



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

October 24, 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**

REVISED AGENDA

A. Call to Order

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

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°23-143: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDING OF \$198,854 TO THE JUSTICE ASSISTANCE GRANT (JAG) 2023 GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-144: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDING OF \$550,000 TO THE CONNECT AND PROTECT 911 JMHCP GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-145: AMEND THE FY2024 OPERATING BUDGET: APPROPRIATE \$100,000 IN FUNDING FROM THE STATE OF DELAWARE TO SUPPORT A FIRE SERVICE FINANCIAL REVIEW AND ANALYSIS TO BE ADMINISTERED BY THE OFFICE OF THE COUNTY EXECUTIVE Introduced by: Mr. Bell, Mr. Smiley, Mr. Cartier, Ms. Hartley-Nagle

°23-146: TO APPROPRIATE \$50,000 IN THE NEW CASTLE COUNTY HOUSING TRUST FUND TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES Introduced by: Mr. Hollins, Mr. Street

°23-147: 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 SAFETY, DIVISION OF POLICE Introduced by: Mr. Smiley

°23-148: CREATING THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD AND A POSITION TO SUPPORT ITS OPERATION BY AMENDING NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 5 ("DEPARTMENTS AND OFFICES") AND AMENDING THE FY 2024 APPROVED OPERATING BUDGET TO INCREASE THE AUTHORIZED POSITION COUNT BY ONE GENERAL FUND POSITION WITHIN THE EXECUTIVE OFFICE AND AMENDING PAY PLAN AND RATES OF PAY FOR THE NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE Introduced by: Mr. Street, Mr. Bell, Ms. Hartley-Nagle

E. Reports from Select and Special Committees

F. Consent Calendar

R23-181: CONSENTING TO THE APPOINTMENT OF MELISSA MARLIN TO THE NEW CASTLE COUNTY FINANCIAL ADVISORY COUNCIL Introduced by: Mr. Hollins

R23-182: CONSENTING TO THE APPOINTMENT OF DONELL SOUSA TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD Introduced by: Mr. Toole

R23-183: CONSENTING TO THE APPOINTMENT OF NAKISHIA WILLIAMS BAILEY TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT Introduced by: Mr. Tackett

SUBSTITUTE NO. 1 TO R23-185: APPOINTING PABLO CHARRIEZ TO THE NEW CASTLE COUNTY OPEN SPACE ADVISORY BOARD Introduced by: Ms. Durham

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

R23-184: TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE 2 REGARDING ORIGINATION OF PROPOSED LEGISLATION Introduced by: Ms. Durham, Ms. George

I. Consideration of Ordinances

°23-135: AMEND THE GRANTS BUDGET: APPROPRIATE \$160,000 FROM THE STATE OF DELAWARE FY2024 GRANT-IN-AID BILL TO THE FY2024 POLICE BEHAVIORAL HEALTH GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-136: AMEND THE GRANTS BUDGET: APPROPRIATE \$506,147.12 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE FY2024 FUNDS TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°23-137: TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS IN THE GARRETT WOODS SUBDIVISION LOCATED IN THE NEW CASTLE HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS Introduced by: Mr. Toole

°23-138: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$230,233 IN FEDERAL FUNDING RECEIVED FROM THE UNITED STATES DEPARTMENT OF THE INTERIOR, UNITED STATES FISH AND WILDLIFE SERVICE TO THE DEPARTMENT OF PUBLIC WORKS, WATER QUALITY IMPROVEMENT PLAN CAPITAL PROJECT Introduced by: Mr. Sheldon, Mr. Carter

°23-139: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE FUNDS FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT IN THE AMOUNT OF \$129,000 TO THE DEPARTMENT OF ADMINISTRATION, RECORDER OF DEEDS HOA PORTAL CAPITAL PROJECT Introduced by: Mr. Smiley, Mr. Cartier

°23-140: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE \$8,000 IN FUNDING RECEIVED FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE CONTRACTUAL SERVICES BUDGET LINE ITEM Introduced by: Mr. Smiley, Mr. Cartier

°23-141: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 5 ("DEPARTMENTS AND OFFICES"), SECTION 303 ("PURCHASING OF CONTRACT CONSTRUCTION") AND SECTION 502 ("PURCHASING OF SUPPLIES AND CONTRACTUAL SERVICES") Introduced by: Mr. Smiley, Mr. Cartier

