

R23-166: CONSENTING TO THE APPOINTMENT OF CORA CASTLE TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT Introduced by: Mr. Hollins

R23-167: CONSENTING TO THE REAPPOINTMENT OF LEE JARMON TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD Introduced by: Mr. Street

R23-168: CONSENTING TO THE REAPPOINTMENT OF CHARLES H. TOLIVER, IV, ESQUIRE, TO THE NEW CASTLE COUNTY ETHICS COMMISSION Introduced by: Mr. Hollins

NOTE: If an item on the Consent Calendar is objected to by a Council member, or a member of the public wishes to obtain additional information about the candidate or proposed legislation, or if a Councilmember intends to offer an amendment to a resolution, seek additional information, or state a conflict, it shall be removed from the Consent Calendar and voted upon separately.

G. Presentations

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

R23-169: AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH THE CITY OF NEWARK TO PROVIDE A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY

SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE AMOUNT OF \$281,677.00 Introduced by: Mr. Smiley, Mr. Cartier

R23-170: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FINANCING AGREEMENT WITH THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, IN AN AMOUNT NOT TO EXCEED \$22,033,016, TO FUND THE INSTALLATION OF APPROXIMATELY 18,000 LINEAR FEET OF DUAL PARALLEL FORCE MAINS RUNNING FROM A PUMP STATION ON CARTER FARM TO BOYDS CORNER ROAD FOR TREATMENT AT THE COUNTY'S WATER FARM #1 REGIONAL WASTEWATER TREATMENT PLANT AS PART OF THE SOUTHERN SEWER SERVICE AREA CAPITAL PROJECT; PROVIDING FOR THE PURCHASE OF THE BOND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH Introduced by: Mr. Sheldon, Mr. Carter

I. Consideration of Ordinances

°23-123: AMEND THE FY2023 APPROVED OPERATING BUDGET: APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE NEW CASTLE COUNTY POLICE EMPLOYEE'S RETIREMENT SYSTEM TO THE DEPARTMENT OF PUBLIC SAFETY EMPLOYEE BENEFITS BUDGETARY LINE ITEM Introduced by: Mr. Smiley, Mr. Cartier

°23-124: TO AMEND THE PAY PLAN AND RATES OF PAY FOR UNCLASSIFIED TEMPORARY SEASONAL AND PART-TIME RECURRING EMPLOYEES OF NEW CASTLE COUNTY Introduced by: Ms. Hartley-Nagle

°23-052: REVISE PREVIOUSLY APPROVED PRELIMINARY MAJOR LAND DEVELOPMENT PLAN WITH REZONING FOR STONEGATES RETIREMENT COMMUNITY DIVERSIFIED PLANNED UNIT DEVELOPMENT (DPUD); CHRISTIANA HUNDRED; EAST SIDE OF KENNETT, NORTH OF BARLEY MILL ROAD; TAX PARCEL NUMBER 07-026.00-090 (4031 KENNETT PIKE); [APPLICATION NO. 2023-0085-S/Z](#)) COUNCIL DISTRICT 2 (The revised plan for Stonegates Retirement Community proposes to revise the previously approved subdivision to construct 25,554 SF of additional gross floor area, and decrease the open space by 15,000 sf. This new plan will supersede the previously approved preliminary plan and rezoning. UDC Section 40.31.712 requires a new zoning ordinance for revisions to a DPUD plan that result in a decrease of open space. County Council adopted Ordinance 82-148 on December 21, 1982. NCPUD (Neighborhood Conservation Planned Unit Development) zoning district. App. 82-198, MF6681). Introduced by: Ms. Durham

°22-143: REVISE ZONING MAP: NEW CASTLE HUNDRED, SOUTH SIDE OF CHURCHMANS ROAD, 2900 FEET EAST OF CHURCHMANS ROAD; REZONE TAX PARCEL 10-024.00-219, 61.37+ ACRES, FROM S (SUBURBAN) TO I (INDUSTRIAL). (The Exploratory Plan and rezoning for Walker Farm Industrial Development proposes to rezone tax parcel 10-024.00-219, 61.37+ acres, from "S" (Suburban) to "I" (Industrial) to construct 837,200 square feet of warehousing with associated parking, utilities, stormwater management and landscaping improvements. [App. 2022-0335-S/Z](#).) Introduced by: Mr. Smiley

°23-121: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE") REGARDING ARTICLE 1 ("GENERAL"), ARTICLE 2 ("DEFINITIONS"), ARTICLE 3 ("ADMINISTRATION"), ARTICLE 4 ("BUILDING CODE"), ARTICLE 5 ("RESIDENTIAL CODE"), ARTICLE 9 ("EXISTING BUILDING CODE"), ARTICLE 10 ("ENERGY CONSERVATION CODE"), ARTICLE 11 ("SWIMMING POOL AND SPA CODE"), ARTICLE 12 ("VIOLATIONS, ENFORCEMENT, AND PENALTIES") AND SCHEDULE OF PERMIT AND REVIEW FEES Introduced by: Mr. Bell, Mr. Cartier

J. Time Sensitive Congratulatory/Honorary Resolutions

- K. Introduction/Consideration of Emergency Ordinances
- L. Public Comment/Other
- M. Motion to Adjourn

AGENDA POSTED: September 19, 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  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.

ORDINANCE NO. 23-125

AMEND THE GRANTS BUDGET:

APPROPRIATE \$50,000 IN FUNDING FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2024 COLD CASE DNA GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

WHEREAS, the Department of Public Safety, Division of Police has been awarded \$50,000 in funding from the State of Delaware Department of Safety and Homeland Security for the FY2024 Cold Case DNA Grant; and

WHEREAS, the funding will be used to assist with DNA testing and related expenses in the investigation of open cold cases; and

WHEREAS, the County Executive has determined that grants anticipated to be received from the State of Delaware Department of Safety and Homeland Security are sufficient to cover the increase in the Grants Budget as hereinafter amended; 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. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by adding the material underscored and deleting the material bracketed and stricken on the attached Exhibit "A."

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to 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: This Ordinance, if approved, will appropriate \$50,000 in funding from the State of Delaware, Department of Safety and Homeland Security to the FY2024 Cold Case DNA Grant. Funding will be used by the Department of Public Safety, Division of Police for DNA testing and related expenses in the investigation of open cold cases.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2023.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$50,000 in funding from the State of Delaware, Department of Safety and Homeland Security to the FY2024 Cold Case DNA Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget in the amount of \$50,000. This increase will affect FY2024 only since the targeted program completion date is June 30, 2024. There is no anticipated fiscal impact on the Operating Budget.

DEPARTMENT:

Public Safety

GRANT TITLE:

FY2024 Cold Case DNA Grant

PROGRAM TITLE:

FY2024 Cold Case DNA Grant

EXHIBIT:

"A"

Ordinance No.

23-125

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 50,000.00	\$ -	\$ 50,000.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 50,000.00	\$ -	\$ 50,000.00

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 50,000.00	\$ -	\$ 50,000.00
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 50,000.00	\$ -	\$ 50,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:

7/1/2023

Estimated Program Completion:

6/30/2024

The Local Match:

Found in (ORG):

Ordinance Passed:

Date Revised:

PROGRAM DESCRIPTION:

New Castle County Department of Public Safety, Division of Police will use the Cold Case funding received for expenses related to open cold cases for DNA testing and related expenses.

ORDINANCE NO. 23-126

**AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE
EMPLOYEES FOR THE CLASS SPECIFICATION OF COMMUNITY SERVICES MANAGER
FOR THE DEPARTMENT OF COMMUNITY SERVICES**

WHEREAS, the Department of Community Services has determined that it is necessary to make changes to the class specification of Community Services Manager to reflect the work currently being performed; and

WHEREAS, the Department recommends that the Pay Grade for the class specification Community Services Manager be changed from Pay Grade 32 to Pay Grade 34; and

WHEREAS, the Human Resources Advisory Board at its meeting on September 7, 2023, recommended that the class specification for the position title of Community Services Manager be changed on the Pay Plan and Rates of Pay for Non-Union Classified Service Employees from Pay Grade 32 to Pay Grade 34; and

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

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

Section 1. The Pay Plan and Rates of Pay for Non-Union Classified Service Employees, effective July 1, 2023 through June 30, 2024, is hereby amended by adding the material that is underscored and deleting the material that is stricken as set forth in Exhibit "A."

Section 2. The Pay Plan and Rates of Pay for Non-Union Classified Service Employees, effective July 1, 2024 through June 30, 2025, is hereby amended by adding the material that is underscored and deleting the material that is stricken as set forth in Exhibit "B."

Section 3. The Pay Plan and Rates of Pay for Non-Union Classified Service Employees, effective July 1, 2025 through June 30, 2026, is hereby amended by adding the material that is underscored and deleting the material that is stricken as set forth in Exhibit "C."

Section 4. The Pay Plan and Rates of Pay for Non-Union Classified Service Employees, effective July 1, 2026 is hereby amended by adding the material that is underscored and deleting the material that is stricken as set forth in Exhibit "D."

Section 5. 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 6. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to August 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: This Ordinance, if approved, changes the Pay Grade for the position title of Community Services Manager from Pay Grade 32 to Pay Grade 34 on the Pay Plan and Rates of Pay for Non-Union Classified Service Employees.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to August 1, 2023.

FISCAL IMPACT: This Ordinance, if approved, changes the Pay Grade for the position title of Community Services Manager from Pay Grade 32 to Pay Grade 34 on the Pay Plan and Rates of Pay for Non-Union Classified Service Employees.

There are currently two filled positions with the title of Community Services Manager. The estimated fiscal impact (Salaries/Wages and Benefits) of reclassifying the two employees currently in these positions is \$24,729 in FY2024, \$38,658 in FY2025 and \$39,624 in FY2026.

EXHIBIT A
PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
SENIOR SERVICES TRANS. PROGRAM COORD.	16	34,077	35,780	37,569	39,448	41,420	43,490	45,664	47,948	50,345	52,863
INSURANCE CLAIMS ASSISTANT	17	35,781	37,570	39,449	41,421	43,492	45,667	47,951	50,348	52,866	55,509
SENIOR SERVICES CENTER DIRECTOR	18	37,571	39,450	41,422	43,493	45,668	47,952	50,350	52,867	55,510	58,286
CONFIDENTIAL ASSISTANT HUMAN RESOURCES ASSISTANT	20	41,422	43,493	45,668	47,952	50,350	52,867	55,510	58,286	61,200	64,260
FINANCE INFORMATION SPECIALIST FIRE/MEDICAL COMMUNICATIONS SUPERVISOR POLICE COMMUNICATIONS SUPERVISOR VICTIM'S ASSISTANCE OFFICE COORDINATOR	22	45,667	47,951	50,348	52,866	55,509	58,285	61,199	64,259	67,472	70,845
REGISTER IN CHANCERY OFFICE ADMINISTRATOR STORMWATER INSPECTION SUPERVISOR	23	47,950	50,347	52,865	55,508	58,284	61,198	64,258	67,471	70,844	74,387
CRIME ANALYST LAND USE PARALEGAL PUBLIC INFORMATION SPECIALIST REAL ESTATE COORDINATOR	24	50,350	52,867	55,510	58,286	61,200	64,260	67,473	70,846	74,389	78,109
CUSTOMER INFO. AND ASSISTANCE SUPV. POLICE ACCREDITATION COORDINATOR	25	52,868	55,511	58,287	61,201	64,261	67,474	70,847	74,390	78,110	82,015
ASSISTANT COMMUNITY SERVICES ADMIN. ASSISTANT LAND USE ADMINISTRATOR ENVIRONMENTAL ENGINEER I HUMAN RESOURCES TECHNICIAN INSURANCE ADMINISTRATOR LAW OFFICE ADMINISTRATOR	26	55,511	58,287	61,201	64,261	67,474	70,847	74,390	78,110	82,015	86,116
COMMUNITY GOVERNING ADMINISTRATOR SPORTS AND ATHLETICS ADMINISTRATOR	27	58,286	61,200	64,260	67,473	70,846	74,389	78,109	82,014	86,115	90,421
ENVIRONMENTAL ADMINISTRATOR FACILITIES PROJECT MANAGER LAND USE SERVICES ADMINISTRATOR PUBLIC WORKS PROGRAM MANAGER STORMWATER PROGRAM COORDINATOR	28	61,200	64,260	67,473	70,846	74,389	78,109	82,014	86,115	90,421	94,942
PAYROLL SUPERVISOR	29	64,262	67,475	70,848	74,391	78,111	82,016	86,117	90,423	94,944	99,691
COMMUNITY SERVICES ADMINISTRATOR EMPLOYEE RELATIONS SPECIALIST FINANCE ADMINISTRATION MANAGER HUMAN RESOURCES ADMINISTRATOR LAND USE ADMINISTRATOR OPERATIONS SERVICES MANAGER PARKS DEVELOPMENT PLANNER PENSION AND BENEFITS ADMINISTRATOR TRANSPORTATION PLANNER	30	67,474	70,847	74,390	78,110	82,015	86,116	90,422	94,943	99,690	104,675
DEVELOPMENT FACILITATOR PROPERTY ASSESSMENT SERVICES MANAGER	31	70,851	74,393	78,113	82,018	86,119	90,425	94,946	99,694	104,679	109,912
COMMUNITY SERVICES MANAGER DEPARTMENT FINANCE OFFICER INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	74,392	78,112	82,017	86,118	90,424	94,945	99,692	104,677	109,910	115,405

EXHIBIT A**PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
ACCOUNTING AND FISCAL MANAGER	34	82,016	86,117	90,423	94,944	99,691	104,676	109,909	115,404	121,174	127,233
ASSISTANT LAND USE MANAGER											
CHIEF PROCUREMENT OFFICER											
CHIEF OF SPECIAL PROJECTS											
<u>COMMUNITY SERVICES MANAGER</u>											
ENGINEERING SERVICES MANAGER											
INFORMATION SYSTEMS MANAGER											
INSURANCE AND LOSS CONTROL MANAGER											
INTERNAL SERVICES MANAGER											
PARKS DIVISION MANAGER											
PENSION PROGRAM MANAGER											
SEWER OPERATIONS MANAGER											
STORMWATER & ENVIRONMENTAL PROGS. MGR											
TREASURY MANAGER											
FINANCE LEGAL OFFICER	35	86,118	90,424	94,945	99,692	104,677	109,910	115,405	121,176	127,235	133,597
FIRST ASSISTANT COUNTY ATTORNEY											
HUMAN RESOURCES MANAGER											
PUBLIC WORKS SENIOR MANAGER	36	90,423	94,944	99,691	104,676	109,909	115,404	121,174	127,233	133,594	140,274
DEPUTY CHIEF OF TECHNOLOGY											

NON-UNION CLASSIFIED SERVICE EMPLOYEES OF EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	30	71,779	75,152	78,695	82,415	86,320	90,421	94,727	99,248	103,995	108,980
CHIEF OF EMERGENCY COMMUNICATIONS	36	94,728	99,249	103,996	108,981	114,214	119,709	125,479	131,538	137,899	144,579
CHIEF OF EMERGENCY MEDICAL SERVICES	38	106,867	111,852	117,085	122,580	128,351	134,410	140,772	147,452	154,466	161,831

Effective: 07/01/2023 (Ordinance 23-063)

Revised: 07/01/2023 (Ordinance 23-086)

Revised: 08/29/2023 (Ordinance 23-097)

Revised: xx/xx/xxxx (Ordinance 23-xxx)

EXHIBIT B
PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
SENIOR SERVICES TRANS. PROGRAM COORD.	16	34,929	36,675	38,509	40,435	42,456	44,578	46,806	49,147	51,604	54,185
INSURANCE CLAIMS ASSISTANT	17	36,676	38,510	40,436	42,457	44,580	46,809	49,150	51,607	54,188	56,897
SENIOR SERVICES CENTER DIRECTOR	18	38,511	40,437	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744
CONFIDENTIAL ASSISTANT HUMAN RESOURCES ASSISTANT	20	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,730	65,867
FINANCE INFORMATION SPECIALIST FIRE/MEDICAL COMMUNICATIONS SUPERVISOR POLICE COMMUNICATIONS SUPERVISOR VICTIM'S ASSISTANCE OFFICE COORDINATOR	22	46,809	49,150	51,607	54,188	56,897	59,743	62,729	65,866	69,159	72,617
REGISTER IN CHANCERY OFFICE ADMINISTRATOR STORMWATER INSPECTION SUPERVISOR	23	49,149	51,606	54,187	56,896	59,742	62,728	65,865	69,158	72,616	76,247
CRIME ANALYST LAND USE PARALEGAL PUBLIC INFORMATION SPECIALIST REAL ESTATE COORDINATOR	24	51,609	54,189	56,898	59,744	62,730	65,867	69,160	72,618	76,249	80,062
CUSTOMER INFO. AND ASSISTANCE SUPV. POLICE ACCREDITATION COORDINATOR	25	54,190	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066
ASSISTANT COMMUNITY SERVICES ADMIN. ASSISTANT LAND USE ADMINISTRATOR ENVIRONMENTAL ENGINEER I HUMAN RESOURCES TECHNICIAN INSURANCE ADMINISTRATOR LAW OFFICE ADMINISTRATOR	26	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269
COMMUNITY GOVERNING ADMINISTRATOR SPORTS AND ATHLETICS ADMINISTRATOR	27	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682
ENVIRONMENTAL ADMINISTRATOR FACILITIES PROJECT MANAGER LAND USE SERVICES ADMINISTRATOR PUBLIC WORKS PROGRAM MANAGER STORMWATER PROGRAM COORDINATOR	28	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682	97,316
PAYROLL SUPERVISOR	29	65,869	69,162	72,620	76,251	80,064	84,067	88,270	92,684	97,318	102,184
COMMUNITY SERVICES ADMINISTRATOR EMPLOYEE RELATIONS SPECIALIST FINANCE ADMINISTRATION MANAGER HUMAN RESOURCES ADMINISTRATOR LAND USE ADMINISTRATOR OPERATIONS SERVICES MANAGER PARKS DEVELOPMENT PLANNER PENSION AND BENEFITS ADMINISTRATOR TRANSPORTATION PLANNER	30	69,161	72,619	76,250	80,063	84,066	88,269	92,683	97,317	102,183	107,292
DEVELOPMENT FACILITATOR PROPERTY ASSESSMENT SERVICES MANAGER	31	72,623	76,253	80,066	84,069	88,272	92,686	97,320	102,187	107,296	112,660
COMMUNITY SERVICES MANAGER DEPARTMENT FINANCE OFFICER INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	76,252	80,065	84,068	88,271	92,685	97,319	102,185	107,294	112,658	118,291

EXHIBIT B**PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
ACCOUNTING AND FISCAL MANAGER	34	84,067	88,270	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414
ASSISTANT LAND USE MANAGER											
CHIEF PROCUREMENT OFFICER											
CHIEF OF SPECIAL PROJECTS											
<u>COMMUNITY SERVICES MANAGER</u>											
ENGINEERING SERVICES MANAGER											
INFORMATION SYSTEMS MANAGER											
INSURANCE AND LOSS CONTROL MANAGER											
INTERNAL SERVICES MANAGER											
PARKS DIVISION MANAGER											
PENSION PROGRAM MANAGER											
SEWER OPERATIONS MANAGER											
STORMWATER & ENVIRONMENTAL PROGS. MGR											
TREASURY MANAGER											
FINANCE LEGAL OFFICER	35	88,271	92,685	97,319	102,185	107,294	112,658	118,291	124,206	130,416	136,937
FIRST ASSISTANT COUNTY ATTORNEY											
HUMAN RESOURCES MANAGER											
PUBLIC WORKS SENIOR MANAGER	36	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,934	143,781
DEPUTY CHIEF OF TECHNOLOGY											

NON-UNION CLASSIFIED SERVICE EMPLOYEES OF EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	30	73,574	77,031	80,663	84,476	88,478	92,682	97,096	101,730	106,595	111,705
CHIEF OF EMERGENCY COMMUNICATIONS	36	97,097	101,731	106,596	111,706	117,070	122,702	128,616	134,827	141,347	148,194
CHIEF OF EMERGENCY MEDICAL SERVICES	38	109,539	114,649	120,013	125,645	131,560	137,771	144,292	151,139	158,328	165,877

Effective: 07/01/2024 (Ordinance 23-063)

Revised: 07/01/2024 (Ordinance 23-086)

Revised: 08/29/2023 (Ordinance 23-097)

Revised: xx/xx/xxxx (Ordinance 23-xxx)

EXHIBIT C
PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
SENIOR SERVICES TRANS. PROGRAM COORD.	16	35,803	37,592	39,472	41,446	43,518	45,693	47,977	50,376	52,895	55,540
INSURANCE CLAIMS ASSISTANT	17	37,593	39,473	41,447	43,519	45,695	47,980	50,379	52,898	55,543	58,320
SENIOR SERVICES CENTER DIRECTOR	18	39,474	41,448	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238
CONFIDENTIAL ASSISTANT HUMAN RESOURCES ASSISTANT	20	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,299	67,514
FINANCE INFORMATION SPECIALIST FIRE/MEDICAL COMMUNICATIONS SUPERVISOR POLICE COMMUNICATIONS SUPERVISOR VICTIM'S ASSISTANCE OFFICE COORDINATOR	22	47,980	50,379	52,898	55,543	58,320	61,237	64,298	67,513	70,888	74,433
REGISTER IN CHANCERY OFFICE ADMINISTRATOR STORMWATER INSPECTION SUPERVISOR	23	50,378	52,897	55,542	58,319	61,236	64,297	67,512	70,887	74,432	78,154
CRIME ANALYST LAND USE PARALEGAL PUBLIC INFORMATION SPECIALIST REAL ESTATE COORDINATOR	24	52,900	55,544	58,321	61,238	64,299	67,514	70,889	74,434	78,156	82,064
CUSTOMER INFO. AND ASSISTANCE SUPV. POLICE ACCREDITATION COORDINATOR	25	55,545	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168
ASSISTANT COMMUNITY SERVICES ADMIN. ASSISTANT LAND USE ADMINISTRATOR ENVIRONMENTAL ENGINEER I HUMAN RESOURCES TECHNICIAN INSURANCE ADMINISTRATOR LAW OFFICE ADMINISTRATOR	26	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476
COMMUNITY GOVERNING ADMINISTRATOR SPORTS AND ATHLETICS ADMINISTRATOR	27	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000
ENVIRONMENTAL ADMINISTRATOR FACILITIES PROJECT MANAGER LAND USE SERVICES ADMINISTRATOR PUBLIC WORKS PROGRAM MANAGER STORMWATER PROGRAM COORDINATOR	28	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000	99,749
PAYROLL SUPERVISOR	29	67,516	70,892	74,436	78,158	82,066	86,169	90,477	95,002	99,751	104,739
COMMUNITY SERVICES ADMINISTRATOR EMPLOYEE RELATIONS SPECIALIST FINANCE ADMINISTRATION MANAGER HUMAN RESOURCES ADMINISTRATOR LAND USE ADMINISTRATOR OPERATIONS SERVICES MANAGER PARKS DEVELOPMENT PLANNER PENSION AND BENEFITS ADMINISTRATOR TRANSPORTATION PLANNER	30	70,891	74,435	78,157	82,065	86,168	90,476	95,001	99,750	104,738	109,975
DEVELOPMENT FACILITATOR PROPERTY ASSESSMENT SERVICES MANAGER	31	74,439	78,160	82,068	86,171	90,479	95,004	99,753	104,742	109,979	115,477
COMMUNITY SERVICES MANAGER DEPARTMENT FINANCE OFFICER INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249

EXHIBIT C**PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
ACCOUNTING AND FISCAL MANAGER	34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675
ASSISTANT LAND USE MANAGER											
CHIEF PROCUREMENT OFFICER											
CHIEF OF SPECIAL PROJECTS											
<u>COMMUNITY SERVICES MANAGER</u>											
ENGINEERING SERVICES MANAGER											
INFORMATION SYSTEMS MANAGER											
INSURANCE AND LOSS CONTROL MANAGER											
INTERNAL SERVICES MANAGER											
PARKS DIVISION MANAGER											
PENSION PROGRAM MANAGER											
SEWER OPERATIONS MANAGER											
STORMWATER & ENVIRONMENTAL PROGS. MGR											
TREASURY MANAGER											
FINANCE LEGAL OFFICER	35	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312	133,677	140,361
FIRST ASSISTANT COUNTY ATTORNEY											
HUMAN RESOURCES MANAGER											
PUBLIC WORKS SENIOR MANAGER	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376
DEPUTY CHIEF OF TECHNOLOGY											

NON-UNION CLASSIFIED SERVICE EMPLOYEES OF EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	30	75,414	78,957	82,680	86,588	90,690	95,000	99,524	104,274	109,260	114,498
CHIEF OF EMERGENCY COMMUNICATIONS	36	99,525	104,275	109,261	114,499	119,997	125,770	131,832	138,198	144,881	151,899
CHIEF OF EMERGENCY MEDICAL SERVICES	38	112,278	117,516	123,014	128,787	134,849	141,216	147,900	154,918	162,287	170,024

Effective: 07/01/2025 (Ordinance 23-063)

Revised: 07/01/2025 (Ordinance 23-086)