°22-088: REVISE ZONING MAP: NEW CASTLE HUNDRED, SOUTH SIDE OF SCHOOL BELL ROAD, NORTH SIDE OF PULASKI HIGHWAY; REZONE A PORTION OF TAX PARCEL 10-034.00-012, AND ALL OF TAX PARCEL 10-034.00-013, 0.821 ACRES FROM NC6.5 (NEIGHBORHOOD CONSERVATION 6.5) TO CR (COMMERCIAL REGIONAL). (The Exploratory Plan and rezoning for Royal Farms Store #369 proposes to rezone a portion of tax parcel 10-034.00-012 and all of tax parcel 10-034.00-013 from "NC6.5" (Neighborhood Conservation 6.5) to "CR" (Commercial Regional) in order to combine a portion of tax parcel 10-034.00-012 and all of tax parcel 10-034.00-013 and tax parcel 10-034.00-097 into a single tax parcel to construct a 4,649 square foot convenience store with associated gasoline pumps, and associated site improvements. App. 2021-0317-SZ.) 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

°23-128: (STATUS: TABLED) 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

°23-131: (STATUS: TABLED) 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, Mr. Bell

°23-134: (STATUS: TO BE TABLED) 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

J. Time Sensitive Congratulatory/Honorary Resolutions

R23-186: CONGRATULATING THE EDMOOR TRACK TEAM FOR ITS OUTSTANDING ACHIEVEMENTS Introduced by: Mr. Cartier, Mr. Bell, Mr. Carter, Ms. Durham, Ms. George, Ms. Hartley-Nagle, Mr. Hollins, Ms. Kilpatrick, Mr. Smiley, Mr. Street, Mr. Tackett

R23-187: THANKING DAVID H. BURT FOR HIS DEDICATED PUBLIC SERVICE TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT Introduced by: Mr. Cartier, Ms. Durham, Mr. Bell, Mr. Carter, Ms. Kilpatrick, Ms. George, Ms. Hartley-Nagle, Mr. Tackett

K. Introduction/Consideration of Emergency Ordinances

L. Public Comment/Other

M. Motion to Adjourn

REVISED AGENDA POSTED: October 19, 2023

AGENDA POSTED: October 17, 2023

*The revised agenda was posted less than 7 days in advance of the meeting to include the addition of R23-185, which was inadvertently left off the original posting. 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.nccode.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

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

Introduced by: Mr. Bell, Ms. Hartley-Nagle
Date of introduction: October 24, 2023

ORDINANCE NO. 23-143

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDING OF \$198,854 TO THE JUSTICE ASSISTANCE GRANT
(JAG) 2023 GRANT FOR THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC
SAFETY, DIVISION OF POLICE**

WHEREAS, funding has been awarded from the Bureau of Justice Assistance to the New Castle County, Department of Public Safety, Division of Police, Justice Assistance Grant (JAG) – 2023 Grant; and

WHEREAS, the JAG program, administered by the Bureau of Justice Assistance, is the leading source of Federal Justice funding to State and Local jurisdictions and provides New Castle County with critical funding to support a range of police related programs; and

WHEREAS, this award will support police overtime, specialized police training and the purchase of K9 and recruitment supplies and night vision goggles; and

WHEREAS, the County Executive has determined that funds received 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 on the attached “Exhibit A,” which is considered to be underscored in its entirety.

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 October 1, 2022.

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 federal funding of \$198,854 to the Justice Assistance Grant (JAG) 2023 Grant. This funding will be used by the Department of Public Safety, Division of Police for police overtime, specialized police training and the purchase of K9 and recruitment supplies and night vision goggles.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to October 1, 2022.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating federal funding of \$198,854 to the Justice Assistance Grant (JAG) 2023 Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$198,854. This increase will impact FY2023, FY2024, FY2025, FY2026 and FY2027, since the targeted program completion date of this award is September 30, 2026. In addition, the Department will provide an Operating Budget match of \$32,250.18 from Approved Operating funds in the Department of Public Safety to cover the reduced costs of employee benefits. The operating expenses for the additional canine is included in their current Approved Operating budget.

There will be no fiscal impact beyond FY2027 as a result of this grant award.

DEPARTMENT: Public Safety

EXHIBIT: "A"

GRANT TITLE: JAG 2023

Ordinance No. 23-143

PROGRAM TITLE: JAG 2023

Expense	Current	Change	Revised
Salaries and Wages	\$ 69,417.45	\$ -	\$ 69,417.45
Benefits	\$ 5,582.55	\$ -	\$ 5,582.55
Training/Civic Affairs	\$ 95,854.00	\$ -	\$ 95,854.00
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 10,000.00	\$ -	\$ 10,000.00
Contractual Services	\$ -	\$ -	\$ -
Equipment	\$ 12,000.00	\$ -	\$ 12,000.00
Grants/Fixed Charges	\$ 6,000.00	\$ -	\$ 6,000.00
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 198,854.00	\$ -	\$ 198,854.00

Revenue	Current	Change	Revised
Federal	\$ 198,854.00	\$ -	\$ 198,854.00
State		\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 198,854.00	\$ -	\$ 198,854.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/1/2022

Estimated Program Completion: 9/30/2026

Operating Budget Match \$ 35,250.18

Found in: Police (10200305-10200308)

**Ordinance
Passed:**

Date Revised:

PROGRAM DESCRIPTION:

The Justice Assistance Grant (JAG) Program provides crucial funding to the New Castle County Division of Police. This grant will support police overtime to reduce crime in identified high crime areas of the County, fund specialized training for police officers and support the purchase of a police canine, recruitment supplies and equipment.

10/24/2023

Introduced by: Mr. Bell, Ms. Hartley-Nagle

Date of introduction: October 24, 2023

ORDINANCE NO. 23-144

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDING OF \$550,000 TO THE CONNECT AND
PROTECT 911 JMHCP GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF
PUBLIC SAFETY, DIVISION OF POLICE**

WHEREAS, funding has been awarded from the United States Department of Justice, Office of Justice Programs to the New Castle County, Department of Public Safety, Division of Police, Connect and Protect 911 JMHCP Grant; and

WHEREAS, the project will place two contractual mental health professionals (MHP) into the 911 Operations Center to redirect calls that are identified as being mental health related; and

WHEREAS, the MHP will connect those in need to the mental health treatment system as opposed to the Criminal Justice system, freeing up critical emergency services; and

WHEREAS, the County Executive has determined that grants received will be 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 on the attached Exhibits "A" which shall be considered underscored in their entirety.

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. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to October 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 federal funding of \$550,000 to the Connect and Protect 911 JMHCP Grant. The project will place two contractual mental health professionals (MHP) into the 911 Operations Center to redirect calls that are identified as being mental health related. The MHP will connect those in need to the mental health treatment system as opposed to the Criminal Justice system, freeing up critical emergency services.

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

FISCAL NOTE: This Ordinance, if approved, will appropriate federal funding of \$550,000 to the Connect and Protect 911 JMHCP Grant. The project will place two contractual mental health professionals (MHP) into the 911 Operations Center to redirect calls that are identified as being mental health related. The MHP will connect those in need to the mental health treatment system as opposed to the Criminal Justice system, freeing up critical emergency services.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$550,000. The increase will affect FY2024, FY2025, FY2026 and FY2027, since the targeted program completion date of this award is September 30, 2026. In addition, the Department will provide an Operating Budget match of \$231,250 for the duration of the grant from Approved Operating funds in the Department of Public Safety comprised of the salary and benefits of the Assistant Chief who will serve as the program director for this award.

There will be no fiscal impact beyond FY2027 as a result of this grant award.

DEPARTMENT:

Public Safety

GRANT TITLE:

Connect and Protect 911 JMHCP

PROGRAM TITLE:

Connect and Protect 911 JMHCP

EXHIBIT:

"A"

Ordinance No.

23-144

Expense	Current	Change	Revised
Salaries and Wages	\$ 40,049.00	\$ -	\$ 40,049.00
Benefits	\$ 23,665.00	\$ -	\$ 23,665.00
Training/Civic Affairs	\$ 30,858.00	\$ -	\$ 30,858.00
Communication/Utilities	\$ 1,200.00	\$ -	\$ 1,200.00
Materials/Supplies	\$ 399.00	\$ -	\$ 399.00
Contractual Services	\$ 453,829.00	\$ -	\$ 453,829.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 550,000.00	\$ -	\$ 550,000.00

Revenue	Current	Change	Revised
Federal	\$ 550,000.00	\$ -	\$ 550,000.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 550,000.00	\$ -	\$ 550,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:

10/1/2023

Estimated Program Completion:

9/30/2026

County Match:

\$ 231,250.00

Found in (ORG):

10200501 - Emergency Communications - Admin

Ordinance Passed:

Date Revised:

PROGRAM DESCRIPTION:

The project will place two mental health professionals (MHP) into the 911 Operations Center to redirect calls that are identified as being mental health related. The MHP will connect those in need to the mental health treatment system as opposed to the Criminal Justice system, freeing up critical emergency resources. The call takers answering these emergency calls will make the critical assessment of the health and safety of those involved in each call. They will determine whether help is needed, and if it should be led by law enforcement officers, emergency medical services or a mental health professional.