Revised: 08/29/2023 (Ordinance 23-097)

Revised: xx/xx/xxxx (Ordinance 23-xxx)

EXHIBIT D
PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
SENIOR SERVICES TRANS. PROGRAM COORD.	16	36,699	38,532	40,459	42,483	44,606	46,836	49,177	51,636	54,218	56,929
INSURANCE CLAIMS ASSISTANT	17	38,533	40,460	42,484	44,607	46,838	49,180	51,639	54,221	56,932	59,778
SENIOR SERVICES CENTER DIRECTOR	18	40,461	42,485	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769
CONFIDENTIAL ASSISTANT HUMAN RESOURCES ASSISTANT	20	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,907	69,202
FINANCE INFORMATION SPECIALIST FIRE/MEDICAL COMMUNICATIONS SUPERVISOR POLICE COMMUNICATIONS SUPERVISOR VICTIM'S ASSISTANCE OFFICE COORDINATOR	22	49,180	51,639	54,221	56,932	59,778	62,768	65,906	69,201	72,661	76,294
REGISTER IN CHANCERY OFFICE ADMINISTRATOR STORMWATER INSPECTION SUPERVISOR	23	51,638	54,220	56,931	59,777	62,767	65,905	69,200	72,660	76,293	80,108
CRIME ANALYST LAND USE PARALEGAL PUBLIC INFORMATION SPECIALIST REAL ESTATE COORDINATOR	24	54,223	56,933	59,780	62,769	65,907	69,202	72,662	76,295	80,110	84,116
CUSTOMER INFO. AND ASSISTANCE SUPV. POLICE ACCREDITATION COORDINATOR	25	56,934	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323
ASSISTANT COMMUNITY SERVICES ADMIN. ASSISTANT LAND USE ADMINISTRATOR ENVIRONMENTAL ENGINEER I HUMAN RESOURCES TECHNICIAN INSURANCE ADMINISTRATOR LAW OFFICE ADMINISTRATOR	26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738
COMMUNITY GOVERNING ADMINISTRATOR SPORTS AND ATHLETICS ADMINISTRATOR	27	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375
ENVIRONMENTAL ADMINISTRATOR FACILITIES PROJECT MANAGER LAND USE SERVICES ADMINISTRATOR PUBLIC WORKS PROGRAM MANAGER STORMWATER PROGRAM COORDINATOR	28	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375	102,243
PAYROLL SUPERVISOR	29	69,204	72,665	76,297	80,112	84,118	88,324	92,739	97,378	102,245	107,358
COMMUNITY SERVICES ADMINISTRATOR EMPLOYEE RELATIONS SPECIALIST FINANCE ADMINISTRATION MANAGER HUMAN RESOURCES ADMINISTRATOR LAND USE ADMINISTRATOR OPERATIONS SERVICES MANAGER PARKS DEVELOPMENT PLANNER PENSION AND BENEFITS ADMINISTRATOR TRANSPORTATION PLANNER	30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725
DEVELOPMENT FACILITATOR PROPERTY ASSESSMENT SERVICES MANAGER	31	76,300	80,114	84,120	88,326	92,741	97,380	102,247	107,361	112,729	118,364
COMMUNITY SERVICES MANAGER DEPARTMENT FINANCE OFFICER INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281

EXHIBIT D**PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
ACCOUNTING AND FISCAL MANAGER	34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017
ASSISTANT LAND USE MANAGER											
CHIEF PROCUREMENT OFFICER											
CHIEF OF SPECIAL PROJECTS											
<u>COMMUNITY SERVICES MANAGER</u>											
ENGINEERING SERVICES MANAGER											
INFORMATION SYSTEMS MANAGER											
INSURANCE AND LOSS CONTROL MANAGER											
INTERNAL SERVICES MANAGER											
PARKS DIVISION MANAGER											
PENSION PROGRAM MANAGER											
SEWER OPERATIONS MANAGER											
STORMWATER & ENVIRONMENTAL PROGS. MGR											
TREASURY MANAGER											
FINANCE LEGAL OFFICER	35	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495	137,019	143,871
FIRST ASSISTANT COUNTY ATTORNEY											
HUMAN RESOURCES MANAGER											
PUBLIC WORKS SENIOR MANAGER	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061
DEPUTY CHIEF OF TECHNOLOGY											

NON-UNION CLASSIFIED SERVICE EMPLOYEES OF EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	30	77,300	80,931	84,747	88,753	92,958	97,375	102,013	106,881	111,992	117,361
CHIEF OF EMERGENCY COMMUNICATIONS	36	102,014	106,882	111,993	117,362	122,997	128,915	135,128	141,653	148,504	155,697
CHIEF OF EMERGENCY MEDICAL SERVICES	38	115,085	120,454	126,090	132,007	138,221	144,747	151,598	158,791	166,345	174,275

Effective: 07/01/2026 (Ordinance 23-063)

Revised: 07/01/2026 (Ordinance 23-086)

Revised: 08/29/2023 (Ordinance 23-097)

Revised: xx/xx/xxxx (Ordinance 23-xxx)

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: September 26, 2023

ORDINANCE NO. 23-127

**AMEND THE FY2023 APPROVED OPERATING BUDGET:
REALIGN \$89,602 WITHIN THE SEWER FUND IN ORDER TO PROVIDE FUNDING FOR
SALARIES AND WAGES**

WHEREAS, realignment of funds is required for the FY2023 County's salaries and wages; and

WHEREAS, the Sewer Fund will require a realignment of \$89,602 from the Debt Service Budget Line Item to the Salaries and Wages Budget Line Item in the Department of Public Works; and

WHEREAS, the revenue measures heretofore adopted by the County Council, together with any General Fund Tax Stabilization Reserves 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 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, 2022 is hereby amended by deleting the matter stricken and adding the matter 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, 2022 and shall be effective 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. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 30, 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: This Ordinance, if approved, will realign \$89,602 within the Sewer Fund from the Debt Service Budget Line Item to the Salaries and Wages Budget Line Item in the Department of Public Works. This realignment of funds is necessary to cover FY2023 County's salaries and wages.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 30, 2023.

FISCAL NOTE: This Ordinance, if approved, will realign \$89,602 within the Sewer Fund from the Debt Service Budget Line Item to the Salaries and Wages Budget Line Item in the Department of Public Works. This realignment of funds is necessary to cover FY2023 County's salaries and wages. This realignment of funding will result in no increase to the FY2023 Approved Operating Budget as the legislation is a transfer of funds between Departments and within the same fund.

COUNTY COUNCIL

Salaries and Wages	\$	2,109,895
Benefits		1,263,991
Training and Civic Affairs		50,190
Communication and Utilities		20,836
Materials and Supplies		35,414
Contractual Services		294,435
Equipment		4,898
Grants and Fixed Charges		172,965
Operating Transfer Charges		144,715
Total	\$	4,097,339
Total Authorized Full-Time Positions	35	

COUNTY EXECUTIVE

Salaries and Wages	\$	1,643,392
Benefits		957,407
Training and Civic Affairs		39,404
Communication and Utilities		16,780
Materials and Supplies		22,236
Contractual Services		147,991
Equipment		1,000
Grants and Fixed Charges		1,893,000
Contingency		47,000
Operating Transfer Charges		76,382
Total	\$	4,844,592
Total Authorized Full-Time Positions	14	

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	11,229,226
Benefits		6,540,308
Training and Civic Affairs		124,486
Communication and Utilities		6,979,246
Materials and Supplies		163,208
Contractual Services		6,509,695
Equipment		510,745
Grants and Fixed Charges		3,830,289
Operating Transfer Charges		1,024,227
Operating Transfer Credits		(11,775,518)
Total	\$	25,135,912
Total Authorized Full-Time Positions	166	

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	22,695,548	\$	22,785,150
Benefits			13,293,757
Training and Civic Affairs			34,445
Communication and Utilities			24,792,906
Materials and Supplies			5,169,663
Contractual Services			9,467,752
Equipment			750,378
Grants and Fixed Charges			1,234,007
Land and Structures			35,000
Operating Transfer Charges			4,659,870
Operating Transfer Credits			(8,009,063)
Total	74,124,263	\$	74,213,865
Total Authorized Full-Time Positions	379		

DEPARTMENT OF LAND USE

Salaries and Wages		\$	7,384,566
Benefits			4,337,774
Training and Civic Affairs			63,515
Communication and Utilities			115,975
Materials and Supplies			82,117
Contractual Services			1,536,061
Equipment			70,115
Grants and Fixed Charges			55,500
Operating Transfer Charges			1,126,134
Operating Transfer Credits			(800,651)
Total		\$	13,971,106
Total Authorized Full-Time Positions	118		

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages		\$	11,533,050
Benefits			5,178,773
Training and Civic Affairs			17,000
Communication and Utilities			1,054,027
Materials and Supplies			1,377,892
Contractual Services			2,131,761
Equipment			35,627
Grants and Fixed Charges			3,110,149
Operating Transfer Charges			1,215,694
Operating Transfer Credits			(188,230)
Total		\$	25,465,743
Total Authorized Full-Time Positions	161		

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages	\$	64,723,978
Benefits		36,335,447
Training and Civic Affairs		180,183
Communication and Utilities		1,021,720
Materials and Supplies		1,160,237
Contractual Services		1,999,992
Equipment		1,652,292
Grants and Fixed Charges		6,458,350
Operating Transfer Charges		7,938,182
Total	\$	121,470,381
Total Authorized Full-Time Positions	711	

REGISTER OF WILLS

Salaries and Wages	\$	978,974
Benefits		565,901
Training and Civic Affairs		35,150
Communication and Utilities		12,266
Materials and Supplies		8,384
Contractual Services		25,448
Equipment		1,950
Operating Transfer Charges		80,523
Total	\$	1,708,596
Total Authorized Full-Time Positions	19	

RECORDER OF DEEDS

Salaries and Wages		\$	1,066,594
Benefits			618,100
Training and Civic Affairs			39,820
Communication and Utilities			33,977
Materials and Supplies			12,898
Contractual Services			84,446
Equipment			5,000
Grants and Fixed Charges			18,350
Operating Transfer Charges			150,152
Total		\$	2,029,337
Total Authorized Full-Time Positions	24		

SHERIFF

Salaries and Wages		\$	1,173,906
Benefits			689,894
Training and Civic Affairs			29,452
Communication and Utilities			16,181
Materials and Supplies			20,684
Contractual Services			56,398
Equipment			5,000
Operating Transfer Charges			163,243
Total		\$	2,154,758
Total Authorized Full-Time Positions	21		

CLERK OF THE PEACE

Salaries and Wages		\$	449,603
Benefits			265,680
Training and Civic Affairs			14,130
Communication and Utilities			5,256
Materials and Supplies			5,424
Contractual Services			23,593
Operating Transfer Charges			30,639
Total		\$	794,325
Total Authorized Full-Time Positions	7		

DEBT SERVICE

Debt Service	46,374,026	\$	<u>46,284,424</u>
Total	46,374,026	\$	<u>46,284,424</u>
Total Authorized Full-Time Positions			

ETHICS COMMISSION

Salaries and Wages	\$	39,347
Benefits		3,860
Training and Civic Affairs		10,500
Communication and Utilities		2,223
Materials and Supplies		2,450
Contractual Services		291,116
Equipment		500
Operating Transfer Charges		6,066
Total	\$	356,062
Total Authorized Full-Time Positions	0	

COUNCIL CONTINGENCY

Contingency	\$	250,000
Total	\$	250,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	0
Total	\$	0
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	294,800
Total	\$	294,800
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	0
Personal Services - Employee Benefits	\$	0
Total	\$	0
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	121,540
Total	\$	121,540

NEW CASTLE COUNTY

Salaries and Wages	125,028,079	\$	<u>125,117,681</u>
Benefits			70,050,892
Training and Civic Affairs			638,275
Communication and Utilities			34,071,393
Materials and Supplies			8,060,607
Contractual Services			22,568,688
Equipment			3,037,505
Grants and Fixed Charges			16,772,610
Debt Service	46,374,026		<u>46,284,424</u>
Land and Structures			35,000
Contingency			713,340
Operating Transfer Charges			16,615,827
Operating Transfer Credits			(20,773,462)
<i>Sub-Total New Castle County</i>		\$	323,192,780
<i>Total Authorized Full-Time Positions</i>	1,655		

RESERVE ACCOUNTS AS OF JUNE 27, 2023

Tax Stabilization Reserve Account	69,992,392
Sewer Rate Stabilization Reserve Account	10,663,702
General Fund Budget Reserve Account	44,845,412
Sewer Fund Budget Reserve Account	18,362,788
<i>Total Reserves:</i>	143,864,294

ORDINANCE NO. 23-128

AUTHORIZING THE ISSUANCE OF \$22,033,016 IN GENERAL OBLIGATION BONDS THROUGH THE DELAWARE CLEAN WATER STATE REVOLVING LOAN FUND FOR THE DEPARTMENT OF PUBLIC WORKS, UPPER WEST WING SANITARY SEWER AS PART OF THE SOUTHERN SEWER SERVICE AREA CAPITAL PROJECT

WHEREAS, Chapter 22 of Title 9 of the *Delaware Code*, as amended, authorizes New Castle County to plan, acquire, purchase, construct, reconstruct, improve, better and extend, and maintain and operate sewerage systems therein defined, and the County Council of New Castle County has determined to extend existing sewerage systems now maintained by the County by constructing and extend local sewer projects and to connect newly constructed force mains to treatment plant sites; and

WHEREAS, it has been deemed necessary to appropriate \$22,033,016 for the installation of 18,000 linear feet of dual parallel force mains, 14 inches and 18 inches in diameter and regional pumping station. The force mains will run from the regional pump located on Carter Farm, parcel ID 11-061.00-001, to an existing manhole along Boyds Corner Road, by Whispering Wood residential development in New Castle County, Delaware. The force mains will convey sewage from the Upper West Wing Sewer Service Area to Mt. Pleasant Interceptor, for treatment at the County's Water Farm #1 Regional Wastewater Treatment Plant as part of the Southern Sewer Service Area Capital Project (the "Project"); and

WHEREAS, the Project is part of on the ongoing expansion of the southern sewer area to extend the existing sanitary sewer system and to prevent sanitary sewer overflows which decrease water quality and have negative environmental and public health impacts on wildlife, residents and commercial entities; and

WHEREAS, this Ordinance corresponds to Resolution 23-xxx authorizing the County Executive to execute a financing agreement for \$22,033,016 with the Delaware Clean Water State Revolving Loan Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS (10 of 13 of the members elected to the County Council concurring therein):

Section 1. New Castle County shall authorize the issuance of its negotiable bonds in the maximum aggregate principal amount of \$22,033,016 for the Project.

Section 2. The funds raised by the issuance of the bonds hereby authorized, after the payment of the charges and expenses connected with the preparation, sale, and issuance thereof, shall be expended only for the purposes for which said bonds have been authorized, or for the payment of the principal of, and interest on, temporary loans made in anticipation of the sale of such bonds.

Section 3. The effect of the bonded indebtedness hereby authorized upon the total bonded indebtedness of New Castle County is as shown on the attached, Exhibit "A."

Section 4. It is hereby determined and declared that the normal life of said improvements is not less than three (3) years (§ 1163 of the *Delaware Code*).

Section 5. 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: Authorize the issuance of \$22,033,016 of general obligation bonds through the Delaware Clean Water State Revolving Loan Funds from the State of Delaware Department of Natural Resources and Environmental Control to the Department of Public Works, Upper West Wing Sanitary Sewer as part of the Southern Sewer Service Area Capital Project.

FISCAL NOTE: This Ordinance, if approved, will authorize the issuance of \$22,033,016 of general obligation bond funds through the Delaware Clean Water State Revolving Loan Funds from the State of Delaware Department of Natural Resources and Environmental Control to the Department of Public Works, Upper West Wing Sanitary Sewer as part of the Southern Sewer Service Area Capital Project.

The fiscal impact of issuing County Bonds in the maximum aggregate principal amount of \$22,033,016 assuming a term of twenty (30) years with a constant principal amount, is demonstrated on the attached Exhibit "A."

EXHIBIT "A"

FISCAL NOTE: This Ordinance will authorize County Bonds in the maximum aggregate principal amount (net of issuance costs) of \$22,033,016.

The fiscal impact of this Ordinance, if approved, is demonstrated on a pro-forma basis below:

<u>Previous Authorizations</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
Authorized and Issued Bonds ⁽¹⁾ (8/31/2023)	\$520,840,000	\$163,292,273	\$684,132,273
Authorized and Unissued Bonds (8/31/2023)	<u>133,483,970</u>	<u>56,063,267</u> ⁽²⁾	<u>189,547,238</u>
Total Previous Authorizations	<u>654,323,970</u>	<u>219,355,540</u>	<u>873,679,511</u>

The following State Revolving Fund loans are not included in the above totals:

Authorized and Issued Bonds ⁽⁵⁾ (8/31/2023)	\$23,859,025	\$4,319,568 ⁽⁶⁾	\$28,178,594
Authorized and Unissued Bonds ⁽⁵⁾ (8/31/2023)	9,778,559	1,824,315 ⁽⁶⁾	11,602,874
Total Previous Authorizations	<u>33,637,584</u>	<u>6,143,883</u>	<u>39,781,467</u>
Proposed Net Authorizations ⁽⁴⁾ by the Ordinance	22,033,016	6,830,235 ⁽³⁾	28,863,251
Total Previous Authorizations and Proposed Net Authorizations	<u>\$55,670,600</u>	<u>\$12,974,118</u>	<u>\$68,644,718</u>

⁽¹⁾ These amounts have been adjusted to reflect retired principal and interest through 8/31/23.

⁽²⁾ Interest is computed at 4.0 percent.

⁽³⁾ Interest is computed at 2.0 percent.

⁽⁴⁾ Assuming a constant principal amount of \$734,434 over a term of thirty years, total debt service interest for the \$22,033,016 would be \$6,830,235.

⁽⁵⁾ Future draws on these loans will decrease the unissued bonds amount and increase the issued bonds amount.

⁽⁶⁾ Interest is from DNREC's estimated future repayment schedule. Interest rates for various loans are 0, 2.00, 2.394 and 2.601 percent.

ORDINANCE NO. 23-129

**AMEND THE FY2024 APPROVED OPERATING BUDGET:
TRANSFER FUNDS FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM
OF COUNTY COUNCIL TO THE SALARIES AND WAGES AND EMPLOYEE BENEFITS
BUDGET LINE ITEMS FOR THE DEPARTMENT OF PUBLIC WORKS,
DIVISION OF PARKS**

WHEREAS, the Department of Public Works, Division of Parks maintains community parkland and storm water ditches; and

WHEREAS, County Council has budgeted funding available in the Grants and Fixed Charges Budget Line Item; and

WHEREAS, County Council would like to contribute \$5,000 to the Department of Public Works, Division of Parks to assist with overtime associated with maintenance of Community parkland and storm water ditches; and

WHEREAS, the revenue measures heretofore adopted by the County Council, together with any General Fund Tax Stabilization Reserves 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 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 bracketed and 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 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.

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 approved, will transfer \$5,000 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Public Works – Salaries and Wages and Employee Benefits Budget Line Items to the Department of Public Works, Division of Parks to assist with overtime costs associated with the maintenance of Community parkland and storm water ditches. This legislation will result in no increase to the FY2024 Approved Operating Budget as the legislation is a transfer of funds between departments.

FISCAL NOTE: This Ordinance, if approved, will transfer \$5,000 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Public Works – Salaries and Wages and Employee Benefits Budget Line Items.

This legislation will reduce the FY2024 Approved Operating Budget for County Council by \$5,000 and increase the Department of Public Works by \$5,000. This legislation will result in no increase to the FY2024 Approved Operating Budget as the legislation is a transfer of funds between departments. There is no fiscal impact for FY2025 or FY2026.

COUNTY COUNCIL

Salaries and Wages		\$	2,428,665
Benefits			1,428,590
Training and Civic Affairs			71,004
Communication and Utilities			17,849
Materials and Supplies			60,926
Contractual Services			253,148
Equipment			1,600
Grants and Fixed Charges	431,482		<u>426,482</u>
Operating Transfer Charges			161,959
Total	<u>4,855,223</u>	\$	<u>4,850,223</u>
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			743,000
Contingency			55,000
Operating Transfer Charges			82,016
Total		\$	<u>3,922,521</u>
Total Authorized Full-Time Positions	15		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	12,223,612
Benefits			7,092,525
Training and Civic Affairs			130,625
Communication and Utilities			8,293,491
Materials and Supplies			158,147
Contractual Services			6,777,985
Equipment			392,056
Grants and Fixed Charges			3,925,350
Operating Transfer Charges			1,163,161
Operating Transfer Credits			(12,098,321)
Total		\$	<u>25,133,673</u>
Total Authorized Full-Time Positions	167		

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	24,594,391	\$	24,597,539
Benefits	14,346,471		14,348,323
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	\$	77,782,691
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			20,232
Communication and Utilities			949,832
Materials and Supplies			1,383,163
Contractual Services			2,336,062
Equipment			19,900
Grants and Fixed Charges			3,110,149
Operating Transfer Charges			1,230,637
Operating Transfer Credits			(190,829)
Total		\$	25,932,415
Total Authorized Full-Time Positions	160		

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages	\$	67,200,807
Benefits		39,140,036
Training and Civic Affairs		178,869
Communication and Utilities		1,010,888
Materials and Supplies		1,040,811
Contractual Services		2,179,206
Equipment		1,471,072
Grants and Fixed Charges		6,492,175
Operating Transfer Charges		7,298,634
Total	\$	126,012,498
Total Authorized Full-Time Positions	711	

REGISTER OF WILLS

Salaries and Wages	\$	1,111,172
Benefits		634,647
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	\$	1,953,891
Total Authorized Full-Time Positions	20	

RECORDER OF DEEDS

Salaries and Wages	\$	1,232,844
Benefits		712,707
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	\$	2,287,316
Total Authorized Full-Time Positions	23	

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		30,043
Equipment Replacement		6,000
Operating Transfer Charges		31,776
Total	\$	846,527
Total Authorized Full-Time Positions	7	

DEBT SERVICE

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

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	\$	1,619,958
Total	\$	1,619,958

NEW CASTLE COUNTY

Salaries and Wages	128,178,603	\$	<u>128,181,751</u>
Benefits	73,114,264		<u>73,116,116</u>
Training and Civic Affairs			676,771
Communication and Utilities			35,254,322
Materials and Supplies			7,355,247
Contractual Services			24,122,984
Equipment			2,443,736
Grants and Fixed Charges	15,970,763		<u>15,965,763</u>
Debt Service			45,540,069
Land and Structures			35,000
Contingency			2,979,958
Operating Transfer Charges			16,332,843
Operating Transfer Credits			(20,531,152)
<i>Sub-Total New Castle County</i>		\$	<u>331,473,408</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,661</i>		

RESERVE ACCOUNTS AS OF AUGUST 29, 2023

Tax Stabilization Reserve Account (Unaudited)	75,254,652
Sewer Rate Stabilization Reserve Account (Unaudited)	8,484,160
General Fund Budget Reserve Account	44,592,418
Sewer Fund Budget Reserve Account	18,872,304
<i>Total Reserves:</i>	<u>147,203,534</u>

Introduced by: Mr. Tackett, Ms. George
Date of introduction: September 26, 2023

ORDINANCE NO. 23-130

**AMEND SECTION 14.02.006 OF THE *NEW CASTLE COUNTY CODE* TO
AUTHORIZE THE CHIEF FINANCIAL OFFICER TO WAIVE COLLECTION
FEES FOR RETURNED PAYMENTS UNDER CERTAIN CIRCUMSTANCES**

WHEREAS, section 14.02.006 of the *New Castle County Code* requires the Office of Finance to assess and collect certain fees (the “NSF Fees”) whenever the County is presented with a payment that is returned for any reason by the financial institution upon which it is drawn; and

WHEREAS, the Office of Finance is not provided with any authority to waive the NSF Fee under any circumstances; and

WHEREAS, certain circumstances may arise that justify allowing the Chief Financial Officer to waive the NSF Fee.

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

Section 1. Section 14.02.006 of the *New Castle County Code* is amended to add the following underscored provisions and remove the following stricken provisions:

- D. The Chief Financial Officer may waive any fee set forth in this Section for the following reasons:
1. A payment presented by the presenter has not been returned for any reason during the thirty-six (36) month period preceding return of the payment; or
 2. The presenter establishes that return of the payment was caused by a party other than the presenter through evidence satisfactory to the Chief Financial Officer.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 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 approved, will authorize the Chief Financial Officer to waive fees for returned payments under certain circumstances to provide more flexibility and fairness to individuals who make payments to the County that are returned by their financial institutions.

FISCAL NOTE: This Ordinance, if approved, will have a *de minimis* impact to the County. The amount of returned payment fees collected by the County do not exceed \$6,000 on average in any fiscal year, and the fees likely to be waived under the authority provided under this Ordinance will be a *de minimis* portion of that amount.