10/24/2023

Introduced by: Mr. Bell, Mr. Smiley, Mr. Cartier,
Ms. Hartley-Nagle

Date of introduction: October 24, 2023

ORDINANCE NO. 23-145

**AMEND THE FY2024 OPERATING BUDGET:
APPROPRIATE \$100,000 IN FUNDING FROM THE STATE OF DELAWARE TO SUPPORT A
FIRE SERVICE FINANCIAL REVIEW AND ANALYSIS TO BE ADMINISTERED BY THE
OFFICE OF THE COUNTY EXECUTIVE**

WHEREAS, the county recognizes a need to better understand the current financial state of the Fire Service, including financial analysis and recommendations for the sustainability of the Fire Rescue and Basic Life Support (BLS) services across the county; and

WHEREAS, the County has appropriated \$200,000 in the FY2024 Operating Budget for a Fire Service Financial Review and Analysis; and

WHEREAS, the Office of the County Executive and Department of Public Safety has been awarded \$100,000 in funding from the State of Delaware through the FY2024 Grant-in-Aid Act (House Bill 197); and

WHEREAS, the State funding will be used to support the Fire Service Financial Review and Analysis; 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 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. An appropriation of \$100,000 from the State of Delaware is hereby approved in order to support the Fire Service Financial Review and Analysis.

Section 3. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2023, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

Section 4. 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 appropriate \$100,000 in funding from the State of Delaware through the FY2024 Grant-in-Aid Act (House Bill 197) to the Office of the County Executive to support a Fire Service Financial Review and Analysis.

The Office of the County Executive and the Department of Public Safety will be working collaboratively with a selected vendor through the formal procurement process to complete a Fire Service Financial Review and Analysis.

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 FY2024 Operating Budget by appropriating \$100,000 in funding from the State of Delaware through the FY2024 Grant-in-Aid Act (House Bill 197) to the Office of the County Executive to support a Fire Service Financial Review and Analysis.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the FY2024 Operating Budget in the amount of \$100,000. There is no anticipated fiscal impact on the Operating Budget.

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
Operating Transfer Charges			161,959
Total		\$	4,855,223
Total Authorized Full-Time Positions	35		

COUNTY EXECUTIVE

Salaries and Wages		\$	1,777,524
Benefits			1,045,578
Training and Civic Affairs			31,904
Communication and Utilities			15,698
Materials and Supplies			22,236
Contractual Services	148,565		248,565
Equipment			1,000
Grants and Fixed Charges			743,000
Contingency			55,000
Operating Transfer Charges			82,016
Total	3,922,521	\$	<u>4,022,521</u>
Total Authorized Full-Time Positions	15		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	12,223,612
Benefits			8,338,475
Training and Civic Affairs			130,625
Communication and Utilities			8,308,491
Materials and Supplies			158,147
Contractual Services			6,762,985
Equipment			392,056
Grants and Fixed Charges			3,925,350
Operating Transfer Charges			1,163,161
Operating Transfer Credits			(12,098,321)
Total		\$	26,379,623
Total Authorized Full-Time Positions	167		

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	24,594,391
Benefits		14,346,471
Training and Civic Affairs		42,945
Communication and Utilities		24,785,917
Materials and Supplies		4,523,681
Contractual Services		10,366,975
Equipment		484,333
Grants and Fixed Charges		1,193,757
Land and Structures		35,000
Operating Transfer Charges		4,843,006
Operating Transfer Credits		(7,438,785)
Total	\$	77,777,691
Total Authorized Full-Time Positions	384	