Introduced by: Mr. Carter, Mr. Smiley
Date of introduction: September 26, 2023

ORDINANCE NO. 23-131

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 (“FINANCE AND TAXATION”), ARTICLE 10 (“REAL PROPERTY TRANSFER TAX”) TO PROVIDE AN INCOME QUALIFIED EXEMPTION FROM THE NEW CASTLE COUNTY PORTION OF REAL ESTATE TRANSFER TAX RELATING TO NEWLY BUILT HOUSES WITH RESIDENTIAL FIRE PROTECTION SPRINKLERS

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, the cost of housing is the major cost of household budgets, and frequently forces at-risk families into unpredictable and unstable living situations; and

WHEREAS, per the U.S. Department of Housing & Urban Development Income Limits, as of April 1, 2023, 80% of the median income for a 4-person household is \$89,250, with median income being \$114,400; and

WHEREAS, the increasing cost of housing has had a disproportionately negative impact on families with incomes below the area median income; and

WHEREAS, fire safety equipment in a home, such as residential fire sprinkler systems, can make the difference between life and death, but are likely to increase the housing burden especially on low to middle income populations if not offset by other savings; and

WHEREAS, New Castle County offers tax relief for, among others, businesses that help stimulate the economic development of the County; and

WHEREAS, New Castle County additionally offers tax relief for vulnerable populations such as seniors, disabled individuals, and veterans; and

WHEREAS, Realty transfer taxes in Delaware are 4% of the purchase price of a property, with 2.5% going to the State of Delaware and 1.5% going to the County; and

WHEREAS, providing relief from this tax burden will help at risk populations with housing while also providing for their safety; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

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

Section 1. *New Castle County Code* Chapter 14 (“Finance and Taxation”), Article 10 (“Real Property Transfer Tax”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 14.10.001. - Definitions; transfers.

...

C. *First-time homebuyers; conveyances of land for agricultural, horticultural or forest use.* Notwithstanding Subsection A, “document” shall not include the following:

1. Any conveyance to a first-time homebuyer on or after October 1, 2018, for at least the value of the property or ~~four hundred thousand dollars (\$400,000.00)~~, whichever is less; provided, however, that only that portion of the tax, not to exceed one-half (½) of the total taxes due, that is attributable to and payable by the first-time homebuyer under this Article shall be exempt, except as otherwise provided in this Article.

...

Sec. 14.10.002. - Levy of tax; exemptions.

- A. Except as otherwise provided in this Section, every transaction under this Article shall be subject to a tax at the rate of one and one-half (1½) percent of the value of the property subject to the transaction, which tax shall be payable at the time of the transaction; provided, however, no more than a one and one-half (1½) percent tax shall be levied by the County on any single transfer of property. In the absence of any agreement to the contrary, the tax shall be apportioned equally between the grantor and grantee.
- B. Every transaction involving a lease which constitutes a document under this Article shall be subject to a tax at the rate of one and one-half (1½) percent of the value of the property subject to the lease, which tax shall be payable as follows:
 1. The tax on the consideration attributed to the first year of the term shall be payable at the time of making, execution, delivery, acceptance or presenting of such document for recording; and
 2. The tax on the consideration attributed to each successive year of the term thereafter shall be paid annually to the Office of Finance.
- C. The rate of tax on documents described in Section 14.10.001.A.1 shall be one and one-half (1½) percent on amounts exceeding ten thousand dollars (\$10,000.00), which shall be borne by the owner of the building whose construction is made subject to tax under Subsection d of the definition of document in Section 14.10.001.A.1.

D. Income qualified household exemption.

1. Qualifications. A household qualifies as an “income qualified household” when:
 - a. As of July 1 of the fiscal year for which an exemption is sought, the household’s income does not exceed 80% of the median income established by the U.S. Department of Housing and Urban Development; and
 - b. The household purchases a newly built house that is equipped with a fire protection sprinkler system after the effective date of this Section.

- c. No application hereunder shall be approved unless, at the time of approval, all taxes and sewer service charges then due to or collectible by New Castle County have been paid in full, or the applicant is actively enrolled and timely making monthly payments of any and all tax and sewer service charges due to or collectible by New Castle County, as determined by the Office of Finance.
2. Amount of income qualified exemption. Each “income qualified household” shall be exempt from the County portion of the real estate transfer tax.

...

Section 2. The provisions of this Ordinance shall take effect upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 Del. C. Section 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: This Ordinance exempts from the 1.5% County portion of the real estate transfer tax any household whose income does not exceed 80% of the area median income established by the U.S. Department of Housing and Urban Development and who purchases a newly built house that is equipped with residential fire protection sprinklers subsequent to the effective date of this Ordinance.

FISCAL NOTE: This Ordinance, if approved, will reduce Real Estate Transfer Tax fees by approximately \$41,250 annually. This estimate is based on the assumption that 88 homes are sold annually in New Castle County with an assessed value of \$125,000 or less; and that 50% of those purchases would be eligible for the First-Time Homebuyers credit. Three-year summary as noted below:

FY2024	\$41,250
FY2025	\$41,250
FY2026	\$41,250

Introduced by: Ms. Hartley-Nagle
Date of introduction: September 26, 2023

ORDINANCE NO. 23-132

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 14 (“FINANCE AND
TAXATION”) REGARDING FISCAL NOTES
FOR PROPOSED ORDINANCES AND RESOLUTIONS**

WHEREAS, to promote transparency and informed, fiscally-sound decisions, County Council requires a fiscal note accompany each proposed ordinance and resolution; and

WHEREAS, County Council, for a long period of its history bound itself to obtain and append a fiscal note to all legislation prior to introduction thereof; and

WHEREAS, with time, Council inserted greater flexibility into the process by requiring that a request for a fiscal note be submitted to the Chief Financial Officer prior to introduction of the legislation, but, because Council cannot abrogate its budgetary oversight obligation or its right to introduce legislation at any meeting by permitting an open-ended time period for the CFO to respond, Council has allowed for legislation to be introduced if a fiscal note has not been provided within 10 business days of any request; and

WHEREAS, in addition to permitting Council members to introduce legislation if fiscal notes are not timely provided, Council has authorized members to seek notes from reliable third parties; and

WHEREAS, legislation is currently not expressly prohibited from being considered by Council without fiscal impact analysis accompanying the legislation; and

WHEREAS, Council believes that the following proposed revisions to the law will provide clarity to the process, promote efficiency, help to ensure informed, fiscally-sound decisions, and maintain the legislative mandates for County Council Members.

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

Section 1. *New Castle County Code* Chapter 14 (“Finance and Taxation”), Article 1 (“In General”), Section 14.01.007 (“Fiscal notes on proposed ordinances and resolutions”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 14.01.007. Fiscal notes on proposed ordinances and resolutions.

- A. 1. The Chief Financial Officer or his or her designee shall attach a fiscal note to each proposed ordinance and resolution prior to its introduction by County Council. The fiscal note shall reflect a ~~three~~ (3)-year fiscal projection of the proposed legislation, which shall include details concerning the origin of the funding, whether from reserves, a grant, a revolving fund, operating funds, or some other source.

2. A Council member may proceed to introduce legislation without a fiscal note if ~~such a~~ note is not received within ~~ten (10)~~ business days of forwarding the legislation to the Chief Financial Officer and/or designee thereof ~~Office of Finance;~~
3. ~~Notwithstanding the above, provided that for an emergency ordinance that may be passed at the same meeting at which it is was introduced, however the sponsor shall seek a fiscal note, but the ten (10) business-day waiting period does not apply and the sponsor may proceed to introduce the ordinance if the fiscal note is not received prior to the meeting.~~
4. ~~Further, t~~The sponsor may obtain a fiscal note from another reliable source if the fiscal note is not timely provided by the Chief Financial Officer and/or designee thereof and may, under any circumstances, append a fiscal note from an additional source if desired.
5. Prior to legislation being considered by County Council, the legislation must be accompanied by a fiscal note that reflects the fiscal impact if Council were to enact the proposed legislation.

...

Section 2. This ordinance shall become effective upon passage by New Castle County Council and approval of the County Executive or as otherwise provided in 9 *Del. C.* Section 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: To promote transparency and informed, fiscally-sound decisions, County Council requires a fiscal note accompany legislation prior to its introduction. Nonetheless, Council allows flexibility with this restriction by establishing a 10-day time frame after a request is made to the Chief Financial Officer and/or designee thereof after which the legislation may be *introduced* without the benefit of a fiscal note if one was not timely provided by the CFO.

Notwithstanding the above, the law currently does not expressly state that proposed legislation must be accompanied by a fiscal impact statement (fiscal note) prior to the time Council considers and votes on legislation. Although it is Council's practice to support legislation with a fiscal note, this proposed ordinance would clarify matters by expressly requiring that all legislation be accompanied by a fiscal note before Council may consider enacting the legislation.

FISCAL NOTE: There is no discernible fiscal impact.

Introduced by: Mr. Smiley
Date of introduction: September 26, 2023

ORDINANCE NO. 23-133

AMENDING CHAPTER 14 (“FINANCE AND TAXATION”), ARTICLE 1 (“IN GENERAL”), SECTION 14.01.014 OF THE *NEW CASTLE COUNTY CODE* REGARDING THE TAX STABILIZATION RESERVE ACCOUNT

WHEREAS, the purpose of this legislation is to provide historical context and, thus, further clarity as to the original and continuing purpose for the Tax Stabilization Reserve Account; and

WHEREAS, by way of background, New Castle County established a financial reserve, namely the Tax Stabilization Reserve Account, to stabilize the tax rate and ensure the fiscal stability of County government, which has helped the County maintain its AAA bond rating; and

WHEREAS, in its commitment to continue as long as possible to provide residents with essential services without a tax or sewer rate increase while simultaneously maintaining the long-term financial stability of New Castle County, County Council deemed it necessary to create the Tax Stabilization Reserve Account (along with other reserve accounts) in which reserve funds could be maintained to fund tax stabilization and sewer rate stabilization over future years, as well as budgeted capital costs that would otherwise require issuance of bonds; and

WHEREAS, at the time County Council considered adoption of this account, the County, while maintaining essential services for residents, experienced operating deficits, which were funded in part by the County’s reserves; this allowed County residents to, at the time, go almost 10 years without a tax or sewer rate increase; and

WHEREAS, New Castle County determined that it may draw upon the Tax Stabilization Reserve Account in the future, *as necessary to minimize tax increases or issuance of bonds*.

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

Section 1. Amend Chapter 14 (“Finance and Taxation”), Article 1 (“In General”); Section 14.01.014 (“Tax Stabilization Reserve Account”) of the *New Castle County Code* by adding the underlined material and deleting the material that is stricken through, as follows.

...

Sec. 14.01.014. Tax Stabilization Reserve Account.

- A. There is hereby established a Tax Stabilization Reserve Account within the General Fund.

- B. The amount in ~~that~~ the reserve account shall be set annually by County Council in conjunction with ~~the~~ adoption of the operating budget.
- C. County Council may by a majority vote appropriate from the Tax Stabilization Reserve Account such sums as may be necessary for the limited purpose of only ~~to~~ balancing the annual operating budget or ~~to~~ covering budgeted capital costs for County assets that would otherwise require the issuance of bonds and/or ~~payment of~~ a tax increase.

Section 2. 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

SYNOPSIS: This Ordinance provides an historical context and, thus, further clarity as to the purpose and proper usage of reserve funds in the Tax Stabilization Reserve Account. More particularly, County Council is limited in its ability to appropriate reserves from the account to only balance the annual operating budget or to cover budgeted capital costs for New Castle County assets that would otherwise require the issuance of bonds and/or a tax increase.

FISCAL IMPACT: There will be no fiscal impact if this Ordinance is enacted.

Introduced by: Ms. George
Date of introduction: September 26, 2023

ORDINANCE NO. 23-134

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 7 (“PROPERTY MAINTENANCE CODE”), SECTION 7.01.002 (“AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE”), AS AMENDED, SECTION PM 308 (“RUBBISH AND GARBAGE”) AND CHAPTER 19 (“RESIDENTIAL RENTAL PROPERTIES”), ARTICLE 3 (“RENTAL CODE”), ARTICLE 4 (“ENFORCEMENT”), AND APPENDIX RELATING TO REMOVAL OF RUBBISH AND GARBAGE

WHEREAS, Consistent and routine removal of garbage and rubbish is essential to the health and enjoyment of any property, especially rental properties; and

WHEREAS, The *International Property Maintenance Code*, 2018 Ed. (“IPMC”), as adopted by New Castle County, as amended, establishes certain requirements for the owner of a dwelling in relation to “rubbish,” and likewise, for consistency’s sake, should provide the same for “garbage,” and

WHEREAS, “Garbage” is animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food; and

WHEREAS, “Rubbish” is combustible and noncombustible waste materials and trash and debris, *except garbage*; it includes residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather, tree branches... yard trimmings, cans, metals, mineral matter, glass, dust, and other similar materials (emphasis added); and

WHEREAS, Section PM 308.2 requires each owner of a structure to dispose of rubbish in a clean and sanitary manner by placing it in an approved container; additionally, under Section PM 308.2.1, the owner of an occupied premise must supply the covered container for rubbish, and is responsible for removing the rubbish; and

WHEREAS, the Code needs clarification and consistency as to the owner’s similar obligations in relation to removal of rubbish and garbage; and

WHEREAS, in addition, the establishment of a transparent and efficient process to verify that owners are satisfying their obligations is for the benefit of the County and all residents; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to and substantially advance its goal of protecting and preserving legitimate government interests, including the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life of New Castle County and its residents.

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

Section 1. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), as amended, Section PM 308 (“Rubbish and Garbage”) is hereby amended by adding the material that is underscored and deleting the material with strike throughs or as otherwise referenced, as set forth below.

Section PM 308 *Rubbish and Garbage*, is amended by deleting Section 308.2, *Disposal of rubbish* and subsection 308.2.1, *Rubbish Storage Facilities*, in their entirety and by substituting the following in place thereof.

Section PM 308.2. Disposal of rubbish and garbage.

Section PM 308.2.1. Rubbish and garbage – disposal, containers. Every occupant of a dwelling shall dispose of rubbish and garbage in a clean and sanitary manner by placing the rubbish and garbage in approved containers, which specifically for garbage shall mean leakproof, covered, outside garbage containers. Every owner of or person responsible for each dwelling shall be responsible for providing the requisite rubbish and garbage containers.

Section PM 308.2.2 Rubbish and garbage - removal. Every owner of a residential rental property shall be responsible for providing for regular rubbish and garbage removal services for the property. Compliance with the above obligations and the obligations set forth in subsection PM 308.2.1 by every owner of a residential rental property shall be evidenced by way of the written verification that is required under subsection 19.03.001.H.

Section PM 308.2.2 *Appliances*, is amended by renumbering this subsection as indicated by the material that is underscored and by deleting the material with strike throughs, as set forth below.

Section PM 308.2.3.2 *Appliances...*

...

IPMC Section 308.3 Disposal of garbage, is amended by deleting the section and its subparts that appear in the *IPMC* in their entirety.

Section 2. *New Castle County Code* Chapter 19 (“Residential Rental Properties”), Article 3 (“Rental Code”) is hereby amended by adding the material that is underscored and deleting the material with strike throughs or as otherwise referenced, as set forth below.

...

Sec. 19.03.001. – Registration; requirements; information collected; written verification.

...

H. Subsequent to the provisions of this subsection taking effect on January 1, 2025, compliance by the owner or designee thereof with its obligations to provide approved

containers and removal services for rubbish and garbage as referenced under the *Property Maintenance Code* (Ch. 7), Section PM 308 *Rubbish and Garbage*, as amended, subsection 308.2.2 shall be evidenced by:

1. Submission by the owner or designee thereof of a written verification in a manner and in a form to be designated by the Department. The written verification shall be supported by, for example and without limitation, a current contract between the owner or designee thereof and the person or business providing the rubbish and garbage removal services, and any other relevant information or records that conclusively show that the owner or designee thereof is satisfying its obligations by providing the requisite containers and removal services for rubbish and garbage as referenced under subsection 308.2.2 of the *Property Maintenance Code* (Ch. 7), as amended.
2. The written verification shall be produced at the time of initial application for a rental permit, at the time of application to renew the rental permit, and/or upon request by a Code Official.

Section 3. *New Castle County Code* Chapter 19 (“Residential Rental Properties”), Article 4 (“Enforcement”) is hereby amended by adding the material that is underscored and deleting the material that is stricken through, as set forth below.

Sec. 19.04.001. - Unlawful acts.

...

- C. *Violations of other provisions of the New Castle County Code.* Violations of the provisions in versions most recently adopted by New Castle County of the BOCA National Property Maintenance Code/1996, as amended, the International Residential Code-2000, as amended, the International Building Code-2000, as amended, the Property Maintenance Code, as amended, or New Castle County Unified Development Code, or other technical codes adopted in Chapter 6 (the “Building Code”) of the *New Castle County Code*, that are identified through the enforcement of this Chapter shall be prosecuted according to the enforcement and penalty provisions of the applicable Codes.

Section 4. *New Castle County Code* Chapter 19 (“Residential Rental Properties”), Appendix (“New Castle County Tenants’ Rights Guide”) is hereby amended by adding the material that is underscored and deleting the material that is stricken through, as set forth below.

APPENDIX

NEW CASTLE COUNTY TENANTS' RIGHTS GUIDE

Unless an emergency situation exists, your first step for reporting any problem in your rental unit should always be to contact your landlord. You may contact your landlord by telephone or in person but you must always put your complaints in writing...

Problem	Minimal Standard	Where to Call for Complaints
Trash Garbage/Rubbish	All exterior property and premises and the interior of every rental unit shall be free from accumulation of <u>garbage</u> trash or rubbish. Every occupant shall dispose of trash <u>rubbish</u> and garbage in a clean and sanitary manner and place it in an approved container. It is the landlord's responsibility of the property owner or <u>designee thereof to supply a garbage disposal facility or provide approved rubbish and garbage containers, in addition to providing garbage and rubbish removal services for the property.</u>	Landlord New Castle County Department of Land Use – (302) 395-5555

Section 5. The provisions of this Ordinance shall take effect on January 1, 2025, after passage by New Castle County Council and approval by the County Executive.

Section 6. The provisions of this Ordinance are prospective in nature. This Ordinance is not intended to, nor shall it interfere with the terms of any then-existing rental agreement in place as of the time the provisions of this Ordinance take effect.

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: This Ordinance clarifies the obligations of a residential rental property owner under *New Castle County Code* to provide garbage and rubbish removal services in addition to the necessary containers, establishes standards and a uniform process by which every owner shall

confirm compliance with its obligations under the *Property Maintenance Code* (Chapter 7), Section PM 308 *Rubbish and Garbage*, as amended, by submission of the written verification required under the proposed new subsection 19.03.001.H.

After the provisions of this Ordinance take effect, and subject to the limitations identified below, the written verification is to be produced at the time of initial application for a rental permit, at the time of application to renew the rental permit, and/or upon request by a Code Official. In addition, the Ordinance makes certain housekeeping amendments to Ch. 19, Section 19.04.001.

The provisions of the Ordinance shall take effect on January 1, 2025, after passage by New Castle County Council and approval by the County Executive. The terms of the Ordinance are prospective in nature. The Ordinance is not intended to, nor shall it interfere with the terms of any then-existing rental agreement in place as of the time the provisions of this Ordinance take effect.

FISCAL NOTE: There is no discernible fiscal impact.

RESOLUTION NO. 23-165

**CELEBRATING AND HONORING THE LIFE OF CAROLYN WOLFE BURLEW
AND EXPRESSING CONDOLENCES TO HER FAMILY AND FRIENDS**

WHEREAS, Carolyn Wolfe Burlew passed away on September 2, 2023; and

WHEREAS, Carolyn was a proud Delaware native and a 1955 graduate of Claymont High School; and

WHEREAS, she graduated from Radford University and received her Master's Degree from West Chester University; and

WHEREAS, Carolyn taught at River Road, Old Mill Lane and Lancashire Elementary schools; and

WHEREAS, she was a past member of Atonement and Hillcrest Methodist Churches and past member of the Stoney Run Questers, the Alpha Chapter of Delta Kappa Gamma, and a past Regent of the Ceasar Rodney NSDAR; and

WHEREAS, Carolyn, along with friends Ruth Govatos and Donna Lewis, started the "Stone School Sisters" and with assistance from then Senator Joseph Biden's office, spearheaded the restoration of the Claymont Stone School. Each sister put up \$20 and opened a bank account to help fund their efforts. Founded in 1805, the Claymont Stone School is on the National Register of Historic Places and celebrated its 200th birthday in 2005. It is now a venue for community events and educational programs and has a supporting membership organization; and

WHEREAS, Carolyn, an only child, was predeceased by her parents, John and Jenny Wolfe; and

WHEREAS, she adored her daughter, Sharon Burlew Fischer Bernardini (Raymond), her three grandsons, Jeffrey Rowan Fischer (Talitha), Jonathan Michael Fischer (Damiano), and Tyler James Fischer. Her three great-grandchildren were her pride and joy, Holly, Amelia and Liam Fischer. She enjoyed music, birds, antiques, family history, cats, duplicate bridge and her grand-dog, Daisy.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby express their deepest condolences to the family and friends of Carolyn Wolfe Burlew

Adopted by County Council
of New Castle County

President of County Council
of New Castle County

SYNOPSIS: Same as title

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this resolution.

RESOLUTION NO. 23-166

**CONSENTING TO THE APPOINTMENT OF CORA CASTLE TO THE
NEW CASTLE COUNTY BOARD OF ADJUSTMENT**

WHEREAS, the New Castle County Board of Adjustment (“Board”) consists of 7 members who are required to be residents of New Castle County, who have knowledge of, and experience in, the problems of urban and rural development, and who, at the time of appointment, are not permitted to be candidates or candidates-elect for, or incumbents of, elective public office pursuant to 9 *Del. C.* §§1311-1314 and *New Castle County Code* §40.30.320); and

WHEREAS, the County Executive, with the advice and consent of the County Council, appoints 6 members for terms of 4 years. Further, the County Executive, with the advice and consent of the County Council, appoints 1 member who is the chairperson and who serves at the pleasure of the County Executive; and

WHEREAS, the Board is empowered to hear and decide appeals in zoning matters, applications for special exceptions or special permits, and, in specific cases, variance requests from any zoning ordinance, code or regulation that will not be contrary to the public interest; and

WHEREAS, the County Executive has submitted for the advice and consent of County Council the appointment of Cora Castle to the Board; and

WHEREAS, Ms. Castle serves as AVP/Senior Voice Engineer for Barclaycard US and brings a wealth of knowledge to the Board through educational and professional experience with technology and policy development.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby consents to the appointment of Cora Castle to the New Castle County Board of Adjustment for a term to begin upon adoption of this Resolution and to expire on September 26, 2027.

Adopted by the County Council of
New Castle County on:

President of County Council
of New Castle County

SYNOPSIS: Same as title.

FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this legislation.

RESOLUTION NO. 23-167

**CONSENTING TO THE REAPPOINTMENT OF LEE JARMON TO THE
NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD**

WHEREAS, pursuant to *New Castle County Code* Section 2.05.306, the Open Space Advisory Board is vested with a responsibility to advise the Department of Land Use and Department of Public Works on implementing best practices in preserving open space within New Castle County; and

WHEREAS, the Open Space Advisory Board shall consist of five (5) members appointed by the County Executive with the advice and consent of County Council who, except for the one (1) member designated by the Secretary of DNREC, shall be residents of New Castle County, shall consist of two (2) “professional” members with at least five years of professional expertise in land conservation programs, parks acquisition/management, knowledge in the fields of open space or historic resource protection/management, and/or environmental protection, and two (2) “citizen at large” members with professional or volunteer background in land conservation; and

WHEREAS, the Open Space Advisory Board shall further consist of four (4) members, all of whom shall be residents of New Castle County who are appointed by County Council with the advice and consent of the County Executive, comprised of one (1) “citizen at large” member with either a professional or volunteer background in land conservation, one (1) member with expertise in the restoration/remediation/conversion of brownfields/greyfields into greenfields or expertise with urban park creation/development, one (1) member from an underserved or an “environmental justice” community, and one (1) Youth member who has a proven interest and involvement in conservation; and

WHEREAS, the County Executive has submitted for the advice and consent of County Council the reappointment of Lee Jarmon, who is serving as a citizen at large pursuant to *New Castle County Code* Section 2.05.306 (A)(3); and

WHEREAS, Mr. Jarmon serves as the President of the Overview Gardens and Garfield Park Civic Associations, is the President of Friends of the Route 9 Library and Innovation Center, Inc., and has served with the Police Athletic League, Rose Hill Community Center, NAACP, 913 Alliance and Bethel AME Church.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby consents to the reappointment of Lee Jarmon to the New Castle County Open Space Advisory Board for a term to begin immediately upon adoption of this Resolution, with such term to expire on September 26, 2027.

Adopted by the County Council
of New Castle County on:

President of County Council
of New Castle County

SYNOPSIS: Same as title.

FISCAL NOTE: There will be no discernible fiscal impact upon the adoption of this legislation.