DEPARTMENT OF LAND USE

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

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	11,754,322
Benefits		5,318,947
Training and Civic Affairs		20,232
Communication and Utilities		951,132
Materials and Supplies		1,383,163
Contractual Services		2,334,162
Equipment		19,900
Grants and Fixed Charges		3,110,149
Operating Transfer Charges		1,231,237
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		2,195,206
Equipment		1,471,072
Grants and Fixed Charges		6,492,175
Operating Transfer Charges		7,298,634
Total	\$	126,028,498
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
Land and Structures		
Contingency		
Intragovernmental Service Charges		
Intragovernmental Service Credits		
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
Benefits			74,360,214
Training and Civic Affairs			676,771
Communication and Utilities			35,270,622
Materials and Supplies			7,354,247
Contractual Services	<u>24,122,084</u>		<u>24,222,084</u>
Equipment			2,444,736
Grants and Fixed Charges			15,970,763
Debt Service			45,540,069
Land and Structures			35,000
Contingency			2,979,958
Operating Transfer Charges			16,333,443
Operating Transfer Credits			(20,531,152)
<i>Sub-Total New Castle County</i>	<u>332,735,358</u>	\$	<u>332,835,358</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,661</i>		

RESERVE ACCOUNTS AS OF SEPTEMBER 26, 2023

Tax Stabilization Reserve Account (Unaudited)	74,008,702
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>145,957,584</u>

Introduced by: Mr. Hollins, Mr. Street
Date of introduction: October 24, 2023

ORDINANCE NO. 23-146

**TO APPROPRIATE \$50,000 IN THE NEW CASTLE COUNTY HOUSING TRUST FUND
TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES**

WHEREAS, the New Castle County Housing Trust Fund was created with the support of County Council for the “purpose of dedicating public funds and revenues from other sources to address the housing needs of very low income households earning less than 50% of median income, low income households earning 50 to 80% of median income, and moderate income households earning 80% to 120% of median income” (see Resolution No. 07-176 as amended by Amendment No. 1); and

WHEREAS, the Housing Trust Fund will be used to promote the preservation and development of affordable housing within New Castle County with priorities recommended by the Housing Advisory Board; and

WHEREAS, the Housing Trust Fund has a balance of \$1,773,009.03 as of September 30, 2023 and the appropriation of \$50,000 will be used for Housing Locator Case Management services and landlord incentives to increase permanent housing opportunities for residents residing at the HOPE Center; and

WHEREAS, \$25,000 will be used to pay the Housing Locator Case Management Team (MattieSon LLC) for their services in helping residents at the HOPE Center find permanent housing; and

WHEREAS, \$25,000 will be used by the team to offer landlord incentives to increase housing opportunities for the HOPE Center residents such as assistance with judgements and outreach efforts; and

WHEREAS, the Housing Trust Fund is a separate fund from the Affordable Housing Fund, and the Housing Trust Fund can only be expended for projects within unincorporated areas of New Castle County and there are no Affordable Housing Funds included in the funding of this Ordinance; and

WHEREAS, the revenue measures heretofore adopted by County Council are necessary to preserve and development affordable housing within New Castle County; and

WHEREAS, each contract or purchase order funded through this Housing Trust Fund appropriation will be submitted on a Resolution for Council’s consideration as required by *New Castle County Code* § 2.02.004.

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

Section 1. To promote the preservation and development of affordable housing within New Castle County, \$50,000 in the New Castle County Housing Trust Fund is hereby appropriated to be administered by the Department of Community Services.

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
New Castle County

SYNOPSIS: This Ordinance, if approved, appropriates \$50,000 in the New Castle County Housing Trust Fund for Housing Locator Case Management services and landlord incentives to increase permanent housing opportunities for residents residing at the HOPE Center. There are no Affordable Housing Funds included in the funding of this Ordinance. The funds will be administered by the Department of Community Services to fund housing projects in New Castle County.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$50,000 in the New Castle County Housing Trust Fund for Housing Locator Case Management services and landlord incentives to increase permanent housing opportunities for residents residing at the HOPE Center. After January 2024, the Housing Locator Case Management services will be paid with Grant Funds. There is no discernible impact to the Operating Budget since this is an appropriation in the Housing Trust Fund. The intent is to appropriate funds in the Contractual Services Budget Line Item.

ORDINANCE NO. 23-147

**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 SAFETY,
DIVISION OF POLICE**

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 Safety, Division of Police to for the purpose of having Police Officers proactively enforce residential street parking laws to include oversized vehicles, unattached trailers, disabled vehicles, untagged vehicles, expired tag vehicles, parking on the sidewalk, etc.; and

WHEREAS, this excludes vehicles parked facing the wrong direction; 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 Safety, Division of Police – Salaries and Wages and Employee Benefits Budget Line Items for the purpose of having Police Officers proactively enforce residential street parking laws to include oversized vehicles, unattached trailers, disabled vehicles, untagged vehicles, expired tag vehicles, parking on the sidewalk, etc. This excludes vehicles parked facing the wrong direction. 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 Safety, Division of Police – 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 Safety 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	4,855,223	\$	<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		\$	3,922,521
Total Authorized Full-Time Positions	15		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	12,223,612
Benefits			8,338,475
Training and Civic Affairs			130,625
Communication and Utilities			8,308,491
Materials and Supplies			158,147
Contractual Services			6,762,985
Equipment			392,056
Grants and Fixed Charges			3,925,350
Operating Transfer Charges			1,163,161
Operating Transfer Credits			(12,098,321)
Total		\$	26,379,623
Total Authorized Full-Time Positions	167		

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	24,594,391
Benefits		14,346,471
Training and Civic Affairs		42,945
Communication and Utilities		24,785,917
Materials and Supplies		4,523,681
Contractual Services		10,366,975
Equipment		484,333
Grants and Fixed Charges		1,193,757
Land and Structures		35,000
Operating Transfer Charges		4,843,006
Operating Transfer Credits		(7,438,785)
Total	\$	77,777,691
Total Authorized Full-Time Positions	384	

DEPARTMENT OF LAND USE

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

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	11,754,322
Benefits		5,318,947
Training and Civic Affairs		20,232
Communication and Utilities		951,132
Materials and Supplies		1,383,163
Contractual Services		2,334,162
Equipment		19,900
Grants and Fixed Charges		3,110,149
Operating Transfer Charges		1,231,237
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	\$	<u>67,203,955</u>
Benefits	<u>39,140,036</u>		<u>39,141,888</u>
Training and Civic Affairs			178,869
Communication and Utilities			1,010,888
Materials and Supplies			1,040,811
Contractual Services			2,195,206
Equipment			1,471,072
Grants and Fixed Charges			6,492,175
Operating Transfer Charges			7,298,634
Total	<u>126,028,498</u>	\$	<u>126,033,498</u>
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		\$	<u>1,953,891</u>
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
Land and Structures		
Contingency		
Intragovernmental Service Charges		
Intragovernmental Service Credits		
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	74,360,214		<u>74,362,066</u>
Training and Civic Affairs			676,771
Communication and Utilities			35,270,622
Materials and Supplies			7,354,247
Contractual Services			24,122,084
Equipment			2,444,736
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			16,333,443
Operating Transfer Credits			(20,531,152)
<i>Sub-Total New Castle County</i>		\$	<i>332,735,358</i>
<i>Total Authorized Full-Time Positions</i>	<i>1,661</i>		

RESERVE ACCOUNTS AS OF SEPTEMBER 26, 2023

Tax Stabilization Reserve Account (Unaudited)	74,008,702
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>	<i>145,957,584</i>

Introduced by: Mr. Street, Mr. Bell,
Ms. Hartley-Nagle
Date of introduction: October 24, 2023

ORDINANCE NO. 23-148

**CREATING THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD
AND A POSITION TO SUPPORT ITS OPERATION BY AMENDING NEW CASTLE
COUNTY CODE CHAPTER 2 (“ADMINISTRATION”), ARTICLE 5 (“DEPARTMENTS
AND OFFICES”) AND AMENDING THE FY 2024 APPROVED OPERATING BUDGET
TO INCREASE THE AUTHORIZED POSITION COUNT BY ONE GENERAL FUND
POSITION WITHIN THE EXECUTIVE OFFICE AND AMENDING PAY PLAN AND
RATES OF PAY FOR THE NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF
THE EXECUTIVE OFFICE**

WHEREAS, the Police Officer Standards and Training Commission (the “Commission”), under its authority provided by 11 *Del. C.* § 8404, requires that all police departments establish, either individually or in combination with other departments, police accountability committees or boards to provide advice to departments on policy, training, and other issues relating to or affecting the department and the communities served by the department; and

WHEREAS, the creation of the New Castle County Police Accountability Board (the “Board”) will provide community members an opportunity to provide input over how communities are policed. In addition, the New Castle County Division of Police will benefit from constructive feedback to reform police policies and practices, improve police-community relations, and enhance public safety; and