RESOLUTION NO. 23-168

**CONSENTING TO THE REAPPOINTMENT OF CHARLES H. TOLIVER, IV, ESQUIRE,
TO THE NEW CASTLE COUNTY ETHICS COMMISSION**

WHEREAS, pursuant to *New Castle County Code* Sections 2.04.101 and 2.04.102, the Ethics Commission is vested with the responsibility of ensuring that all County business is conducted ethically and responsibly, the Ethics Commission may compile statements on financial interests, investigate claims, issue findings, hold hearings, make recommendations, and prepare reports regarding ethical concerns within the County; and

WHEREAS, *New Castle County Code* Section 2.04.101 provides that the Ethics Commission shall consist of seven (7) members, of which County Council, with the advice and consent of the County Executive, shall appoint four (4) members, and the County Executive, with the advice and consent of County Council, shall appoint three (3) members, each of whom shall serve for a term of three (3) years; and

WHEREAS, this appointment fulfills the requirement in *New Castle County Code* Section 2.04.101.A that no more than two members appointed by an entity shall be of the same political party and that the appointee may not be employed by New Castle County, hold or campaign for any County office or hold office in any political party, among other criteria; and

WHEREAS, the first 3-year term of Commissioner Toliver expired on January 29, 2020, and due to shifting priorities brought on by the County's COVID 19 response, and pursuant to *New Castle County Code* Section 2.04.101.C, Commissioner Toliver's permissible six-month holdover expired on July 29, 2020; and

WHEREAS, since January 2017, Commissioner Toliver has served as a respected member of the Commission bringing valuable experience and knowledge to the complex matters that come before the New Castle County Ethics Commission; and

WHEREAS, the County Executive has submitted for the advice and consent of County Council the third appointment of Commissioner Toliver to the Ethics Commission.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby consents to the appointment of Charles H. Toliver, IV, Esquire, as member of the New Castle County Ethics Commission for a term to begin immediately upon adoption of this Resolution, and to expire on September 26, 2026.

Adopted by the County Council
of New Castle County on:

President of County Council
of New Castle County

SYNOPSIS: Same as title.

FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this legislation.

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: September 26, 2023

RESOLUTION NO. 23-169

**AUTHORIZING THE EXECUTION OF ONE CONTRACT WITH THE CITY OF NEWARK
TO PROVIDE A PASS-THROUGH GRANT FOR THE DEPARTMENT OF COMMUNITY
SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING IN THE
AMOUNT OF \$281,677.00**

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, this contract is a cooperating community agreement with the City of Newark in the amount of \$281,677.00 for Community Development Block Grant (CDBG) activities as per their proposal to New Castle County; and

WHEREAS, New Castle County received CDBG funds as part of the annual allocation of the federal budget; and

WHEREAS, HUD requires New Castle County to allocate a percentage of these funds to any community who has signed the cooperating community agreement.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby approves the contract 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 contract.

Department of Community Services, Division of Community Development and Housing

City of Newark \$281,677.00

FISCAL IMPACT: This Resolution authorizes the execution of one contract totaling \$281,677.00. Funding is included in the Approved FY2024 Community Development Block Grant.

Michael Smith
Chief Financial Officer

REQUISITIONER INFORMATION				VENDOR INFORMATION				
NAME	Nicole Waters			FISCAL YR	2024	NAME	City of Newark	
DEPARTMENT	COMMUNITY_SERVICES_40			FUND	110 GRANTS	ADDRESS	220 South Main Street	
ORGANIZATION	11400601 CS - GRANTS						Newark, DE 19711	
PHONE	302-395-5644			REQ#	2400169			
DELIVERY LOCATION								
SEND VENDOR PO	☒ YES		☐ NO			CONTACT NAME	Michael Fortner	
CURRENT VENDOR	☒ YES		☐ NO			PHONE	302-366-7000	EXT 2041
VENDOR #	100125					EMAIL	mfortner@newark.de.us	FAX #

ADDITIONAL NOTES	

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

City of Newark Cooperating Agreement for the CDBG activities as per their proposal to New Castle County.

New Castle County received Community Development Block Grant Funds as part of the annual allocation of the federal budget. HUD requires New Castle County to allocate a percentage of these funds to any community who has signed the cooperating community agreement.

New Castle County would be required to return funds to the federal government.

VI. OTHER, PLEASE EXPLAIN

6/27/2023

RESOLUTION NO. 23-170

AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FINANCING AGREEMENT WITH THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, IN AN AMOUNT NOT TO EXCEED \$22,033,016, TO FUND THE INSTALLATION OF APPROXIMATELY 18,000 LINEAR FEET OF DUAL PARALLEL FORCE MAINS RUNNING FROM A PUMP STATION ON CARTER FARM TO BOYDS CORNER ROAD FOR TREATMENT AT THE COUNTY'S WATER FARM #1 REGIONAL WASTEWATER TREATMENT PLANT AS PART OF THE SOUTHERN SEWER SERVICE AREA CAPITAL PROJECT; PROVIDING FOR THE PURCHASE OF THE BOND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, the County Council (the "Council") of New Castle County (the "County") has, by the enactment of Ordinance No. 22-xxx (the "Bond Ordinance"), authorized the issuance of its negotiable general obligation bonds for public purposes, including the installation of approximately 18,000 linear feet of dual parallel force mains, 14 inches and 18 inches in diameter and regional pumping station. The force mains will run from the regional pump located on Carter Farm, parcel ID 11-061.00-001, to an existing manhole along Boyds Corner Road. The force mains will convey sewage from the Upper West Wing Sewer Service Area to Mt. Pleasant Interceptor, for treatment at the County's Water Farm #1 Regional Wastewater Treatment Plant, as part of the Southern Sewer Service Area Capital Project (the "Project"); and

WHEREAS, pursuant to and in accordance with the 9 *Del. C.* § 1163, as amended, the Bond Ordinance and this Resolution, the County desires to (i) issue its General Obligation Bond for the Project, Series 2023A-WPCRF, or such other designation as the County shall determine at the time of issuance, in the maximum principal amount not to exceed \$22,033,016 (the "Bond") and (ii) authorize the County Executive to determine the final terms and conditions of the Bond and to sell the Bond in a negotiated sale to the Delaware Water Pollution Control Revolving Fund (the "Fund"), acting by and through Delaware Department of Natural Resources and Environmental Control ("DNREC"); and

WHEREAS, the Bond will be issued under, and subject to, the terms and conditions contained in that certain financing agreement dated as of the date of closing, by and between the County and the Fund (the "Financing Agreement") and pursuant to a binding commitment letter dated June 28, 2023 from DNREC to the County; and

WHEREAS, the loan interest rate shall be **2%** for a term of 30 years. The Bond and the Financing Agreement will include the repayment provisions of the Bond, to include the payment of semi-annual interest only payments during the period commencing with the date of Closing ("Closing") on the Loan through and including the payment date following the date on which the Project is completed based on cumulative loan draws. Upon completion of the Project, principal and interest payments shall be due semi-annually in an amount sufficient to amortize the outstanding balance over 30 years.

WHEREAS, the County has determined that it is not necessary to appoint a fiscal agent or payment agent in connection with the issuance of the Bond; and

WHEREAS, by the adoption of this Resolution, the Council desires to exercise the authority delegated to it under the Bond Ordinance and, on behalf of the County, to approve the execution and delivery of the Financing Agreement, the Bond and any other documents required to be delivered in connection with the issuance of the Bond.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby approves the following:

Section 1. The Bond. The County hereby authorizes the issuance of its General Obligation Bond for the Project, Series 2023A-WPCRF, or such other designation as the County shall determine at the time of issuance, in a principal amount not to exceed \$22,033,016, pursuant to and in accordance with Title 9 *Del. C.* § 1163 for the purpose of financing (i) the Project and (ii) the costs associated with issuing the Bond. The Bond shall be in such principal amount (not to exceed \$22,033,016), shall bear such rate or rates of interest, shall mature in such principal amounts and on such dates, shall be subject to redemption, shall be sold at such price and in such manner, and shall be in such form and contain or be subject to such other terms and conditions as shall be determined by the County Executive.

Section 2. Purpose. The Bond shall be issued for the purpose of financing the Project, which consists of dual parallel force mains and regional pump station to convey sewage from the Upper West Wing Sewer Service Area to the Mt. Pleasant Interceptor for treatment at the County's Water Farm #1 Regional Wastewater Treatment Plant, pursuant to and in accordance with Title 9 *Del. C.* § 1163, as amended, and the Bond Ordinance.

Section 3. Sale of Bond. The County hereby approves the sale of the Bond to the Fund acting by and through DNREC.

Section 4. Security for the Bond. The full faith, credit and taxing power of the County is hereby pledged to the prompt payment of the principal of, premium, if any, and the interest on the Bond. The Bond shall be the direct and unlimited obligation of the County, and unless paid from other sources, the County shall levy *ad valorem* taxes upon all taxable property in the County for the payment of the Bond subject to the limitation contained in applicable law.

Section 5. Financing Agreement. The Financing Agreement shall be in such form and contain or be subject to such other terms and conditions as shall be determined by the County Executive, subject only to such changes and modifications as counsel may recommend and the County Executive may approve, which approval shall be conclusively evidenced by his execution thereof.

Section 6. No Paying Agent. The County hereby determines that it is not necessary to appoint a paying agent in connection with the issuance of the Bond and declines to make such appointment.

Section 7. Further Action. The County Executive is hereby authorized to approve or execute such other documents and to take such other actions as shall be necessary or appropriate for the issuance of the Bond, or to implement the terms of the Financing Agreement, as contemplated by the Bond Ordinance and this Resolution of the County.

Section 8. Effective Date. This Resolution shall become effective immediately upon its approval by Council.

Adopted by County Council of
New Castle County on:

President of County Council of
New Castle County

SYNOPSIS: This Resolution authorizes the County Executive to execute a financing agreement with the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, in an amount not to exceed \$22,033,016 for the purpose of providing sanitary sewer service from the Upper West Wing Sewer Service Area to the Mt. Pleasant Interceptor for treatment at the County's Water Farm #1 Regional Wastewater Treatment Plant as part of the Southern Sewer Service Area Capital Project. This Resolution allows the Bond to be sold to the Delaware Water Pollution Control Revolving Fund and authorizes the County Executive to execute various documents in connection with the issuance of the Bond and implementation of the financing agreement.

FISCAL IMPACT: This Resolution pledges the full faith, credit and taxing power of the County to the prompt payment of the principal of, premium, if any, and the interest on the Bond.

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: September 12, 2023

ORDINANCE NO. 23-123

**AMEND THE FY2023 APPROVED OPERATING BUDGET:
APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE
NEW CASTLE COUNTY POLICE EMPLOYEE'S RETIREMENT SYSTEM TO THE
DEPARTMENT OF PUBLIC SAFETY EMPLOYEE BENEFITS BUDGETARY
LINE ITEM**

WHEREAS, New Castle County receives pension contributions from the State of Delaware for the New Castle County Police Employee's Retirement System; 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 Annual Operating Budget as hereinafter amended.

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

Section 1. The Annual Operating Budget Ordinance for the fiscal year beginning July 1, 2022, is hereby amended by deleting the matter stricken and adding the matter 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, 2022 and shall be effective as though incorporated initially in the FY2023 Annual Operating Budget Ordinance.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and signature of 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 approved, will appropriate \$2,786,838.56 of revenue received from the State of Delaware to the New Castle County Department of Public Safety Employee Benefits Budgetary Line Item. New Castle County receives pension contributions from the State of Delaware for the New Castle County Police Employee's Retirement System.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$2,786,838.56 of revenue received from the State of Delaware to the New Castle County Department of Public Safety Employee Benefits Budgetary Line Item.

Prior to 1996, New Castle County would deposit the revenue received from the State directly to the Pension Trust Fund. Upon the passage of Governmental Accounting Standards Board Statement # 24 (GASB 24), the County was required to record all on-behalf payments in the General Fund as revenue and expense the proceeds to the General Fund. The revenue is then recorded in the Pension Trust Fund.

The fiscal impact of this Ordinance, if approved, will increase the Employee Benefits line of the Department of Public Safety by \$2,786,838.56.

The fiscal impact in subsequent years will be contingent upon any change by the State of Delaware in regards to the police pension program.

Overview of the Police Pension Funding from the State:

Police Officers hired subsequent to January 31, 1993 become members of the State of Delaware's County and Municipal Police/Firefighter's Pension Plan (C/M Plan). The pension contribution rate is established annually by the C/M Plan's actuary.

Since at least 1990, the County receives distributions of tax proceeds from the State of Delaware for County police (*18 Del. C. 707*). The State of Delaware funds distributions through a special tax levied on gross insurance premiums. The tax proceeds are deposited into a special fund, managed by the State Board of Pension Trustees and distributed based on two components:

1. Under *18 Del. C. 708 (b)*, the State Board of Pension Trustees allocates the special fund deposits based on eligibility and proportionately distributes the funds on a per capita basis based on the total number of state, county and municipal police entitled to benefits from an annual registry in accordance with *18 Del. C. 709(a)*. Funds are distributed to the proper officers of the state, county or municipal police department or bureau. Distribution takes place twice annually, on or before June 30 and December 31.
2. Under *18 Del. C. 708 (c)*, the allocation of the special fund for "state police" provides post-retirement increases for retired county and municipal police and firefighters. The State Board of Pension Trustees allocates these funds on a per capita basis to the account of each eligible county or municipality upon the annual registry in accordance with *18 Del. C. 709(b)*. Any county or municipality wishing to grant a post-retirement increase from the special fund shall submit a proposal to the State Board of Pension Trustees. In addition, prior to the implementation of such increase, the County must deposit into the special fund sufficient funds to cover 25% of the total actuarial cost of such increase.

COUNTY COUNCIL

Salaries and Wages	\$	2,109,895
Benefits		1,263,991
Training and Civic Affairs		50,190
Communication and Utilities		20,836
Materials and Supplies		35,414
Contractual Services		294,435
Equipment		4,898
Grants and Fixed Charges		172,965
Operating Transfer Charges		144,715
Total	\$	4,097,339
Total Authorized Full-Time Positions	35	

COUNTY EXECUTIVE

Salaries and Wages	\$	1,643,392
Benefits		957,407
Training and Civic Affairs		39,404
Communication and Utilities		16,780
Materials and Supplies		22,236
Contractual Services		147,991
Equipment		1,000
Grants and Fixed Charges		1,893,000
Contingency		47,000
Operating Transfer Charges		76,382
Total	\$	4,844,592
Total Authorized Full-Time Positions	14	

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	11,229,226
Benefits		6,540,308
Training and Civic Affairs		124,486
Communication and Utilities		6,979,246
Materials and Supplies		163,208
Contractual Services		6,509,695
Equipment		510,745
Grants and Fixed Charges		3,830,289
Operating Transfer Charges		1,024,227
Operating Transfer Credits		(11,775,518)
Total	\$	25,135,912
Total Authorized Full-Time Positions	166	

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	22,695,548
Benefits		13,293,757
Training and Civic Affairs		34,445
Communication and Utilities		24,792,906
Materials and Supplies		5,169,663
Contractual Services		9,467,752
Equipment		750,378
Grants and Fixed Charges		1,234,007
Land and Structures		35,000
Operating Transfer Charges		4,659,870
Operating Transfer Credits		(8,009,063)
Total	\$	74,124,263
Total Authorized Full-Time Positions		379

DEPARTMENT OF LAND USE

Salaries and Wages	\$	7,384,566
Benefits		4,337,774
Training and Civic Affairs		63,515
Communication and Utilities		115,975
Materials and Supplies		82,117
Contractual Services		1,536,061
Equipment		70,115
Grants and Fixed Charges		55,500
Operating Transfer Charges		1,126,134
Operating Transfer Credits		(800,651)
Total	\$	13,971,106
Total Authorized Full-Time Positions		118

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	11,533,050
Benefits		5,178,773
Training and Civic Affairs		17,000
Communication and Utilities		1,054,027
Materials and Supplies		1,377,892
Contractual Services		2,131,761
Equipment		35,627
Grants and Fixed Charges		3,110,149
Operating Transfer Charges		1,215,694
Operating Transfer Credits		(188,230)
Total	\$	25,465,743
Total Authorized Full-Time Positions		161

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages		\$	64,723,978
Benefits	36,335,447		<u>39,122,286</u>
Training and Civic Affairs			180,183
Communication and Utilities			1,021,720
Materials and Supplies			1,160,237
Contractual Services			1,999,992
Equipment			1,652,292
Grants and Fixed Charges			6,458,350
Operating Transfer Charges			7,938,182
Total	121,470,381	\$	<u>124,257,220</u>
Total Authorized Full-Time Positions	711		

REGISTER OF WILLS

Salaries and Wages		\$	978,974
Benefits			565,901
Training and Civic Affairs			35,150
Communication and Utilities			12,266
Materials and Supplies			8,384
Contractual Services			25,448
Equipment			1,950
Operating Transfer Charges			80,523
Total		\$	<u>1,708,596</u>
Total Authorized Full-Time Positions	19		

RECORDER OF DEEDS

Salaries and Wages	\$	1,066,594
Benefits		618,100
Training and Civic Affairs		39,820
Communication and Utilities		33,977
Materials and Supplies		12,898
Contractual Services		84,446
Equipment		5,000
Grants and Fixed Charges		18,350
Operating Transfer Charges		150,152
Total	\$	2,029,337
Total Authorized Full-Time Positions		24

SHERIFF

Salaries and Wages	\$	1,173,906
Benefits		689,894
Training and Civic Affairs		29,452
Communication and Utilities		16,181
Materials and Supplies		20,684
Contractual Services		56,398
Equipment		5,000
Operating Transfer Charges		163,243
Total	\$	2,154,758
Total Authorized Full-Time Positions		21

CLERK OF THE PEACE

Salaries and Wages	\$	449,603
Benefits		265,680
Training and Civic Affairs		14,130
Communication and Utilities		5,256
Materials and Supplies		5,424
Contractual Services		23,593
Operating Transfer Charges		30,639
Total	\$	794,325
Total Authorized Full-Time Positions		7

DEBT SERVICE

Debt Service	\$	46,374,026
Total	\$	46,374,026
Total Authorized Full-Time Positions		

ETHICS COMMISSION

Salaries and Wages	\$	39,347
Benefits		3,860
Training and Civic Affairs		10,500
Communication and Utilities		2,223
Materials and Supplies		2,450
Contractual Services		291,116
Equipment		500
Operating Transfer Charges		6,066
Total	\$	356,062
Total Authorized Full-Time Positions		0

COUNCIL CONTINGENCY

Contingency	\$	250,000
Total	\$	250,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	0
Total	\$	0
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	294,800
Total	\$	294,800
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	0
Personal Services - Employee Benefits	\$	0
Total	\$	0
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	121,540
Total	\$	121,540

NEW CASTLE COUNTY

Salaries and Wages		\$	125,028,079
Benefits	70,050,892		<u>72,837,731</u>
Training and Civic Affairs			638,275
Communication and Utilities			34,071,393
Materials and Supplies			8,060,607
Contractual Services			22,568,688
Equipment			3,037,505
Grants and Fixed Charges			16,772,610
Debt Service			46,374,026
Land and Structures			35,000
Contingency			713,340
Operating Transfer Charges			16,615,827
Operating Transfer Credits			(20,773,462)
<i>Sub-Total New Castle County</i>	<i>323,192,780</i>	\$	<u>325,979,619</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,655</i>		

RESERVE ACCOUNTS AS OF JUNE 27, 2023

Tax Stabilization Reserve Account	69,992,392
Sewer Rate Stabilization Reserve Account	10,663,702
General Fund Budget Reserve Account	44,845,412
Sewer Fund Budget Reserve Account	18,362,788
<i>Total Reserves:</i>	<u>143,864,294</u>

ORDINANCE NO. 23-124

**TO AMEND THE PAY PLAN AND RATES OF PAY FOR UNCLASSIFIED
TEMPORARY SEASONAL AND PART-TIME RECURRING EMPLOYEES OF
NEW CASTLE COUNTY**

WHEREAS, on July 19, 2021, Governor Carney signed into law an act to amend the hourly minimum wage over a four-year period, beginning January 1, 2022; and

WHEREAS, the law requires every employer to pay employees in any occupation wages of a rate not less than \$10.50 per hour effective January 1, 2022; \$11.75 per hour effective January 1, 2023; \$13.25 per hour effective January 1, 2024; and \$15.00 per hour effective January 1, 2025; and

WHEREAS, the County Executive recommended amendments to the Pay Plans and Rates of Pay for Unclassified Temporary Seasonal and Part-Time Recurring Employees to reflect increases via Ordinance 21-130 and County Council approved said Ordinance on November 23, 2021; and

WHEREAS, the County Executive has recommended an additional amendment to the Pay Plans and Rates of Pay for Unclassified Temporary Seasonal and Part-Time Recurring Employees for the classification of Summer Worker/Co-op to comply with the State law.

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

Section 1. The Pay Plan and Rates of Pay for Unclassified Temporary Seasonal and Part-Time Recurring Employees, as set forth in Exhibit "A," is hereby amended by adding the material that is underscored and deleting the matter that is stricken.

Section 2. 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 3. The provisions in this Ordinance shall become effective on January 1, 2024.

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 approved, amends the Pay Plan and Rates of Pay for Unclassified Temporary Seasonal and Part-Time Recurring Employees for the classification of Summer Worker/Co-Op from \$12.50 to \$15.00 effective January 1, 2024.

FISCAL IMPACT: This Ordinance, if approved, amends the Pay Plan and Rates of Pay for Unclassified Temporary Seasonal and Part-Time Recurring Employees for the classification of Summer Worker/Co-Op from \$12.50 to \$15.00 effective January 1, 2024. The estimated fiscal impact on the Operating Budget for (Salaries/Wages and Benefits) is \$15,424 for FY2024, \$30,900 for FY2025 and \$30,900 for FY2026.

**PAY PLAN AND RATES OF PAY FOR
UNCLASSIFIED TEMPORARY SEASONAL AND PART-TIME RECURRING EMPLOYEES**

Classification	1	2	3	4	5	6	7	8	9	10
Research Aide	\$ 15.50	\$ 16.28	\$ 17.09	\$ 17.94	\$ 18.84	\$ 19.78	\$ 20.77	\$ 21.81	\$ 22.90	\$ 24.05
Intern	\$ 15.75	\$ 16.54	\$ 17.36	\$ 18.23	\$ 19.14	\$ 20.10	\$ 21.11	\$ 22.16	\$ 23.27	\$ 24.43
Parks Public Safety Specialist										
Community Services Worker I	\$ 15.00	\$ 15.75	\$ 16.54	\$ 17.36	\$ 18.23					
Public Works Worker I										
Community Services Worker II	\$ 15.75	\$ 16.54	\$ 17.36	\$ 18.23	\$ 19.14					
Public Works Worker II										
Community Services Worker III	\$ 16.54	\$ 17.36	\$ 18.23	\$ 19.14	\$ 20.10					
Public Works Worker III										
Community Services Worker IV	\$ 17.36	\$ 18.23	\$ 19.14	\$ 20.10	\$ 21.11					
Public Works Worker IV										
Community Services Worker V	\$ 18.23	\$ 19.14	\$ 20.10	\$ 21.11	\$ 22.16					
Seasonal Park Patrol Officer										
Summer Worker	\$ 12.50									
Co-Op	\$ 15.00									

Revised: 6/1/2014 (Executive Order and Ordinance 14-027)

Revised: 4/30/18 (Ordinance 18-037)

Revised: 1/1/2022 (Ordinance 21-130)

Revised: 1/1/2022 (Ordinance 22-153)

ORDINANCE NO. 23-052

**REVISE PREVIOUSLY APPROVED PRELIMINARY MAJOR LAND DEVELOPMENT
PLAN WITH REZONING FOR STONEGATES RETIREMENT COMMUNITY
DIVERSIFIED PLANNED UNIT DEVELOPMENT (DPUD); CHRISTIANA HUNDRED;
EAST SIDE OF KENNETT, NORTH OF BARLEY MILL ROAD;
TAX PARCEL NUMBER 07-026.00-090 (4031 KENNETT PIKE);
APPLICATION NO. 2023-0085-S/Z) COUNCIL DISTRICT 2**

(The revised plan for **Stonegates Retirement Community** proposes to revise the previously approved subdivision to construct 25,554 SF of additional gross floor area, and decrease the open space by 15,000 sf. This new plan will supersede the previously approved preliminary plan and rezoning. UDC Section 40.31.712 requires a new zoning ordinance for revisions to a DPUD plan that result in a decrease of open space. County Council adopted Ordinance 82-148 on December 21, 1982. NCPUD (Neighborhood Conservation Planned Unit Development) zoning district. App. 82-198, MF6681).

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

Section 1. The revised plan for Stonegates Retirement Community (area shown on Exhibits A and L) is approved and shall supersede the previously approved preliminary plan associated with the rezoning that was approved on December 21, 1982, by Ordinance 82-148.

Section 2. This Ordinance shall become effective immediately upon passage by New Castle 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:

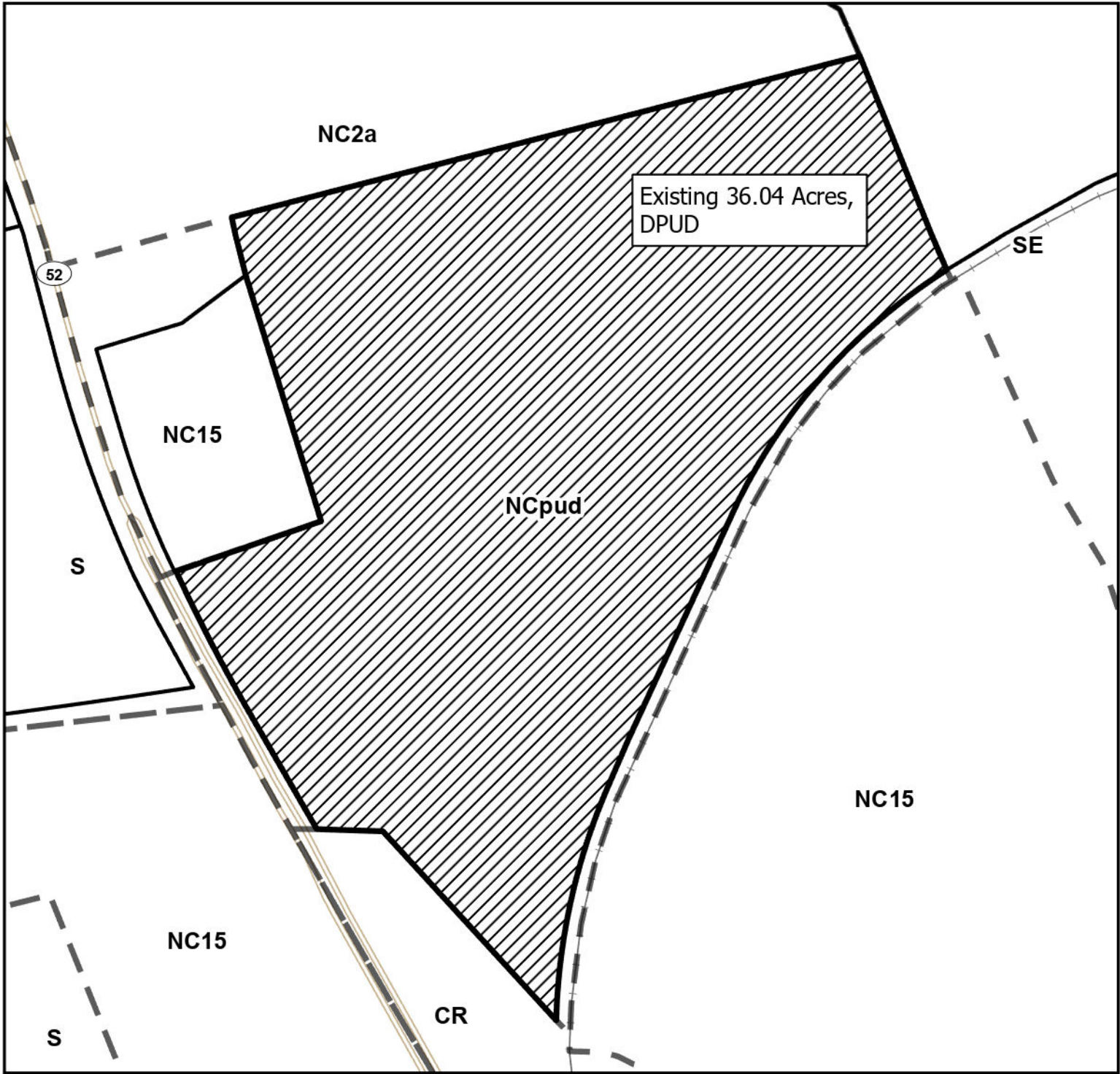
County Executive
New Castle County

SYNOPSIS: Same as title.

FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this resolution.

APPLICANT: GREENVILLE RETIREMENTCOMMUNITY, LLC
PROPOSED REZONING: MODIFICATIONS TO A DIVERSIFIED
PLANNED UNIT DEVELOPMENT (NCPUD)

APPLICATION NO. 2023-0085-S/Z
TAX PARCEL NO. 07-026.00-090



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

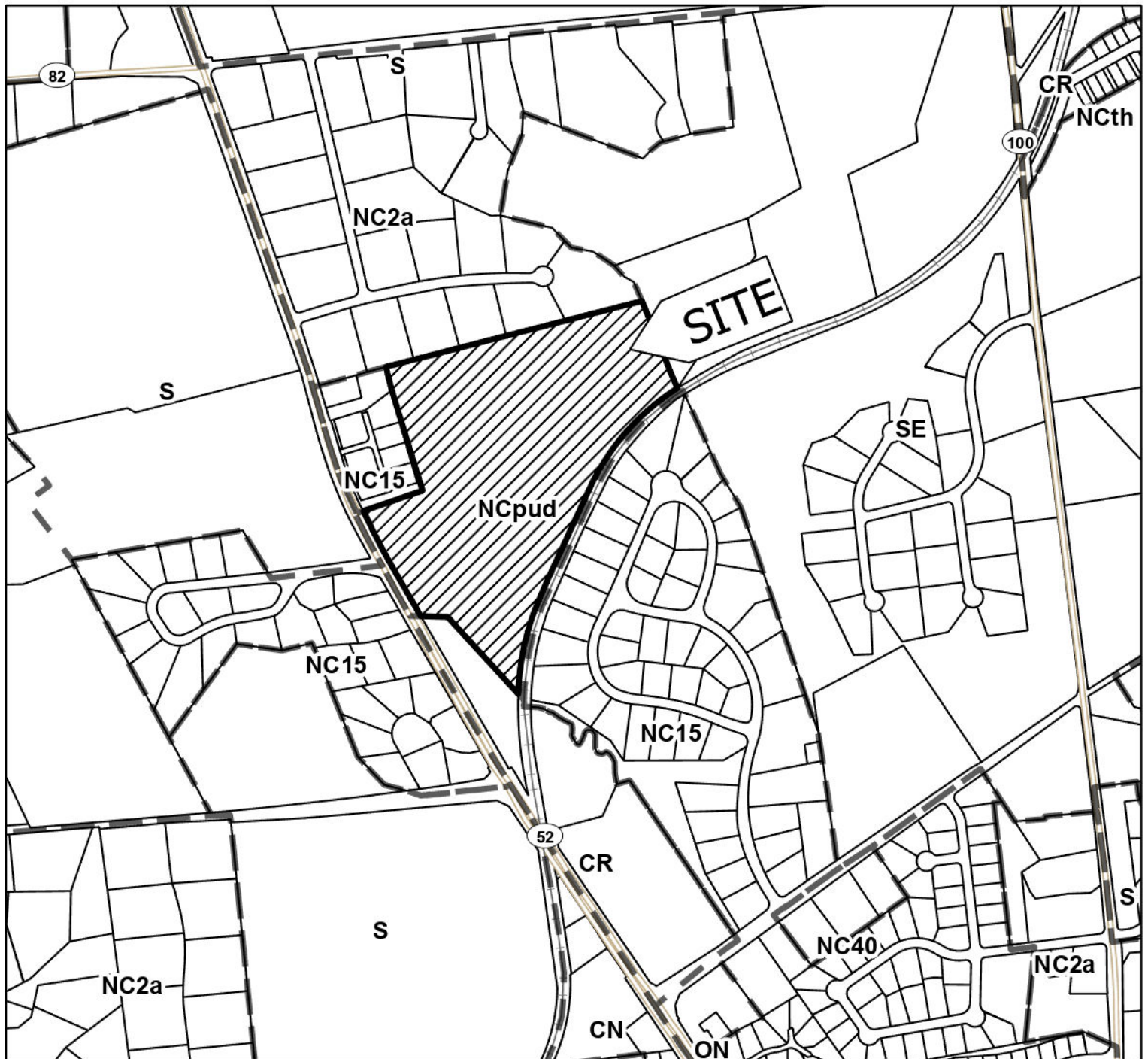
Scale: 1:3,472
Prepared by: mtrogers
Date: 4/5/2023



PERMANENT ORDINANCE NO. 23-052
Date Adopted by County Council _____
Date Approved by County Executive _____

APPLICANT: GREENVILLE RETIREMENTCOMMUNITY, LLC
PROPOSED REZONING: MODIFICATIONS TO A
DIVERSIFIED PLANNED UNIT DEVELOPMENT (NCPUD)

APPLICATION NO. 2023-0085-S/Z
TAX PARCEL NO. 07-026.00-090



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:8,782

Prepared by: mtrogers

Date: 4/5/2023



PERMANENT ORDINANCE NO. 23-052

Date Adopted by County Council _____

Date Approved by County Executive _____



Department of Land Use

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance 23-052
Application 2023-0085-S/Z
4031 Kennett Pike

July 18, 2023

Location: East side of Kennett Pike about 3,800 feet north of Barley Mill Road

Sponsor: Councilwoman Dee Durham, Council District 2

Description: Rezoning ordinance to revise previously approved preliminary major land development plan for Stonegates Retirement Community Diversified Planned Unit Development (DPUD) to construct 25,554 SF of additional gross floor area and decrease the open space by 15,000 sf.

Applicant: Greenville Retirement Community, LLC

EXECUTIVE SUMMARY

The Stonegates Retirement Community has been an integral and important component of the Greenville area for nearly 40 years. The provisions of the UDC pertaining to Modifications to a Diversified Planned Unit Development ([Section 40.31.712](#)) were established to permit changes to DPUDs, while providing a public process to verify that substantive changes are reviewed by the Department, Planning Board, and County Council to ensure that those modifications are consistent with the vision and intent of the rezoning that accompanied the development. Ordinance 23-052/Application 2023-0085-S/Z proposes a minor increase in approved GFA Department to permit an expansion to the healthcare services unit and a conservatory, and a reduction of site open space by roughly $\frac{1}{3}$ of an acre (15,000 sf), which while enabling the continued viability of the site will likely have no noticeable impact on the surrounding community and being that the new construction is to be integrated behind existing structures will also not impact the Brandywine Valley National Scenic Byway.

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E of the *Unified Development Code*, the comments received from outside agencies, and the comments received by the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal and recommends **APPROVAL** of the proposed rezoning application.

DESCRIPTION

The property is situated in Greenville, on the northeast side of the Kennett Pike (DE Rt. 52), abutting the Penn Central rail line, just north of the Greenville Shopping Center and northwest of the Greenville Manor development. The site is zoned NC_{PUD} (Neighborhood Conservation Planned Unit Development), which represents land that was developed as a Diversified Planned Unit Development (DPUD) prior to the adoption of the *Unified Development Code* (UDC). Application 2023-0085-S/Z is a minor land development plan that proposes the construction of 25,554 SF of additional gross floor area which will result in the decrease of open space at the site by 15,000 sf. Section 40.31.712 of the UDC requires that when an application to revise a DPUD proposes a decrease in open space that a new rezoning ordinance be considered.

ZONING & DEVELOPMENT PATTERN

The Stonegates Retirement Community is located on the northeast side of Kennett Pike (DE Rt 52), which is a segment of the Brandywine Valley National Scenic Byway extending from Wilmington into Pennsylvania. The development is bordered to the north along the east side of Kennett Pike the low-density residential developments zoned Neighborhood Conservation (NC) of West Farm (NC2_a) and Stone Brook Development (NC15). South and east of the development is the Greenville Manor development (NC15) as well as Applecross (Suburban Estate/SE), and the Greenville Crossing commercial development (Commercial Regional/CR). Opposite the Stonegates Retirements Community on the western side of Kennett Pike are several low density residential developments including the Greenville Development (NC15) and Squirrel Run (NC15).

BACKGROUND

Diversified Planned Unit Development Regulatory Background

The PUD as a development option in the New Castle County Zoning Code was based on design principles of the Pike Creek Valley Master Plan, adopted by the Levy Court of New Castle County.¹ The Planned Unit Development Option was formally adopted into the Zoning Code by Ordinance 70-010 on February 24, 1970. While the underlying regulations related to PUDs changed 13 times between 1970 and 1997², they were permissible in 1997 on sites greater than 50 acres consisting of variety of residential and nonresidential uses.³ The intent of PUDs were to accomplish the following:

- Meet the need for improved housing, commercial, industrial and institutional development and recreational facilities by encouraging innovation, efficiency, flexibility and variety in the design and construction of developments, by encouraging good site planning and design, by encouraging the construction of publicly and privately subsidized housing units and by facilitating conservation of natural resources and open space.

¹ Pike Creek Valley Master Plan, Zoning Petition No. 823-Z (December 8, 1964), Zoning Petition No. 1146-Z (December 13, 1966), & Zoning Petition No. 1331-Z/Ord. 69-75 (December 23, 1969)

² Ordinances: 73-146, 73-147, 74-054, 74-121, 74-195, 74-307, 75-168, [76-030](#), [76-085](#), [77-125](#), [77-133](#), [87-025](#), and [92-122](#)

³ Section 40-179, *Former Code*, December 31, 1997: Office and Commercial uses were limited to sites greater than 100 acres.

- ☐ Provide a variety of residential facilities, so as to offer a range of housing types, site planning layouts and rental and purchase prices.
- ☐ Establish sound administrative standards and procedures to facilitate the achievement of such purposes.
- ☐ Generally, improve the environmental quality of new development.⁴

In 1997, with the adoption of the Unified Development Code, the County eliminated PUDs as a development option as well as the formal provisions to revise PUD plans. New Castle County readopted the standards to modify DPUDs found in the *Former Code*, requiring a rezoning ordinance for revisions that propose the following ([Section 40.31.712 of the UDC](#)):

- ☐ An increase in overall density.
- ☐ An increase in the number of units of any dwelling unit type by fifteen (15) percent or more.
- ☐ A decrease in open space.
- ☐ Major changes in the location of use types on the site which amend the concepts or original intent of the design represented by the exploratory sketch plan.⁵

Stonegates Retirement Community Background

In 1982, the former Greenville Elementary School site was rezoned from Residential (R-1-B) to Planned Unit Development (PUD) to permit the development of the Stonegates Retirement Community.⁶ The development was a retirement community consisting of a mix of single family dwelling units (88), apartments (52 units in newly constructed in new structures/23 units in the Manor House), and a 30 bed nursing home under the PUD development option discussed above.⁷ The development was subsequently revised to increase the number of apartment units by 1 and to increase the number of nursing home beds from 30 to 50.⁸ On February 24, 2023 the Application 2023-0085-S/Z was submitted to the Department proposing an increase in about 26,000 sf of additional GFA to permit an expansion to the healthcare services unit and a conservatory, while reducing the site's open space by roughly 15,000 sf. Since the plan proposes a reduction of open space a rezoning ordinance was required pursuant to the standards in Section 40.31.712 of the UDC. Ordinance 23-052 was introduced on April 25, 2023 to accompany the application.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

A PLUS hearing was not required for this application.

PLANNING BOARD PUBLIC HEARING – June 5, 2023

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use.

⁴ Section 40-178(b), *Former Code*, December 31, 1997

⁵ [Ord. 18-020](#), Adopted 7/10/2018

⁶ Application 2099-Z, [Ord. 82-148](#), December 29, 1982.

⁷ Application 82-198, [Resolution 82-371](#), [Resolution 83-064](#), Recorded 3/23/83

⁸ [Resolution 84-028](#), Adopted 2/14/84

Michale Hoffman, Esq. representing the applicant (Greenville Retirement Community, LLC) provided a brief presentation discussing the history of DPUD legislation, the development and changes of the site as well as the improvements proposed by the application. He also discussed how the application meets the standards for a zoning map amendment ([Section 40.31.410](#)).

Ms. Cahill-Krout inquired about the size of the memory care portion of the facility in comparison to the healthcare portion. Kathleen Neylan, explained that the memory care portion will consist of 6 beds out of the healthcare facility, intended for residents only. There were no other questions from the Planning Board nor were there any comments from the public at the Public Hearing.

The Department did not receive any public comment while the record was open regarding this application.

ANALYSIS

The Stonegates Retirement Community has been an integral and important component of the Greenville area for nearly 40 years. The provisions of the UDC pertaining to Modifications to a Diversified Planned Unit Development ([Section 40.31.712](#)) were established to permit changes to DPUDs, while providing a public process to verify that substantive changes are reviewed by the Department, Planning Board, and County Council to ensure that those modifications are consistent with the vision and intent of the rezoning that accompanied the development. Application 2023-0085-S/Z proposes a minor increase in approved GFA by about 25,500 sf, with a de minimis reduction of open space when compared to the entirety of the development by roughly $\frac{1}{3}$ of an acre to permit the use approved by the original plan to expand to meet the current needs for the use and residents of the Stonegates community. The Department has evaluated the plan, and have determined that the proposed improvements will likely have no noticeable impact on the surrounding community and being that the new construction is to be integrated behind existing structures will also not impact the Brandywine Valley National Scenic Byway.

Standards for Zoning Map Amendment – Section 40.31.410 of the New Castle County Code

Applications for rezonings must be evaluated against the criteria for zoning map amendments that is listed in Section 40.31.410 of the Unified Development Code.

A. Consistency with the Comprehensive Development Plan and the purposes of this Chapter.

The New Castle Comprehensive Plan identifies the area east of Kennett Pike, including the subject site, as “Residential Developed”, lands that are designated for residential and institutional uses. The rezoning ordinance to modify the Diversified Planned Unit Development, NC_{DPUD} (Neighborhood Conservation Planned Unity Development), to permit the proposed improvements to the retirement community and nursing facilities is consistent with the New Castle County Comprehensive Plan and would not result in a change of the future land use designation.

B. Consistency with the character of the neighborhood.

The character of the neighborhood surrounding the subject site is largely characterized by very low

to low density developments as well as the Greenville Crossing commercial development. While the development is along the Brandywine Valley National Scenic Byway, the proposed improvements are behind existing structures and will not have an impact on the character of the byway. The current use of the site as a retirement community with a nursing facility remains consistent with the mix of commercial and low density residential uses that define the character of the surrounding area.

C. Consistency with zoning and use of nearby properties.

The Stonegates Retirement Community located in the Greenville area, that is largely comprised of a mix of Neighborhood Conservation, Suburban Estate, and Commercial Regional zoning districts. The NC_{PUD} designation to permit the continued use and expansion of the healthcare facilities and site amenities is consistent with the zoning and use of the nearby properties.

D. Suitability of the property for the uses for which it has been proposed or restricted.

As noted in the background, the use and zoning of the Stonegates Retirement Community site has been consistent for roughly 40 years. The rezoning ordinance will permit a modest expansion of the use and will have no impact on the suitability of the property for existing use.

E. Effect on nearby properties.

Based on the extent, scope and design of the proposed improvements, the plan will likely have no noticeable impact on nearby properties and being that the new construction is to be integrated behind existing structures will also not impact the Brandywine Valley National Scenic Byway.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E of the *Unified Development Code*, the comments received from outside agencies, and the comments received by the public.

Based on this analysis, the Department is of the opinion that the standards are met by this proposal and recommends **APPROVAL** of Ordinance 23-052/Application 2023-0085-S/Z.

PLANNING BOARD RECOMMENDATION

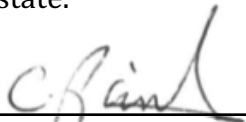
At a business meeting held on July 18, 2023, the Planning Board considered the recommendation offered by the Department of Land Use. On a motion made by Ms. Visvardis and seconded by Mr. Snowden, the Board voted to recommend **APPROVAL** of Ord. 23-052.

The motion was adopted by a vote of 5-0-0-3 (In Favor: Drake, Gray, Snowden, Visvardis, Peterson; In Opposition: None; Abstention: None; Absent: Cahill-Krout, Cochran, Daigle).

No questions or comments were made by the Board.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603 (a), the Department of Land Use finds that this rezoning would promote the convenience, order, and welfare of the present and future inhabitants of this state.


8/15/2023
Charuni Patibanda date
General Manager
Department of Land Use


8/13/2023
Karen Peterson date
Chair
Planning Board

Introduced by: Mr. Smiley
Date of introduction: November 22, 2022

ORDINANCE NO. 22-143

**REVISE ZONING MAP: NEW CASTLE HUNDRED, SOUTH SIDE OF
CHURCHMANS ROAD, 2900 FEET EAST OF CHURCHMANS ROAD; REZONE TAX
PARCEL 10-024.00-219, 61.37± ACRES, FROM S (SUBURBAN) TO I (INDUSTRIAL).**

(The Exploratory Plan and rezoning for **Walker Farm Industrial Development** proposes to rezone tax parcel 10-024.00-219, 61.37± acres, from “S” (Suburban) to “I” (Industrial) to construct 837,200 square feet of warehousing with associated parking, utilities, stormwater management and landscaping improvements. App. **2022-0335-S/Z.**)

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

Section 1. The Zoning Map of New Castle Hundred, as amended, is hereby further amended by changing the zoning classification of the land shown on attached Exhibit “A” dated September 16, 2022 and Exhibit “L” dated September 16, 2022, as set forth therein.

Section 2. This Ordinance shall become effective immediately upon passage by New Castle County Council and approval of 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:

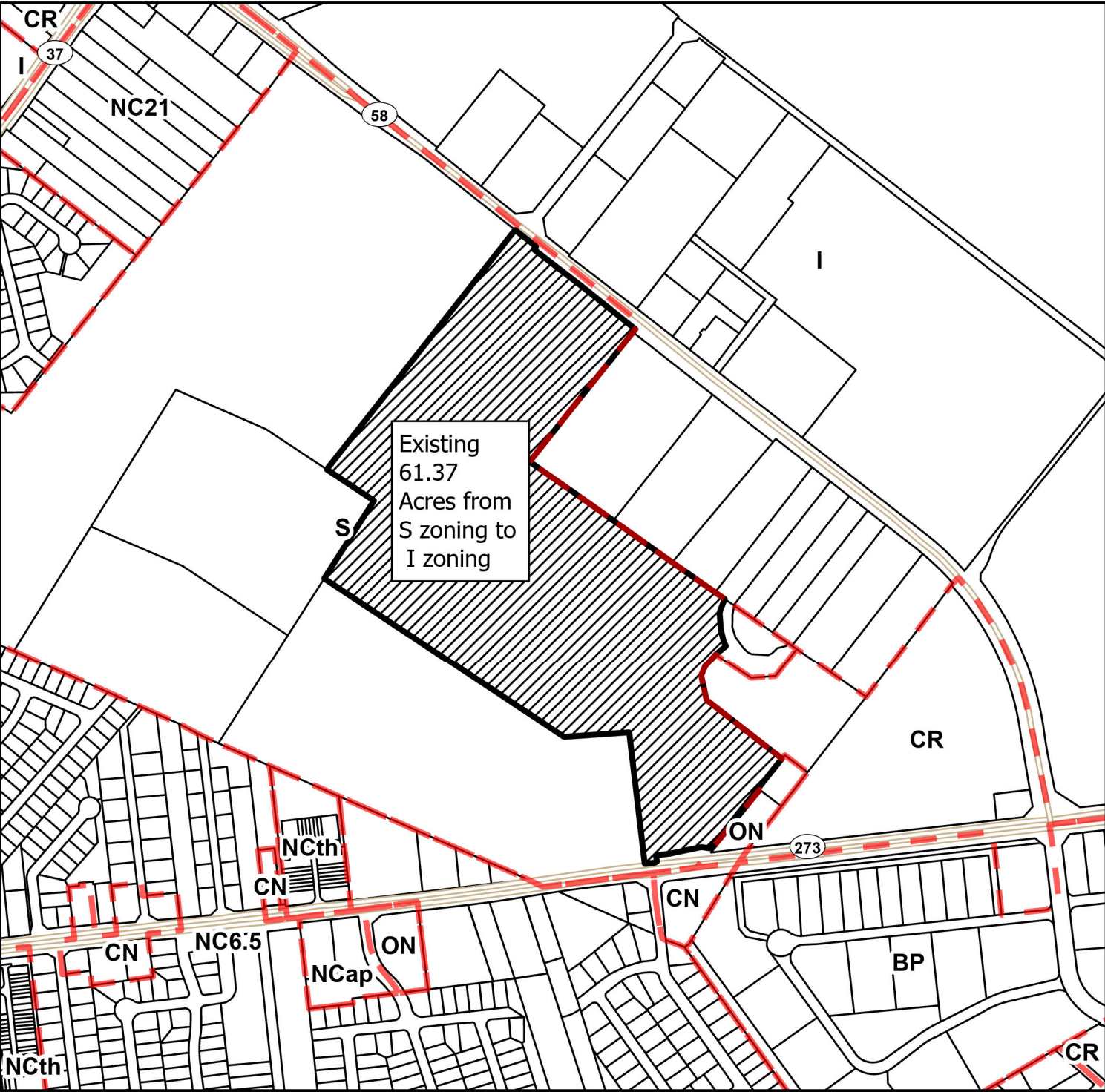
County Executive
New Castle County

SYNOPSIS: Same as Title.

FISCAL IMPACT: This rezoning ordinance will have no immediate discernable fiscal impact on the County, but if the parcel(s) rezoned is (are) developed in accordance with the new rezoning, there may be one or more indirect fiscal effects on New Castle County government, including, but not limited to, an increase in the assessed value of the property with a resultant increase in taxes collectible thereon, and an increased demand for county services.

APPLICANT: FIRST INDUSTRIAL REALTY TRUST
PROPOSED REZONING: EXISTING S ZONING TO I ZONING

APPLICATION NO. 2022-0335-S/Z
TAX PARCEL NO. 10-024.00-219



HUNDRED: NEW CASTLE HUNDRED
NEW CASTLE COUNTY, DELAWARE
Scale: 1:8,000
Prepared by: Property.Munsaka
Date: 9/16/2022



PERMANENT ORDINANCE NO. 22-143
Date Adopted by County Council _____
Date Approved by County Executive _____

PROPERTY MAP

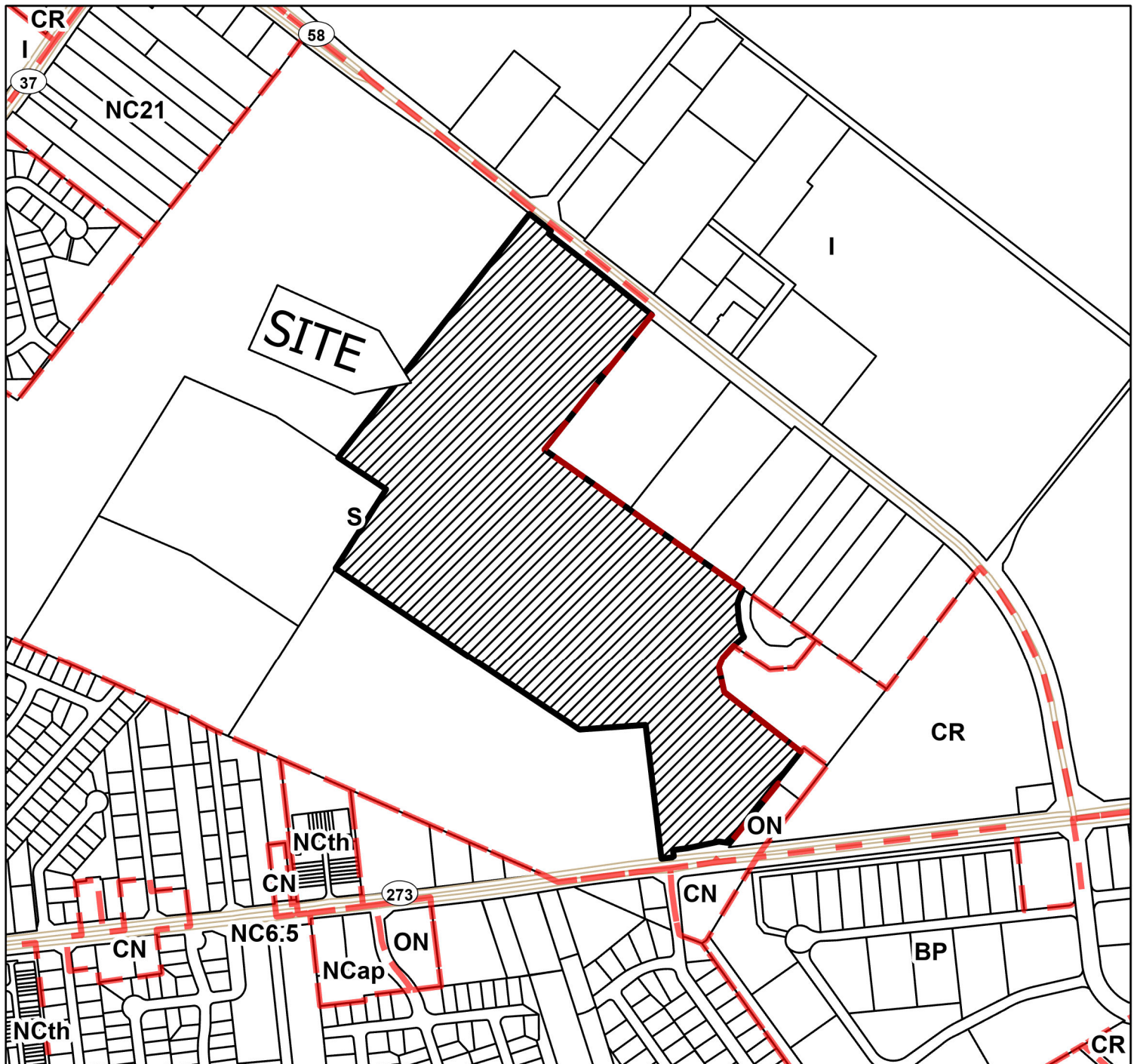
EXHIBIT "L"
ZONING ORDINANCE AS INTRODUCED

APPLICANT: FIRST INDUSTRIAL REALTY TRUST

APPLICATION NO. 2022-0335-S/Z

TAX PARCEL NO. 10-024.00-219

PROPOSED REZONING: EXISTING S ZONING TO I ZONING



HUNDRED: NEW CASTLE HUNDRED
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Prepared by: Property.Munsaka

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PERMANENT ORDINANCE NO. 22-143

Date Adopted by County Council _____

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Department of Land Use

**DEPARTMENT OF LAND USE
RECOMMENDATION REPORT**

**Ordinance 22-143
Application 2022-0335-S/Z
Major Land Development Plan for Walker Farm**

August 15, 2023

Location: South side of Churchmans Road, approx. 2,900 feet northeast of Airport Road

Sponsor: Councilman George Smiley, District 7

Description: Major land development plan with rezoning application to rezone 61.37+ acres of S (Suburban) to I (Industrial) and construct 837,600 square feet of warehouse space with associated site improvements.

Applicant: First Industrial Realty Trust c/o John Hanlon

EXECUTIVE SUMMARY

Located on the south side of Churchmans Road and the north side of Christiana Road, the proposed major land development plan seeks to construct 837,000 square feet of warehouse space across two large industrial buildings on the Walker Farm. The application seeks to rezone the 61.37± acres of the farm from S (Suburban) to I (Industrial) to support the construction of the warehouses and required improvements for the development.

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E of the *Unified Development Code*, the proposed plan, the comments received from the Historic Review Board and outside agencies, and the comments received by the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of the rezoning application.

DESCRIPTION

The subject site is located west of the City of New Castle and fronts the south side of Churchmans Road as well as the north side of Christiana Road, two major thoroughfares accessing US Route 13 and Interstate 95. The plan proposes the construction of two warehouse buildings, identified as Building A and Building B on the plan. Building A is proposed to be 611,520 square feet and Building B is proposed to be 225,680 square feet, totaling 837,000 square feet of warehouse space across the site. The application additionally seeks to rezone 61.37± acres of the Walker Farm from S (Suburban) to I (Industrial).

ZONING & DEVELOPMENT PATTERN

The Walker Farm is situated west of the City of New Castle and spans just under 200 acres of land across four (4), S (Suburban) zoned parcels that border Airport Road to the west, Churchmans Road to the north, and Christiana Road (DE Rt. 273) to the south. Historically, the area surrounding the subject site was largely agrarian in nature until the mid to late twentieth century, when there was a development boom across the County. The existing development pattern surrounding the subject site is characterized by a mix of medium density residential developments, institutional uses, commercial uses, and light industrial uses that largely date to mid to late twentieth century.

North of the subject site is Industrial zoned land consisting of Century Industrial Park, New Castle Airport, and a number of small scale industrial uses. On the northeast corner of the intersection of Christiana Road and Churchmans Road is a distribution center comprised of 1,168,211 square feet that is currently under construction. Southeast of the site adjacent to Churchmans Road is land zoned Commercial Regional consisting of New Castle Square development. Neighboring residential development is located south and west of the subject site. Stratford subdivision (NC6.5) and Pleasantville Elementary School (S) is located to the south while Prestwick subdivision (NC6.5) is located northwest of the subject site and borders the west side of Walker Farm.

BACKGROUND

As noted above, the Walker Farm is the last remaining agricultural operations in the surrounding area dating back to the earliest developments of New Castle County. Therefore, there is no extensive land use history for the subject site. The Department of Land Use received the first submission for the proposed major land development plan in the Spring of 2022. Ordinance 22-143 was introduced at County Council on November 22, 2022. The application proceeded through the State of Delaware's PLUS process in September of 2022.

The plan proposes the construction of 837,000 square feet of warehouse space across two large industrial buildings, has been found to be in general conformance with the requirements of the Unified Development Code. Per the proposed plan, Building A is proposed to be 611,520 square feet and Building B is proposed to be 225,680 square feet for a total of 837,000 square feet of warehouse space. In addition to the two warehouse buildings, the plan proposes to construct a total of 544 parking spaces, 178 trailer parking spaces, and 41 trailer loading spaces to support a distribution center type use. Approximately 4.51± acres of land is reserved for stormwater management facilities and 12.57± acres of land is proposed to be landscaped areas.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The subject application was reviewed at a PLUS meeting held on September 28, 2022. The PLUS Review Letter, dated October 24, 2022, includes comments from various state agencies regarding the proposed rezoning. The letter states that the project is located within a Level 1 investment area, which is consistent with the 2020 Strategies for State Policy and Spending. Investment Level 1 reflects areas that are already developed in an urban and suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by state policy. The Office of

State Planning indicated that they have no objections to the rezoning and site plan provided it meets the relevant codes and ordinances of New Castle County.

The Delaware Department of Transportation provided general comments regarding DelDOT's Development Coordination Manual and the requirements the plan would be subject to, as well as the development review process required for approval. DART First State noted that a pair of companion bus stops are needed on Christiana Road, and that a shared use path is needed along the frontage of Churchmans Road. DART also noted that pedestrian accessways are needed into the site from Christiana and Churchmans Roads. DelDOT also noted that the applicant should expect the requirement that any substation and or wastewater facilities will be required to have an access from an internal driveway.

The Delaware Department of Natural Resources and Environmental Control (DNREC) provided comments regarding stormwater management and noted that a sediment and stormwater plan must be developed and approved by the appropriate plan review agency prior to leaving disturbing activity. DNREC provided recommendations regarding stormwater management, drainage, electric vehicle facilities, renewable energy, impervious surfaces, and recycling facilities during construction.

Delaware Emergency Management Agency (DEMA) noted that the subject site is within an area of minimal flood concern of 1,000 years or greater and that the parcel is not part of an evacuation zone. DEMA Provided recommendations regarding potential parcel solar panel capabilities and renewable energy.

The Delaware State Historic Preservation Office (SHPO) noted that the historic Bethel Baptist Church and cemetery are located adjacent to the subject site. SHPO noted that There is a potential for historic and prehistoric archaeological resources in the project area based on several environmental factors that are conducive to human habitation and noted that the applicant should be aware of the Unmarked Human Burials and Human Skeletal Remains Law of 1987 in the event that remains are encountered. Finally, the SHPO recommended that the owner and developer have a qualified archaeological consultant investigates project area for the presence of a cemetery on the site.

The Delaware State Fire Marshal provided comments regarding Fire Protection Water requirements and Fire Protection Features of buildings larger than 10,000 square feet. Additionally the Fire Marshal noted the requirements for accessibility, gas piping and system information, and the plan review process.

PLANNING BOARD PUBLIC HEARING – July 5, 2023

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use.

Pam Scott, the applicant's attorney, spoke on behalf of the application. Ms. Scott provided a brief description of the proposed project, the existing conditions on the subject site, and the character of the surrounding area. She stated that applicant met with the nearby residential communities after the exploratory plan was submitted to the County in 2022 to discuss the proposed development. Ms. Scott spoke to the landscaping proposed on the subject site, stating that there are significant buffers proposed along adjacent property lines. She spoke to the existing zoning of the subject site as well as the zoning pattern in the surrounding area. She noted that the subject site is in consistent with the Future Land Use Map, which identifies the subject site as a Type 2- Employment-Based Corridor. Ms. Scott spoke to the

Standards of Rezoning in the Unified Development Code and noted how the proposed rezoning met the required standards. She spoke to the architectural design of the buildings to ensure that the buildings compliment the surrounding area to reduce apparent mass per requirements of Article 26 of the UDC. Ms. Scott provided an update on the transportation reviews the applicant is working on, as well and provided pictures of buildings in the surrounding area.

Mr. Snowden inquired about the proposed roofing material. John Hanlon and Jim Knopka from First Industrial, spoke to the building's construction. Mr. Hanlon noted that the roof of the building will be white, which is better for energy efficiency. He noted that the buildings are built to a LEED standard and will have solar capabilities.

Ms. Peterson noted that there was a leaky tank identified on the information provided to the Board members and inquired if it had been taken care of. Mr. Hanlon noted that a full environmental site review has been conducted and anything needed to be remediated would be. Ms. Peterson inquired about drainage issues across the street at Forever Green Landscaping raised by DelDOT. The applicant's traffic engineer, Alex Meitzler, stated that he was unfamiliar with the drainage issue on the nearby site, but noted that the plan would require frontage improvements to Churchmans Road and drainage patterns. He stated that no construction is proposed in that area, however all proposed plans will be reviewed and approved by DelDOT. Ms. Peterson inquired about the proposed stormwater management facilities and asked if the infiltration systems drain or if they infiltrate independently. Victor Ortega, the engineer for the project, stated the underground facilities would not infiltrate into the above-ground facilities. He stated that the plan will meet the County requirements for stormwater management, noting that the final plans for stormwater management are still being developed.

Mark Slaymaker with the Prestwick Maintenance Corporation offered comment on the application and noted his concerns about covering the view of the buildings and noted his desire for landscaping. He inquired about the lighting for the facility and what it would look like at night. He cited concerns about noise levels and traffic flow.

In her rebuttal, Ms. Scott noted there would be a 35ft. bufferyard along the subject site, including along the remainder of the Walker Farm. Mr. Hanlon noted that the lighting will be oriented downward on the site and would have a very little chance of lighting up adjacent nearby properties. He stated that the loading spaces are on the opposite side of the proposed buildings away from nearby development. He stated that the buildings would really only be visible on-site.

Ms. Gray inquired about the intersection with Prangs Lane and Route 273 and asked if there would be any design accommodation for trucks behind the WaWa. Mr. Meitzler stated that the application will create a new signal at Prangs Lane and spoke to the improvement proposed as part of the project.

ANALYSIS

The subject site is situated in an area of the County that has largely been developed since the mid-twentieth century due to its proximity to the major thoroughfares that are Churchmans Road, Christiana Road, and Airport Road. With close proximity to US Route 13, Interstate 95, and the New Castle Airport, the site lends itself to a regional, distribution type use that will further enhance the surrounding businesses and economic centers. Based on development trends through the twentieth and twenty-first

centuries, the rezoning of the subject site to an Industrial zoning district will be consistent with the zoning and development patterns. Finally, as a result of the parcel's unique configuration between Churchmans and Christiana Roads, the subject site allows for additional landscaping and design opportunities that will minimize the visual impact on surrounding residential uses and permit the development to be oriented closer to neighboring industrial uses.

The proposed rezoning is consistent with the New Castle County Comprehensive Plan. The Future Land Use Map identifies the subject site and the surrounding Walker Farm parcels as Type 2- Employment-Based Corridor type uses, which have a regional impact regarding jobs and services. The Comprehensive Plan encourages the rezoning of lands identified in the Future Land Use map to permit Type 2- Employment Based Corridor uses when appropriate and provided the development is sensitive to the context of neighboring residential developments.

Standards for Zoning Map Amendment – Section 40.31.410 of the New Castle County Code

A. Consistency with the Comprehensive Development Plan and the purposes of this Chapter.

The New Castle County Comprehensive Plan identifies the subject site as a Type 2- Employment-Based Corridor. The plan identifies specific lands where in the next 30 years there would be a significant change in form, function, and use of land, particularly in areas where there is strong commercial potential. The rezoning of the subject site from S (Suburban) to I (Industrial) is consistent with the goals and intent of the Comprehensive Plan.

B. Consistency with the character of the neighborhood.

The subject site is located adjacent to existing nonresidential uses that are industrial in nature. Rezoning of the subject site to permit industrial uses such as a distribution center is consistent with the character of the surrounding neighborhood.

C. Consistency with zoning and use of nearby properties.

The Walker Farm is currently zoned S (Suburban), which was consistent with historic uses on the site and in the surrounding area. Over the last several decades, much of the lands surrounding to the Walker Farm has been rezoned to nonresidential designations including I (Industrial) along Churchmans Road adjacent to the subject site and across the road to the north as well as CR (Commercial Regional) and BP (Business Park) adjacent to the site's frontage along Christiana Road. The proposed rezoning is consistent with the zoning and use of nearby properties.

D. Suitability of the property for the uses for which it has been proposed or restricted.

With access to both Christiana Road (DE Rt 273) and Churchmans Road, the subject parcel has access to two major thoroughfares in the County that would support a warehousing operation. The design of the proposed development provides for enhanced buffering from the adjacent farm and nearby residential uses. Should the property be rezoned to I(Industrial), the site will be suitable for the uses proposed.

E. Effect on nearby properties.

The applicant presented testimony discussing the design measures taken to ensure that there will be little to no impact on nearby properties, in particular nearby residential uses. The design improvements coupled with the landscaping proposed on the subject site, and that all tractor trailer parking will be situated behind the buildings opposite of the nearby residential uses will mitigate impact on nearby properties.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E, the proposed plan, and the comments received from the outside agencies and the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal.

The Department of Land Use recommends **APPROVAL** of the rezoning.

PLANNING BOARD RECOMMENDATION

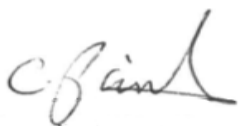
At a business meeting held on August 15, 2023, the Planning Board considered the recommendation offered by the Department of Land Use. On a motion made by Mr. Daigle and seconded by Mr. Cochran, the Board voted to recommend **APPROVAL** of Ord. 22-143.

The motion was adopted by a vote of 7-0-0-2 (In Favor: Cahill-Krout, Cochran, Daigle, Snowden, Visvardis, Peterson; In Opposition: None; Abstention: None; Absent: Drake, Gray).

No questions or comments were made by the Board.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603 (a), the Department of Land Use finds that this rezoning would promote the convenience, order, and welfare of the present and future inhabitants of this state.



8/25/2023

Charuni Patibanda
General Manager
Department of Land Use

date



8/25/2023

Karen Peterson
Chair
Planning Board

date

Introduced by: Mr. Bell, Mr. Cartier
Date of introduction: August 29, 2023

ORDINANCE NO. 23-121

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 (“BUILDING CODE”) REGARDING ARTICLE 1 (“GENERAL”), ARTICLE 2 (“DEFINITIONS”), ARTICLE 3 (“ADMINISTRATION”), ARTICLE 4 (“BUILDING CODE”), ARTICLE 5 (“RESIDENTIAL CODE”), ARTICLE 9 (“EXISTING BUILDING CODE”), ARTICLE 10 (“ENERGY CONSERVATION CODE”), ARTICLE 11 (“SWIMMING POOL AND SPA CODE”), ARTICLE 12 (“VIOLATIONS, ENFORCEMENT, AND PENALTIES”) AND SCHEDULE OF PERMIT AND REVIEW FEES

WHEREAS, New Castle County is charged with the responsibility of ensuring the health, safety, and welfare of the citizens of New Castle County by administering and enforcing the regulations of the building industry; and

WHEREAS, by the adoption of this Ordinance the New Castle County Executive and County Council intend: (1) to update Chapter 6 of the *New Castle County Code* consistent with the *International Building Code, 2021 edition*, *International Residential Code, 2021 edition*, the *International Existing Building Code, 2021 edition*, the *International Swimming Pool and Spa Code, 2021 edition*, and the *State Energy Conservation Code* (also known as the *International Energy Conservation Code, 2018 edition*) as may be amended herein; and (2) to otherwise update, clarify, and strengthen the administrative provisions of Chapter 6 of the *New Castle County Code*; and

WHEREAS, based on a comprehensive review of Chapter 6 of the *New Castle County Code* by the professional staff in the New Castle County Department of Land Use and comments by stakeholders, applicants and local experts in building code issues, New Castle County has developed updated standards for buildings and structures and has identified additional clarifications, corrections, improvements and changes necessary to further administer and enforce the regulations of the building industry; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to, substantially advance, and are narrowly tailored to achieve its goal of protecting and preserving legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

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

Section 1. *New Castle County Code* Chapter 6 (“Building Code”), Article 1 (“General”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

ARTICLE 1. GENERAL.

Sec. 6.01.001. General.

A. *Title...*

B. *Purpose.* The purpose of this Chapter is to establish minimum requirements for a reasonable level of life safety, health, property protection and general welfare through regulations that provide for structural strength, means of egress, stability, sanitation, light and ventilation, and energy conservation. This Chapter shall apply to the unincorporated territory of New Castle County, Delaware, and may apply to incorporated municipalities if by appropriate action of its governing body, any such governing body elects to be included in its application. Such jurisdictions are defined in Appendix 6 of this Chapter.

C. *Scope...*

D. *Appendices...*

E. *Existing structures.* The legal occupancy of any structure existing on the date of adoption of this Chapter shall be permitted to continue without change, except as is specifically covered in this Chapter, the International Existing Building Code, the property maintenance code provisions, or other provision of this Code, or as is deemed necessary by the Code Official for the general safety and welfare of the occupants and the public. Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of this Chapter, unless otherwise stated. Additions, alterations, repairs and relocations shall not cause an existing structure to become less compliant with the provisions of this Chapter than the existing building or structure was prior to the addition, alteration or repair.

F. *Moved pools and spas...*

Section 2. *New Castle County Code* Chapter 6 (“Building Code”), Article 2 (“Definitions”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

ARTICLE 2. DEFINITIONS

Sec. 6.02.001. Definitions.

The following words, terms, and phrases, when used in this Chapter shall have the meaning ascribed...

Contractor license means...

Contributing resource means a structure or property which is a historic resource within, or eligible for, Historic overlay zoning or is a contributing element to a Historic overlay zoning district.

County means ...

Third party inspector...

Third party plan reviewer means a business entity that performs plan reviews at the direction of the Code Official but whose employees are not employed by New Castle County.

Violation notice...

Section 3. *New Castle County Code* Chapter 6 (“Building Code”), Article 3 (“Administration”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

ARTICLE 3. ADMINISTRATION

Sec. 6.03.004. Unlicensed contractors.

- A. It shall be a violation ...
- B. Licensed contractors who violate this Section...
 - 1. For the first offense...
 - 2. For the second and subsequent offenses, violators shall be subject to administrative penalties and fees established in this Chapter and/or revocation of his or her contractor license or permit contractor endorsement for up to [~~three (3)~~]two (2) years.
- C. Unlicensed contractors ...

Sec. 6.03.010. Regulations for sanitary sewer contractors.

- A. *Sewer and drain cleaner...*
 - 1. *Required equipment.* Any applicant who desires to clean sewer laterals shall have appropriate sewer lateral and drain cleaning equipment, as required by the Department of Public Works, including but not limited to, rodding equipment capable of passing three-inch to six-inch cutter through a sewer lateral.
 - 2. *Equipment approval letter...*
- B. *Outside utility connector...*
 - 1. *Conditions...*
 - 2. Violation of any condition set forth in subsection (B)(1) of this Section shall result in the revocation of the contractor license for a period of up to [~~five (5)~~]two (2) years subject to the reinstatement provisions of this Chapter.

Sec. 06.03.012. Permits.

- A. *Required.* Any permit contractor endorsement ...

3. *Owner-occupier single-family dwelling permit...*

[4. *Demolition permits.* An owner or non-permit endorsed contractor may make application for demolition permit when the applicant intends to complete all work covered by the permit.]

B. *Transfer of permit...*

C. *Work exempt from permit...*

1. *Building, Residential and Swimming Pool and Spa.*

[a. ~~One-story detached residential accessory structures used as tool and storage sheds, playhouses, free-standing gazebos and non-habitable similar uses, provided the floor area does not exceed two hundred (200) square feet (18.58 m²) and with an eave height of ten (10) feet (3048 mm) or less. This exemption shall not apply to garages or structures capable of storing motor vehicles.~~

b. ~~Fences.~~

c. ~~Retaining walls which are not over four (4) feet (1219 mm) in exposed height, unless supporting a surcharge or impounding Class I, II, or III-A liquids.~~

d. ~~Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.~~

e. ~~Sidewalks and driveways.~~

f. ~~Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~

g. ~~Exterior siding or the replacement of roof covering that does not involve the repair or replacement of more than twenty-five (25) percent of the sheathing. This exemption shall not apply to exterior masonry, adhered masonry veneer, or plaster (stucco) work.~~

h. ~~Temporary motion picture, television and theater stage sets and scenery.~~

i. ~~Shade cloth structures not exceeding two hundred (200) square feet or constructed for nursery or agricultural purposes, not including service systems.~~

j. ~~Swings and other playground equipment.~~

k. ~~Window awnings supported by an exterior wall which do not project more than fifty-four (54) inches (1372 mm) from the exterior wall and do not require additional support.~~

l. ~~Non-fixed and moveable fixtures, cases, racks, counters, and partitions not over five (5) feet nine (9) inches (1753 mm) in height.~~

- ~~m. Decks not exceeding two hundred (200) square feet in area, that are not more than thirty (30) inches (762 mm) above grade at any point and are not adjacent to, or attached to, a one- or two-family dwelling.~~
- ~~n. Patio and decorative hardscaping not more than thirty (30) inches above grade at any point.~~
- ~~o. Flotation tank systems intended for sensory deprivation therapy.~~
- ~~p. Temporary modular ramps, constructed of light frame materials, serving a one- or two-family dwelling where the height of the entrance served by the ramp is not more than thirty (30) inches (762 mm) above grade at any point. This exemption shall not apply to ramps constructed from wood products.~~
- ~~q. Replacement of windows and doors with others of the same size, and in the same location when the structural frame of the opening is not altered.~~
- ~~r. Steps not exceeding thirty (30) inches above grade at any point and accessory to a one- or two-family dwelling.]~~
- a. Non-fixed and moveable fixtures, cases, racks, counters, and partitions not over five (5) feet nine (9) inches (1753 mm) in height.
- b. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- c. Window awnings supported by an exterior wall which do not project more than fifty-four (54) inches (1372 mm) from the exterior wall and do not require additional support.
- d. Exterior siding replacement that does not involve the repair or replacement of more than twenty-five (25) percent of the sheathing. This exemption shall not apply to anchored stone and masonry, adhered masonry veneer, or plaster (stucco) work.
- e. Roof covering replacement that does not involve the repair or replacement of more than twenty-five (25) percent of the sheathing.
- f. Replacement of windows and doors with others of the same size, and in the same location when the structural frame of the opening is not altered.
- g. Fences.
- h. Retaining walls which are not over four (4) feet (1219 mm) in exposed height, unless supporting a surcharge or impounding Class I, II, or III-A-liquids. Two adjacent walls separated by less than 2x the horizontal distance of the lower elevation wall height shall be considered a single wall.
- i. Non-structural concrete slabs, patio and decorative hardscaping not more than thirty (30) inches above grade at any point.
- j. Sidewalks and driveways.

- k. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
 - l. Temporary motion picture, television and theater stage sets and scenery.
 - m. Shade cloth structures (i) not exceeding 200 square feet or; (ii) constructed for nursery or agricultural purposes, not including service systems.
 - n. Swings and other playground equipment.
 - o. Flotation tank systems intended for sensory deprivation therapy.
2. For one- and two-family dwellings only regulated by the Residential Code. The following exemptions are in addition to work identified in Sec. 06.03.012.C.1.
- a. One-story detached residential accessory structures used as tool and storage sheds, playhouses, pergolas, free-standing gazebos and non-habitable similar uses, provided the floor area does not exceed two hundred (200) square feet (18.58 m²) and with an eave height of ten (10) feet (3048 mm) or less and a maximum overall height of twenty (20) feet (6096 mm). This exemption shall not apply to garages or structures capable of storing motor vehicles.
 - b. Decks not exceeding two hundred (200) square feet in area, that are not more than thirty (30) inches (762 mm) above grade at any point and are not adjacent to, or attached to, a one- or two-family dwelling.
 - c. Carports and patio covers, provided they are free-standing and pre-fabricated, and do not exceed two hundred (200) square feet (19 m²) that are accessory to a one- and two-family dwelling. Carports not open on at least two sides shall be considered a garage and this exemption shall not apply to garages.
 - d. Steps and landings, accessory to a one- and two-family dwelling, not exceeding 16 square feet (1.5 m²) in area that are not more than thirty (30) inches above grade at any point and do not serve the exit door required by R311.4 of this Chapter.
 - e. Temporary modular ramps, constructed of light-frame materials, serving a one- or two-family dwelling where the height of the entrance served by the ramp is not more than thirty (30) inches (762 mm) above grade at any point. This exemption shall not apply to ramps constructed from wood products.

[2]3. *Gas:...*

[3]4. *Mechanical:...*

[4]5. *Plumbing:...*

Sec. 06.03.013. Submittal documents

A. *General.* Submittal documents consisting of construction documents, statement of special inspections, structural observation programs, investigation and evaluation reports, and other data shall be submitted ~~[in three (3) sets]~~ with each application for a permit or in ~~[an electric format as required]~~ a digital format where allowed by the Code Official. The construction documents shall be prepared by a registered design professional licensed in the State of Delaware. Where special conditions exist, the Code Official is authorized to require additional construction documents to be prepared by a registered design professional at applicant's expense....

B. *Construction documents...*

1. *Information on construction documents...*

a. *Minimum design requirements for non-residential construction documents...*

1. *Code data...*

3. *Exterior wall envelope...*

4. *Exterior balconies and elevated walking surfaces.* Where balconies or other elevated walking surfaces have weather-exposed surfaces, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

b. *Minimum design requirements for Residential documents...*

c. *Minimum design requirements for swimming pools...*

d. *Minimum design requirements for non-residential Mechanical documents...*

1. *Plans must be drawn to scale...*

2. *For projects over ten thousand (10,000) square feet, the construction documents shall bear the signature and seal of a Delaware registered design professional.*

3. *Equipment schedules to...*

Sec. 6.03.016. Fees.

A. *Payment of fees...*

B. *Schedule of permit fees.* ~~[On buildings, structures, swimming pools and spas, gas, mechanical, and plumbing systems or alterations requiring a permit]~~ Where a permit is required, a fee for each permit shall be paid as required and in accordance with the Schedule of Permit Fees.

C. *Permit valuations...*

D. *Work commencing before permit issuance.* Any person who commences any work ~~[on a building, structure, swimming pool and spa, gas, mechanical, or plumbing system]~~ before obtaining the necessary permits shall be subject to administrative penalties and fees established by the Code Official in addition to the required permit fees. Any such work that includes an historic alteration on a contributing resource shall also be subject to provisions in Sec. 06.03.020.

E. *Related fees...*

Sec. 6.03.018 Inspections.

A. *General*

F. *Final inspection...*

G. *Who is eligible to perform inspections required by the County.* All County required inspections shall be performed by a County employee duly authorized by the Code Official. Upon approval by the Code Official an approved inspection agency, or a design professional [~~licensed by the State of Delaware~~] may perform required inspections as a third party inspector. [~~Employees of approved inspection agencies, architects, and engineers are independent contractors (herein referred to as third party inspectors) and are not employees of New Castle County.~~] Employees of inspection agencies must affirm their work under penalty of perjury.

1. *Inspection agencies.* The Code Official is authorized to accept reports of approved inspection agencies on construction requiring a building permit, provided the Code Official, after sufficient investigation, determines that such agencies are qualified and reliable. Inspections must be conducted under the direct supervision of a design professional.

2. *Design Professionals...*

H. *Third party inspections.*

1. *Regulations for third party inspections...*

3. *Third party inspector responsibilities.*

a. *Current copy of adopted codes...*

b. *Verification prior to performing inspection...*

c. *Report required.* Third party inspectors shall maintain written records of all on-site inspections. An inspection report, or other required inspection checklists, shall be prepared that indicate at the time of inspection, the construction, installation, or modification meets the minimum requirements of the applicable Codes for that phase of the project. The approved inspector shall submit reports certified by a design professional, to the Permit Holder and to the Code Official. Discrepancies shall be brought to the immediate attention of the contractor for correction. If they are not corrected, the discrepancies shall be brought to the attention of the Code Official prior to the completion of that phase of the work.

Sec. 6.03.019. Certificates of approval.

A. *Certificates required...*

C. *Certificate issued.* Upon completion of the final inspection and correction of all outstanding violations and discrepancies of this Chapter, the approved plans, the permits, or other provisions

of this Code are corrected and all directives of the Code Official are satisfied, the Code Official shall issue a certificate of occupancy indicating the completion of the work for which the permit was issued. The certificate shall contain the following:

1. The certificate issue date.
2. The [~~building~~]permit number.
3. The tax identification number and address of the structure.
4. The name and address of the owner.
5. A description of that portion of the structure for which the certificate is issued.
6. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Chapter for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
7. The signature of the Code Official.
8. The edition of the code under which the permit was issued.
9. [~~If~~]Where an automatic sprinkler system is provided and whether the sprinkler system is required.
10. Any special stipulations and conditions of the building permit.
11. Recognition as a green building, if applicable.

D. *Temporary occupancy...*

Sec. 6.03.020. Special guidelines for work done on historic structures.

A. *Review for historic structures...*

1. The Department shall not issue any permit for an exterior historic alteration, demolition, relocation, construction or reconstruction on any historic or contributing resource within, or eligible for, Historic overlay zoning unless first heard by the Historic Review Board (“HRB”). An Historic Resource application must be filed with the Department in order to appear before the [~~Board~~]HRB. Historic Resource applications are reviewed in accordance with Section 40.15.160 and Section 40.15.210 of this Code.
 - a. Based upon its public review for properties within an Historic overlay zoning district, the HRB shall provide a written decision in accordance with Section 40.31.370 of this Code.
 - b. Based upon its public review for properties outside of Historic overlay zoning districts, the HRB shall provide a written recommendation in accordance with Section 40.31.370 of this Code.
2. Once a building permit...

B. *Demolition of historic structures...*

1. A demolition permit shall not be issued until the Department has determined whether the structure is a contributing resource or eligible for Historic overlay zoning as defined by the criteria for designation in Section 40.15.110 of this Code. The Department shall determine the eligibility within the twenty (20) days of receiving a complete application.
 - a. Where the resource...
 - b. Where the resource...
2. In order to seek mitigation or alternatives to demolition, the HRB may hold the issuance of the demolition permit for a period not to exceed nine (9) months from the date of the HRB written opinion to the Code Official. HRB findings shall be issued to the Code Official in a written recommendation in accordance with Section 40.31.370 of this Code.
 - a. The HRB has the authority to deny demolition permits that are located within an Historic overlay zoning district pursuant to Section 40.15.160 of ~~[the New Castle County Code]~~this Code.
 - b. The HRB has the authority to require documentation in accordance with Section 40.15.210.B of this Code prior to the release of a demolition permit for any structure determined a contributing resource or eligible for Historic overlay zoning as defined by the criteria for designation listed in Section 40.15.110 of this Code.
3. Upon verification by the Historic Review Board that a building or structure of historic significance or a contributing resource has been demolished prior to issuance of a demolition permit, the Code Official shall initiate administrative enforcement proceedings pursuant to Sec. 6.12.002(C) and request the County Attorney to take immediate action to prosecute those responsible for the demolition. In addition, the Code Official may withhold building permits for that parcel for one to three (3) years, such determination to be made by the Code Official in writing to the legal owner of the property.

Sec. 6.03.021. Emergency measures.

A. *Authority to disconnect service utilities.* The Code Official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by this Chapter and the referenced codes and standards set forth in Section 06.01.001 in case of emergency where necessary to eliminate an immediate hazard to life or property. The Code Official shall notify the serving utility, and wherever possible, the owner or the owner's authorized agent and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure, or service system shall be notified as soon as practical thereafter.

B. *Imminent danger...*

C. *Restoration.* ~~[The structure or equipment determined to be unsafe by the Code Official is permitted to be restored to a safe condition]~~The Code Official is authorized to order the owner, the owner's authorized agent, operator or occupant of a structure, premises or equipment of the building or structure to restore the unsafe structure or equipment to a safe condition. To the extent

that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of this Chapter and of this Code.

D. Temporary safeguards...

Section 4. *New Castle County Code* Chapter 6 (“Building Code”), Article 4 (“Building Code”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

ARTICLE 4. BUILDING CODE

Sec. 6.04.001. Adoption of the International Building Code.

That certain document, on file with the office of the Clerk of the County Council, being marked and designated as the International Building Code, [2018]2021 edition, as published by the International Code Council, be and is hereby adopted as the Building Code of New Castle. All the regulations, provisions, conditions, and terms of the International Building Code, [2018]2021 edition, and any supplements, referenced codes, and standards, are hereby referred to, adopted and made part of this Chapter, as if fully set out in this legislation, with the additions, insertions, deletions and changes prescribed in Sec. 6.04.002.

Sec. 6.04.002. Amendments to the International Building Code.

The following sections of the International Building Code, [2018]2021 edition, are revised as follows. All code references including text and lines are based on the 2021 International Building Code, second printing: September 2021. 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.

References to the International Fire Code, [2018]2021 edition, as published by the International Code Council, are not specifically adopted. Provisions of the International Fire Code are addressed through the adoption of the National Fire Prevention Association (NFPA) Codes and Standards and the Delaware Fire Prevention Regulations as adopted by the Delaware State Fire Marshal’s Office.

CHAPTER 1. ADMINISTRATION...

CHAPTER 3. USE AND OCCUPANCY CLASSIFICATION

Section B308.5.4...

Section B310.4, Residential Group R-3, is amended in the [seventh]eighth line by deleting the word “persons” and substituting the phrase “adults or twelve or fewer children”.

Section B310.4.1...

CHAPTER 10. MEANS OF EGRESS

Section B1023.9...

Section B1025.1, General, is amended in the second and third lines by deleting the phrase “high-rise buildings” and substituting the phrase “buildings having three (3) or more stories above or below the level of exit discharge” and in the third line by deleting the phrase “or R-1” and substituting the phrase “, R-1 or R-2”.

CHAPTER 11. ACCESSIBILITY

~~[Section B1105, Accessible entrances, is amended by adding the following subsection:~~

~~*B1105.2. Requirements for newly constructed places of public accommodation.* All buildings which are constructed after January 1, 2011, and intended for use as places of public accommodation as defined by this Chapter and 6 Del. C. ch. 45 (“Equal Accommodations”), must be equipped with automatic doors at each entrance that is intended to be a main entrance and is accessible by the general public.]~~

~~*B1105.1.1, Automatic doors*, is amended in the first line by deleting the phrase “facilities with the occupancies and building occupant loads indicated in Table 1105.1.1” and substituting the phrase “places of public accommodations as defined by this Chapter” and in the fifth line by adding the phrase “as in accordance with 6 Del. C. ch. 45 (“Equal accommodations”).” to the end of the first sentence.~~

~~*Table B1105.1.1, Public entrance with power-operated door*, is amended by deleting the table in its entirety.~~

CHAPTER 13. ENERGY EFFICIENCY...

CHAPTER 16. STRUCTURAL DESIGN

Section B1612.2...

Section B1612.3, Established of flood hazard areas, is clarified to depict that the effective date of the most recent FIRM maps for New Castle County is ~~[February 4, 2015]~~January 22, 2020 and encompasses Map Number 10003C0025J through and including Map Number 10003C0475J and all revisions defined by FEMA FIRM maps.

Section B1612.3.2...

CHAPTER 18. SOILS AND FOUNDATIONS

~~[Section B1803.5, Investigated conditions, is amended by adding the following subsection:~~

~~*Section 1803.5.13. Subsidence areas.* All applications in subsidence areas shall include a report, prepared by a professional geologist or a professional geotechnical engineer registered in the State of Delaware, evaluating the vulnerability of the subsurface of subsidence (sinkholes). The application and report shall be sufficient to establish to the satisfaction of the Code Official after consulting with the Delaware Geological Survey, that the construction methods to be employed will be adequate to minimize the potential for subsidence. A soils report shall not be required for one and two family dwellings unless~~

field inspections indicate questionable soils or conditions or it is located in a subsidence area.]

Section 1803.5.2, Questionable soil, is amended by adding the following sentence to the end of the section: “All applications in subsidence areas shall include a report, prepared by a professional geologist or a professional geotechnical engineer registered in the State of Delaware, evaluating the vulnerability of the subsurface (sinkholes).”

Section B1805.4.3...

Table B1807.1.6.2, Concrete foundation walls, is amended by adding the following ~~[footnote]~~ sentence to the end of footnote a:

“~~[f.]~~In the absence of soil data, the following ratings shall be used for the lateral soil load: 60 PSF/FT for basement walls; 45 PSF/FT of depth for retaining walls; and 200 PSF/FT of depth for passing pressure.”

Table B1807.1.6.3(1), Plain masonry foundation walls, is amended by adding the following ~~[footnote]~~ sentence to the end of footnote a:

“~~[g.]~~In the absence of soil data, the following ratings shall be used for the lateral soil load; 60 PSF/FT for basement walls; 45 PSF/FT of depth for retaining walls; and 200 PSF/FT of depth for passing pressure.”

Table B1807.1.6.3(2), 8-inch masonry foundation walls with reinforcement where $d \geq 5$ inches, is amended by adding the following sentence to the end of footnote a:

“In the absence of soil data, the following ratings shall be used for the lateral soil load; 60 PSF/FT for basement walls; 45 PSF/FT of depth for retaining walls; and 200 PSF/FT of depth for passing pressure.”

Table B1807.1.6.3(3), 10-inch masonry foundation walls with reinforcement where $d \geq 6.75$ inches, is amended by adding the following sentence to the end of footnote a:

“In the absence of soil data, the following ratings shall be used for the lateral soil load; 60 PSF/FT for basement walls; 45 PSF/FT of depth for retaining walls; and 200 PSF/FT of depth for passing pressure.”

Table B1807.1.6.3(4), 12-inch masonry foundation walls with reinforcement where $d \geq 8.75$ inches, is amended by adding the following sentence to the end of footnote a:

“In the absence of soil data, the following ratings shall be used for the lateral soil load; 60 PSF/FT for basement walls; 45 PSF/FT of depth for retaining walls; and 200 PSF/FT of depth for passing pressure.”

Section B1809.5, Frost Protection, Number 1...

CHAPTER 23. WOOD

Section B2304.12, Protection against decay and termites, is amended by adding the following subsection:

~~[B2304.12.2.7]~~*B2304.12.2.9, Foundation sill plates.* All sill plates anchored to foundation walls shall be of approved naturally durable or preservative treated wood.

Section B2304.12, Protection against decay and termites, is amended by adding the following subsection:

~~[B2304.12.2.8]~~*B2304.12.2.10, Wood in contact with masonry or concrete.* All wood against masonry or concrete must be approved naturally durable, preservative treated wood, or protected in an approved manner.

CHAPTER 24. GLASS AND GLAZING

Section B2403.1, Identification...

~~[CHAPTER 25. — GYPSUM BOARD, GYPSUM PANEL PRODUCTS AND PLASTER~~

~~Section B2510.6, Water-resistive barriers, Exception Number 1, is amended is the sixth line by deleting the phrase “or drainage space” and substituting “and integrated with a continuous designed drainage space (a gap) that allows moisture to drain freely to the exterior of the assembly.~~

~~A drainage space shall be, but not limited to, a space formed by the use of any non-corrodible furring strips, drainage mat, or drainage board which allows for the continuous flow of moisture. Such products and designs must adhere to this section and those requirements outlined in Section 06.03.011(N) “Alternative materials, design, and methods of construction and equipment”.”]~~

CHAPTER 27. ELECTRICAL...

Section 5. *New Castle County Code* Chapter 6 (“Building Code”), Article 5 (“Residential Code”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below.

ARTICLE 5. RESIDENTIAL CODE

Sec. 6.05.001. Adoption of the International Residential Code

That certain document, on file with the office of the Clerk of the County Council, being marked and designated as the International Residential Code, [2018]2021 edition, including [Appendix E]Appendices AE and AJ, as published by the International Code Council, be and is hereby adopted as the Residential Code of New Castle County. All the regulations, provisions, conditions, and terms of the International Residential Code, [2018]2021 edition, and any supplements, referenced codes, and standards, are hereby referred to, adopted and made part of this Chapter, as if fully set out in this legislation, with the additions, insertions, deletions and changes prescribed in Sec. 6.05.002.

Sec. 6.05.002. Amendments to the International Residential Code.

The following sections of the International Residential Code, [2018]2021 edition, are revised as follows. All code references including text and lines are based on the 2021 International Residential Code, second printing: November 2021. Note: Although the International Residential Code does not identify sections with a “R” designation, such a designation is utilized to avoid any confusion as to which Code the amendment relates.

References to the International Fire Code, 2021 edition, as published by the International Code Council, are not specifically adopted. Provisions of the International Fire Code are addressed through the adoption of the National Fire Prevention Association (NFPA) Codes and Standards and the Delaware Fire Prevention Regulations as adopted by the Delaware State Fire Marshal’s Office.

CHAPTER 3. BUILDING PLANNING

Table R301.2(1), Climatic and Geographic Design Criteria, is filled in as follows:

[GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed	Topographic effects	Special Wind region	Wind-borne debris zone		Weathering	Frost line depth	Termite					
25 lbs./sq.ft.	115 mph	No	No	No	B	Severe	32"	Yes	14°F	No	10/05/2000 2/04/2015	596	54°F
MANUAL J DESIGN CRITERIA													
Elevation		Latitude		Winter heating		Summer cooling		Altitude correction factor		Indoor design temperature		Design temperature cooling	
78 ft		39°		14°F		89°F		1.0		72°F		75°F	
Cooling temperature difference		Wind velocity heating		Wind velocity cooling		Coincident wet bulb		Daily range		Winter humidity		Summer humidity	
14°F		15 mph		7.5 mph		74		M		50%		50%]	

<u>GROUND SNOW LOAD^a</u>	<u>WIND DESIGN</u>				<u>SEISMIC DESIGN CATEGORY^f</u>	<u>SUBJECT TO DAMAGE FROM</u>			<u>Ice Barrier Underlayment Required^h</u>	<u>Flood Hazards^g</u>	<u>Air Freezing Indexⁱ</u>	<u>Mean Annual Temp</u>
	<u>Speed^d (mph)</u>	<u>Topographic effects^k</u>	<u>Special wind region^l</u>	<u>Wind-borne debris zone^j</u>		<u>Weathering^a</u>	<u>Frost line depth^b</u>	<u>Termite^c</u>				
<u>25 lbs./sq.ft.</u>	<u>115 mph</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>B</u>	<u>Severe</u>	<u>32"</u>	<u>Yes</u>	<u>No</u>	<u>10/05/2000 2/04/2015</u>	<u>596</u>	<u>54°F</u>
<u>MANUAL J DESIGN CRITERIA</u>												
<u>Elevation</u>	<u>Altitude correction factor^e</u>		<u>Coincident wet bulb</u>		<u>Indoor winter design dry-bulb temperature</u>		<u>Indoor winter design dry-bulb temperature</u>		<u>Outdoor winter design dry-bulb temperature</u>		<u>Heating temperature difference</u>	
<u>79 ft</u>	<u>1.0</u>		<u>74</u>		<u>72</u>		<u>72</u>		<u>16</u>		<u>56°F</u>	

<u>Latitude</u>	<u>Daily range</u>	<u>Indoor summer design relative humidity</u>	<u>Summer design gains</u>	<u>Indoor summer design dry-bulb temperature</u>	<u>Outdoor summer design dry-bulb temperature</u>	<u>Cooling temperature difference</u>
<u>40a</u>	<u>M</u>	<u>50%</u>	<u>38</u>	<u>75</u>	<u>89</u>	<u>14</u>

Table R301.2(1), Flood hazards, is clarified to depict that the effective date of the most recent FIRM maps for New Castle County is ~~[February 4, 2015]~~January 22, 2020 and encompasses Map Number 10003C0025J through and including Map Number 10003C0475J and all revisions defined by FEMA FIRM maps.

Figure R301.2(6), Ground snow loads for the United States...

Section R303.4, Mechanical ventilation...

~~[Section R303.6, Outside opening protection, is amended by deleting the subsection in its entirety.]~~

Section R303.11, Prohibited connections...

Section R309.1, Floor surface...

~~[Section R310.6, Alterations or repairs of existing basements, is amended in the first and third lines by deleting the phrase “Alterations or” from both.]~~

~~[Section R316.6, Alterations or repairs of existing structures, Exception, is amended in the first line by adding the phrase, “habitable space or” after the word “new”.]~~

Section R310.7, Alterations or repairs of existing basements, is amended in the second line by adding the phrase “and alternations” after the word “rooms” and in the fourth and fifth lines by deleting the phrase “Other than sleeping rooms, w” and substituting “W” and by deleting the phrase “alterations or”.

~~[Section R311.2, Egress door, is amended by deleting the fourth sentence and substituting “All interior doors and openings in the path of egress shall have a minimum width of 2 feet 6 inches and a minimum height of 6 feet 6 inches. Doors to bathrooms or powder rooms may have a width of 2 feet 4 inches.”]~~

~~[Section R311.3.1, Floor elevations at the required egress doors, exception, is amended in the second and third lines deleting the phrase “the top of the threshold” and substituting “in the interior floor”.]~~

~~[Section R311.3.2, Floor elevations for other exterior doors, is amended in the fourth lines by deleting the phrase “top of the threshold” and substituting “interior floor”.]~~

Section R311.7.5.1, Risers, Exception, is amended by adding the following as exception number three:

3. Where the bottom or top riser adjoins a sloping public way, walkway or driveway having an established grade and serving as a landing, the bottom or top riser is permitted to be

reduced along the slope to less than 4 inches (102 mm) in height with the variation in height of the bottom or top riser not to exceed one unit vertical [F]in 12 units horizontal (8-percent slope) of stairway width.

~~[Section R313.1, Townhouse automatic fire sprinkler systems, is amended in the second line by deleting the word “shall” and substituting the word “may.”]~~

Section R313.1, Townhouse automatic fire sprinkler systems, is amended in the first line by adding the phrase “Effective January 1, 2025,” to the beginning of the sentence.

~~[Section R313.1, Townhouse automatic fire sprinkler system, Exception is amended by deleting the exception in its entirety.]~~

~~[Section R313.1.1, Design and installation, is amended in the third line by deleting the phrase “Section P2904 or”.]~~

~~[Section R313.2, One- and two-family dwellings automatic fire sprinkler systems, is amended in the second line by deleting the word “shall” and substituting the word “may.”]~~

Section R313.2, One- and two-family dwellings automatic fire sprinkler systems, is amended in the second line by adding the phrase “Effective January 1, 2025,” to the beginning of the sentence.

~~[Section R313.2, One- and two-family dwellings automatic fire sprinkler systems, is amended by deleting the exception in its entirety.]~~

~~[Section R313.2.1, Design and installation, is amended in the third line by deleting the phrase “Section P2904 or”.]~~

~~[Section R314.2.2, Alterations, repairs and additions, is amended by adding the following exception number three:~~

- ~~3. Minor interior renovations to dwellings require the installation of battery operated smoke alarms as required by the International Residential Code.]~~

~~[Section R315.2.2, Alterations, repairs and additions, is amended by adding the following exception number three:~~

- ~~3. Minor interior renovations to dwellings require the installation of battery operated carbon monoxide alarms as required by the International Residential Code.]~~

~~[Section R317.1, Location required, Number 2, is amended in the second and third line by deleting “and are less than 8 inches (203 mm) from exposed ground.”]~~

Section R322.1.4.2, Determination of impacts, is amended in the [eighth and]ninth line[s] by deleting the phrase “1 foot (305 mm)” and substituting the phrase “0.1 foot”.

Section R322.2.1, Elevation requirements, Number 1...

Section R322.2.1, Elevation requirements, Number 2, is amended in the [~~fifth and~~]sixth line[s] by deleting the phrase “1 foot (305 mm)” and substituting “18 inches (457 mm).”

Section R322.2.1, Elevation requirements, Number 3...

Section R322.3.2, Elevation requirements, Number 1...

Section R322.3.2, Elevation requirements, [~~Number 4~~]Number 5, is amended in the second line by adding the phrase “not to exceed 20 cubic yards on a single lot,” after the word “fill,”.

Section [~~R328~~]R331, Construction Sanitation, is added as a new section as follows:

Section [~~R328~~]R331, Construction sanitation.

Section [~~R328.1~~]R331.1, Facilities Required. Sanitary facilities shall be provided during construction, remodeling or demolition activities in accordance with the Statewide Plumbing Code.

Section [~~R328.2~~]R331.2, Storage of construction and demolition waste. Construction and demolition waste may be stored upon the land where actual construction or demolition is in progress; provided, however, that such waste shall not be stored for a period exceeding ninety (90) days and all other waste not stored in a dumpster shall not be stored for periods exceeding thirty (30) days.

Section [~~R328.3~~]R331.3, Handling and storage of construction and demolition waste, trash, and litter. During all construction activities, the lot(s) shall be kept neat of trash and building materials. All construction sites shall be required to obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction and demolition waste created or accumulated on the site, which might be blown from the site. All such construction refuse shall be maintained in a closed container, or a container of sufficient depth to prevent construction and demolition waste from blowing out of the container, at all times, until transferred to a landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists and thereby create traffic hazards. It shall be a violation to permit accumulated debris, litter, or trash attributable to the construction site and the construction activity to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or in transit to a landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

Section [~~R328.4~~]R331.4, Final Inspection. A final clean-up is required, including the removal of all building debris, stumps, portable toilets, etc. within five (5) days after the final inspection on that parcel.

Exception: Stumps located outside of the limit of disturbance that are not required to be removed by any plan approved by the Department are not subject to this section.

Section [R328.5]R331.5, Enforcement. Any person who fails to comply with the requirements found in this Section shall be subject to the penalty and enforcement provisions provided in this Chapter.

Section R329.2, Installation, is amended in the fourth line by deleting the phrase “Chapters 34 through 43” and substituting the phrase “the Statewide Fuel Gas Code”.

CHAPTER 4. FOUNDATION

Table R403.1(3), Minimum width and thickness for concrete...

R403.1.1, Minimum size, is amended in the fifth line by deleting the phrase “6 inches (152 mm)” and substituting the phrase “8 inches (203 mm)”.

Figure R403.1(3), Permanent wood foundation crawl space section, is amended by deleting the phrase “6 IN. and substituting the phrase “8 IN.” as defined in R403.1.1.

Section R405.1, Concrete or masonry foundations...

CHAPTER 5. FLOORS

Table R507.3.1, Minimum footing size for decks...

~~[*Table R507.3.1, Minimum footing size for decks, footnote c., is amended by deleting the phrase “6 inches” and substituting the phrase “8 inches”.*]~~

Section R507.3.3, Frost protection, is amended in the first line by adding the phrase “adjacent to, or” after the word “are”.

CHAPTER 7. WALL COVERING

Section R703.7, Exterior plaster (stucco)...

~~[*Section R703.7.3, Water-resistive barriers, is amended in the fifth line after the word “paper” by adding the phrase “and integrated with a continuous designated drainage space (a gap) that allows moisture to drain freely to the exterior of the assembly.”*]~~

~~[*Section R703.7.3, Water-resistive barriers, Exception, is amended by deleting the exception it in its entirety and substituting:*~~

~~*Exception: Where the water-resistive barrier that is applied over wood-based sheathing has a water-resistive equal to or greater than that of a 60-minute Grade D paper and is separated from the stucco by an intervening, substantially nonwater-absorbing layer and integrated with a continuous designed drainage space (a gap) that allows moisture to drain freely to the exterior of the assembly.*~~

~~A drainage space shall be, but not limited to, a space formed by the use of any non-corrodible furring strips, drainage mat or drainage board which allows for the continuous flow of moisture. Such products and designs must adhere to this section and those requirements~~

outlined in Section 06.03.011(N) “Alternative materials, design, and methods of construction and equipment”.]

CHAPTER 12. MECHANICAL ADMINISTRATION through and including CHAPTER 43...

Section M1201 through and including Section E4304.5, together with all tables and figures contained therein, are amended by deleting the chapters in their entirety with the following modification: Subsection P2904, Dwelling unit fire sprinkler systems within Chapter 29, Water supply and distribution, is hereby adopted.

APPENDIX AE. MANUFACTURED HOUSING USED AS DWELLINGS

Appendix AE. Manufactured housing used as dwellings, is adopted with the following modifications: Subsection AE102.5[~~and~~], section[s ~~AE305, AE505~~]AE104 through and including section AE112 and section AE117 are hereby deleted.

APPENDIX AJ. EXISTING BUILDINGS AND STRUCTURES

Appendix AJ. Existing building and structures, is adopted in its entirety.

Section 6. *New Castle County Code Chapter 6 (“Building Code”), Article 9 (“Existing Building Code”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:*

ARTICLE 9. EXISTING BUILDING CODE

Sec. 6.09.001. Adoption of the International Existing Building Code.

That certain document, on file with the office of the Clerk of the County Council, being marked and designated as the International Existing Building Code, [2018]2021 edition, including Appendix A and Appendix B, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of New Castle County. All regulations, provisions, conditions, and terms of the International Existing Building Code, [2018]2021 edition, and any supplements, referenced codes, and standards, are hereby referred to, adopted and made part of this Chapter, as if fully set out in this legislation, with the additions, insertions, deletions and changes prescribed in Sec. 6.09.002.

Sec. 6.09.002. Amendments to the International Existing Building Code.

The following sections of the International Existing Building Code, [2018]2021 edition, are revised as follows. All code references including text and lines are based on the 2021 International Existing Building Code, first printing: December 2020. Note: Although the *International Existing Building Code* does not identify sections with an “E” designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates.

CHAPTER 2. DEFINITIONS

Section E202, General definitions, Existing Building, is amended in the third line by deleting the [definition of Existing Building and substituting the following:] phrase “building permit” and substituting the phrase “certificate of occupancy”.

~~[Existing Building. A building erected prior to the date of adoption of the appropriate code, or one for which a legal certificate of occupancy has been issued.]~~

Section E202, General definitions, Existing Structure, is amended in the third line by deleting the phrase “building permit” and substituting the phrase “certificate of occupancy”.

Section E202, General definitions...

CHAPTER 3. PROVISIONS FOR ALL COMPLIANCE METHODS

Section E301 is amended by adding the following subsection:

Section ~~[E301.6]~~E301.5 Building Evaluation. The Code Official is authorized to require an existing building to be investigated and evaluated by a registered design professional to determine the existence of any potential nonconformance with the provisions of this Chapter.

CHAPTER 8. ALTERATIONS – LEVEL 2

Section ~~[E807]~~E806, Electrical, is amended by deleting the subsection in its entirety.

Section 7. *New Castle County Code Chapter 6 (“Building Code”), Article 10 (“Energy Conservation Code”),* is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

ARTICLE 10. ENERGY CONSERVATION CODE

Sec. 6.10.002. Amendments of the Statewide Energy Conservation Code.

The following sections of the International Energy Conservation Code, 2018 Edition, (IECC) are revised as follows. All code references including text and lines are based on the 2018 International Energy Conservation Code, fifth printing: November 2021. Note: Although the IECC does not identify sections with the designations that follow, to avoid any confusion, commercial provisions are provided with a “C” designation and residential provisions are provided with an “R” designation.

IECC – COMMERCIAL PROVISIONS...

Section 8. *New Castle County Code Chapter 6 (“Building Code”), Article 11 (“Swimming Pool and Spa Code”),* is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

ARTICLE 11. SWIMMING POOL AND SPA CODE

Sec. 6.11.001. Adoption of the International Swimming Pool and Spa Code.

That certain document, on file with the office of the Clerk of the County Council, being marked and designated as the International Swimming Pool and Spa Code, [2018]2021 edition, as published by the International Code Council, be and is hereby adopted as the Swimming Pool and Spa Code of New Castle County. All regulations, provisions, conditions, and terms of the International Swimming Pool and Spa Code, [2018]2021 edition, and any supplements, referenced codes, and standards, are hereby referred to, adopted and made part of this Chapter, as if fully set out in this legislation, with the additions, insertions, deletions and changes prescribed in Sec. 6.11.002.

Sec. 6.11.002. Amendments to the International Swimming Pool and Spa Code.

The following sections of the International Swimming Pool and Spa Code, [2018]2021 edition, are revised as follows. All code references including text and lines are based on the 2021 International Swimming Pool and Spa Code, second printing: June 2021. Note: Although the International Swimming Pool and Spa Code does not identify sections with an “SP” designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates.

CHAPTER 3. GENERAL COMPLIANCE

~~[Section SP302.1, Electrical, is amended by adding the following subsection:~~

~~Section SP302.1.1, Overhead wires. No public or private swimming pool shall be constructed below any overhead utility wires unless in accordance with the latest edition of the National Electrical Code. The location of any overhead utility wires relative to the placement and operation of any public or private swimming pool shall be in compliance with the latest edition of the National Electrical Code.]~~

Section [SP302.6]SP302.1 through and including Section SP321.4, are amended by deleting all references to the phrase “Section 102.7.1” and substituting “this Chapter”.

Section SP305.4, Structure wall as a barrier...

~~[Section SP305.4, Structure wall as barrier, Number 3, is amended by deleting it in its entirety and substituting “3. The pool shall be equipped with a pool alarm that complies with ASTM F-2208.”]~~

Section SP305.4, Structure wall as barrier, Number 6, is amended by deleting it in its entirety and substituting [after item number three by adding]the following:

Exception: An approved means of protection, such as self-closing doors with self-latching devices, provided that the degree of protection afforded is not less than the protection afforded in Items 1, 2, ~~[or 3]~~and 5.

Section SP305.5, Onground residential pool structure as a barrier...

CHAPTER 4. PUBLIC SWIMMING POOLS

~~[Section SP401, General, is amended by adding the following section:~~

~~SP401.7, Equipment installations. Pumps, filters and other mechanical and electrical equipment for public swimming pools shall be enclosed in such a manner as to provide access only to authorized persons and not the bathers. Construction and drainage shall be arranged to avoid the entrance and accumulation of water in the vicinity of electrical equipment.]~~

Section SP406.2, Pool perimeter access...

Section 9. *New Castle County Code* Chapter 6 (“Building Code”), Article 12 (“Violations, Enforcement, and Penalties”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

ARTICLE 12. VIOLATIONS, ENFORCEMENT, AND PENALTIES

Sec. 6.12.002. Enforcement.

Any person who violates a provision of this Chapter...

A. *Criminal enforcement...*

C. *Administrative enforcement...*

1. *Code violations – health, safety, welfare of public not in jeopardy...*

2. *Stop work order – Health, safety, welfare of public in jeopardy...*

a. *Stop work order...*

b. *Form of order.* The stop work order shall be in writing and shall be given to the person to whom the permit was issued, the owner, or the person responsible for the property. Upon issuance of a stop work order, the cited work shall immediately cease. All notices shall: (i) be in writing; (ii) contain the address of the property or a description of the property sufficient for identification; (iii) include a clear statement of the reason or reasons why the order is being issued; (iv) state the conditions under which work will be permitted to resume; and (v) shall require the person notified to appear within no more than ten (10) days at a specified time in the Office of the Code Official, to show cause why the work should be allowed to continue.

Exception: *Emergencies.* Where an emergency exists, the Code Official shall not be required to give a written notice prior to the stopping of work. The Code Official shall be required to give verbal notice prior to stopping the work and provide subsequent written notice as soon as practically possible.

c. *Stop work applicable to subdivision...*

d. [~~Unlawful continuance~~]*Failure to comply.* Any person who shall continue any work in or about the building or structure after having been served with a stop work order, except such work as that person has been directed to

perform to remove a violation of an unsafe condition, shall be considered to be in violation of this Chapter.

e. *Post-deprivation show cause hearing...*

3. *Unsafe buildings, structures, and equipment...*

a. Unsafe [C]conditions. Buildings, structures, or existing equipment that are or hereafter become unsafe, unsanitary, or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down, removed, or made safe as the Code Official deems necessary and as provided for in this section and Sec. 06.03.021, Emergency measures. A vacant structure that is not secured against unauthorized entry shall be deemed ~~[to be]~~ unsafe.

b. *Notice...*

4. *Method of service...*

6. *Prosecution of violation...*

7. *Removal of placard.* Any person who defaces or removes a violation notice, stop work order, or any other notice posted on a building, structure, or equipment by the Code Official, shall be considered to be in violation of this Chapter and is subject to a fine of up to one thousand dollars (\$1,000.00) per occurrence.

8. *Costs.* The owner of the property or person responsible for the building or structure shall be responsible for all costs associated with the enforcement of this Chapter and the investigation, removal, remediation, or abatement of code violations including the costs of reports, studies, and opinions, prepared by design professionals, the institution and maintenance of temporary safeguards, restoration of unsafe buildings, structures or equipment, demolition, and reasonable attorney fees associated with the above. ~~[The costs shall be liens on the property to the extent permitted by Title 25, Chapter 29 of the Delaware Code]~~ Any unpaid costs may be considered a tax lien and collected in the same manner as other County real estate taxes.

9. *Penalties provisions...*

a. *Administrative fines.* Notwithstanding any other section of this Chapter, any person who is found to have violated any provision of this Chapter, permit, certificate, license, approved plan, or directive of the Code Official, in addition to any expense incurred by the County for the removal or abatement of such violation, will be assessed an administrative fine of up to one thousand dollars (\$1,000.00) for each day the violation continues. [If

~~the fines are not paid within 30 days of the date of assessment, the fines may result in liens on the property to the extent permitted by Title 25, Chapter 29 of the Delaware Code]~~Any unpaid fine that is final and non-appealable may be considered a tax lien and collected in the same manner as other County real estate taxes.

- b. *Refusal to issue any further building permits, inspections, and certificates of occupancy.* The Code Official may refuse to grant any further building permits, inspections or certificates of occupancy to the violator, to any corporation, partnership, joint venture, or other legal entity with which the violator has a controlling interest, or to any business entity formed by the violator in an attempt to circumvent the effect of this penalty. Note: The Code Official is authorized to withhold additional permits only ~~[under]~~until the permit, license, or certificate holder remedies outstanding Code violations.
- c. *Institution of remedial action...*

Section 10. *New Castle County Code* Chapter 6 (“Building Code”), Schedule of Permit and Review Fees, is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

SCHEDULE OF PERMIT AND REVIEW FEES

Building Permit...

Demolition Permit

<u>Per structure fee:</u>	
<u>Residential structure, other than single family dwelling</u>	\$80.00
<u>Single family dwelling and non-residential structures</u>	\$130.00
<u>Historic review fee: 10% of permit valuation fee</u>	
<u>Residential structure, other than single family dwelling</u>	\$8.00
<u>Single family dwelling and non-residential structures</u>	\$13.00

Mechanical or Plumbing Permit...

Expired permit fine...

Working without a permit

For residential work, except demolition permit work, performed by exempt owner defined in Sec. 06.03.012(A):

.....Permit fee plus additional fee equal to the valuation fee or, permit fee if valuation is inapplicable

For work, except demolition permit work, performed by all others:

Permit fee plus additional fee equal to the valuation fee or, permit fee if valuation is inapplicable

Minimum fee.....	\$300.00
<u>For all demolition permit work performed:</u>	
<u>Permit fee plus additional per structure fee</u>	<u>\$300.00</u>
<u>A person found in violation of demolition permit work performed on a historic contributing resource is subject to administrative penalties pursuant to Sec. 6.12.002(C)(9)</u>	

Section 11. Certain documents on file in the office of the Clerk of County Council, being marked and designated as the *International Building Code, 2021 edition, International Residential Code, 2021 edition, International Mechanical Code, 2021 edition, International Plumbing Code, 2021 edition, International Fuel Gas Code, 2021 edition, International Existing Building Code, 2021 edition, International Swimming Pool and Spa Code, 2021 edition, and International Energy Conservation Code, 2018 edition*, all published by the International Code Council, are hereby adopted as the Building Code of New Castle County for the control of buildings and structures as provided in this Chapter. All the sections, conditions and terms of the above referenced International Codes are hereby referred to, adopted and made a part of this Chapter as if fully set out in this section, with the additions, insertions, deletions, and changes prescribed in this ordinance.

Section 12. Inconsistent ordinances and resolutions repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed upon the effective date of this Ordinance.

Section 13. Effective date of the provisions of the Ordinance. The provisions of this Ordinance shall become effective on January 1, 2024.

Section 14. Continuation of existing ordinances and resolutions. The sections appearing in this Ordinance, so far as they are in substance the same as those ordinances and resolutions adopted and included in the *New Castle County Code*, shall be considered as continuations thereof and not as new enactments.

Section 15. Continuation of existing institutions, rights, and liabilities. The revisions of prior ordinances, resolutions, rules and regulations, provided for in this Ordinance, shall not affect any act done, or any cause of action accruing or accrued or established, or any suit or proceeding had or commenced in any civil action, nor any plea, defense, bar or matter existing before the time when such revisions shall take effect; but the proceedings in every such case shall conform with this ordinance to the extent applicable.

All the provisions of ordinances, resolutions, rules and regulations revised by this Ordinance shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office or trust, or of any transaction or event of any limitation or any right or obligation or the construction of any contract already affected by such ordinances, resolutions, rules and regulations, notwithstanding the revisions of such provisions.

No offense committed and no penalty or forfeiture incurred, under any of the ordinances, resolutions, rules and regulations revised by this Ordinance and before the time when such revisions shall take effect shall be affected by such revisions.

No action or prosecution, pending the effective date of the revisions provided in this Ordinance, for any offense committed or for the recovery of any penalty or forfeiture incurred under any of the ordinances, resolutions, rules and regulations revised herein shall be abated or affected by such revisions, except that the proceedings in such action or prosecution shall conform with this Ordinance if applicable.

The provisions in this Ordinance shall not be construed to abolish or impair existing remedies available to New Castle County or its officers or agencies relating to the remediation of any dangerous, unsafe, or unsanitary condition.

Section 16. Severability. It is hereby declared to be the intention of the County Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance. If any provision of this Ordinance is found to be unconstitutional or void, the applicable former ordinance provisions shall become effective and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

Section 17. Other laws. The provisions of this Ordinance shall not be deemed to nullify any provisions of local, state, or federal law except as stated in Section 11 above.

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: The following is a summary of the revisions contained in this Ordinance broken down by *New Castle County Code* Article or Section number.

Sec. 6.01.001. This amendment aligns Chapter Six with the 2021 International Codes, including adding language to the Chapter purpose and existing structures subsections.

Sec. 6.02.001. This amendment adds definitions for Contributing Resource and Third Party Plan Reviewer.

Sec. 6.03.004. This amendment aligns the license revocation penalty with Administrative Enforcement provisions in Section 6.12.002.C.9.d.1.

Sec. 6.03.010. This amendment defines NCC Public Works as the agency approving equipment and aligns the license revocation penalty with Administrative Enforcement provisions in Section 6.12.002.C.9.d.1.

Sec. 6.03.012. This amendment removes non-permit endorsed contractors from obtaining demolition permits; creates a separate subsection for residential work exempt from a permit; clarifies exemptions for roofing, stucco, concrete slabs and shade structures; and adds pergolas, carports and patio covers to residential work exempt from a permit.

Sec. 6.03.013. This amendment aligns with the 2021 International Codes for submittal document requirements related to digital format and minimum design requirements for non-residential exterior balconies and elevated walking surfaces.

Sec. 6.03.016. This amendment aligns Chapter Six fees language with the 2021 International Codes and restricts the ability of a person to work without a permit on historic alterations.

Sec. 6.03.018. This amendment clarifies the third party inspector language including: removes third party inspector definition already in Article 2; defines that agency work relates to required building permit inspections and clarifies the responsibilities related to design professional supervision.

Sec. 6.03.019. This amendment aligns Chapter Six with the 2021 International Codes with respect to data defined on Certificates.

Sec. 6.03.020. This amendment corrects references to the HRB and Chapter 40 of the NCC Code. The newly defined contributing resource language for historic structures is incorporated and states the Code Official will initiate administrative enforcement for demolition without a permit

Sec. 6.03.021. This amendment aligns Chapter Six with the 2021 International Codes related to an owner's authorized agent and restoration of unsafe structures.

Sec. 6.04.001. This amendment adopts the 2021 International Building Code (IBC) as the building code for New Castle County.

Sec. 6.04.002. This amendment relates to IBC code specific amendments, including: defines the IBC code version used for Chapter Six amendments; adds automatic doors requirements for public spaces defined by *Del. C. ch. 45* “Equal Accommodations”; adds subsidence areas reference in the questionable soils section of the IBC; defines standard lateral soil data in the absence of such data; and removal of unnecessary code amendments due to IBC revisions.

Sec. 6.05.001. This amendment adopts the 2021 International Residential Code (IRC) as the residential code for New Castle County.

Sec. 6.05.002. This amendment relates to IRC code specific amendments, including: defines the IRC code version used for Chapter Six amendments; exclusion from adoption of the International Fire Code in favor of retention of the fire prevention regulations adopted by the State Fire Marshal’s Office; updates climatic and geographic design criteria; mandates the installation of automatic sprinklers effective January 1, 2025; removes previous sprinkler design and installation criteria amendments as IRC now recognizes both P2904 and NFPA 13D; recognizes the Statewide Fuel Gas Code; amends the existing minimum footing thickness from 6 inches to 8 inches in IRC table references; clarifies the adoption of Appendix AE and AJ appendices; and includes subsection renumbering and removal of unnecessary code amendments due to IRC revisions.

Sec. 6.09.001. This amendment adopts the 2021 International Existing Building Code (IEBC) as the existing building code for New Castle County.

Sec. 6.09.002. This amendment relates to IEBC code specific amendments, including: defines the IEBC code version used for Chapter Six amendments; clarifies the definition for existing building and existing structure; and renumbering to align with IEBC revisions.

Sec. 6.10.002. This amendment defines the Statewide Energy Conservation Code (IECC) version used for Chapter Six amendments.

Sec. 6.11.001. This amendment adopts the 2021 International Swimming Pool and Spa Code (ISPSC) as the swimming pool and spa code for New Castle County.

Sec. 6.11.002. This amendment relates to ISPSC code specific amendments, including: defines the ISPSC code version used for Chapter Six amendments; removal of unnecessary code amendments due to ISPSC revisions; and modifies structure wall as barrier provisions that are not less restrictive due to ISPSC revisions.

Sec. 6.12.002. This amendment relates to administrative enforcement amendments, including: aligns Chapter Six with 2021 International Codes related to emergency exception for form of order, subsection titles and unsafe conditions; adds collection of unpaid fines through the existing property lien process with language used in Chapter 40 and Chapter 7; and defines the fine for removal of stop work order placard.

Schedule of Permit and Review Fees. This amendment establishes a historic review fee for demolition permits and defines that all demolition permit work without a permit is subject to a per structure fee.

FISCAL NOTE: This ordinance, if approved, would mandate the installation of residential sprinklers, effective Jan. 1, 2025. The Department of Land Use would be required to create a new permitting process resulting in an additional 1,000 – 1,200 sprinkler plan reviews and an equal number of field inspections. Land Use would need two (2) new positions (one (1) Plan Examiner and one (1) Code Inspector position) to cover this increase in workload. This would increase the salary and benefits expenses by \$64,676 in FY2025 and an additional \$67,416 in FY2026 (net increase of \$132,092). There will also be an increase in revenue of \$7,000 per year due to the addition of two historic review fees for residential and commercial structures.