WHEREAS, the Commission recommends that each police accountability committee or board include in its membership a religious leader from the community and members of the community who have been impacted directly or are immediate family members or caregivers of those impacted by the juvenile or adult criminal justice system; and

WHEREAS, the Commission requires that non-officer members, within 1 year of appointment, complete 20 hours of community training with the departments overseen by the applicable board, which may include ride-alongs or a citizen’s police academy; and

WHEREAS, there is a need for one position to support the Board to provide clerical, technical, and other services required by the Board in the performance of its official duties, which shall be independent from the Department of Public Safety; and

WHEREAS, this legislation would authorize one additional general fund Executive Assistant position within the Executive Office to provide such support.

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

Section 1. *New Castle County Code* Chapter 2 (“Administration”), Article 5 (“Departments and Offices”), Division 2.05.200 (“Department of Public Safety”), is hereby amended by adding the underscored material set forth below:

Sec. 2.05.204 Police Accountability Board.

- A. The Police Accountability Board (“Board”) shall consist of 11 members appointed by the County Executive with the advice and consent of County Council. The County Executive shall solicit recommendations from non-profit organizations. The Board shall elect the chairperson and vice chairperson from among its members. Board members shall serve two (2) year terms, which may be renewed. No voting members shall be current or former members of law-enforcement or affiliated with law-enforcement. Membership shall include:
1. Social service organizations shall submit nominees from which the County Executive shall choose two (2) members of the community who have been impacted directly or are immediate family members or caregivers of those impacted by the juvenile or adult criminal justice system;
 2. Civil rights organizations shall submit nominees from which the County Executive shall choose two (2) criminal justice reform advocates;
 3. Faith-based organizations shall submit nominees from which the County Executive shall choose one (1) religious leader from the community who has experience with justice-involved individuals;
 4. Education organizations shall submit nominees from which the County Executive shall choose one (1) member of the education community;
 5. Mental health organizations shall submit nominees from which the County Executive shall choose one (1) member from the mental health treatment community as defined by the National Alliance on Mental Illness;
 6. Victims’ rights organizations shall submit nominees from which the County Executive shall choose one (1) member of the victims’ rights community who was a victim or relative of a victim of violent crime; and
 7. Three (3) at-large members.
- B. The New Castle County Public Safety Director or their designee shall be an ex-officio member of the Board without voting powers. The New Castle County Chief of Police or their designee shall be an ex-officio member of the Board without voting powers.
- C. The full-time position supporting the Police Accountability Board, which shall be independent from the Department of Public Safety, shall provide clerical, technical, and other services required by the Board in the performance of its official duties. Legal services shall be furnished by the Office of Law to ensure independent counsel.
- D. All Board members shall submit to a cursory background investigation consisting of a criminal history check.
- E. The Board is empowered to develop its own bylaws and determine how the Board members shall meet their 20 hours of community training requirement, with the advice of the

Executive Office, the Department of Public Safety, the Division of Police, and the Office of Law.

F. The Board generally shall advise the Department of Public Safety and the Division of Police on policy, training, and other issues relating to or affecting the department and the communities served by the department. Additionally, the Board shall:

1. Conduct community outreach and hold public forums to solicit public feedback;
2. Review and provide recommendation regarding police policies and procedures, including police misconduct complaints, discipline, use of force, recruiting practices, and crime preventions strategies. The review of misconduct complaints, discipline, and use of force will include only information permitted by Delaware law;
3. Offer constructive criticism to improve police-community relations;
4. Review and analyze data and information regarding arrest data and police misconduct data; and
5. Provide recommendations on future police reform.

G. The Board shall meet at least ten (10) times annually, including hosting public forums quarterly. The Board shall also create a feedback form to solicit input from the public.

H. The Board shall publish an annual report including recommendations to the County Executive, County Council, Department of Public Safety, Division of Police, and the Delaware Department of Justice. The annual report shall include data published by the Division of Police and detailed narratives published by the Criminal Justice Council involving New Castle County Police Officers. The Board shall present the annual report to County Council at a public County Council meeting. The Department of Public Safety shall respond to the recommendations within 90 days of receipt and provide an update on the status of any recommendations being implemented within 6 months of receipt.

I. All Board meetings will be held in accordance with all public meeting laws.

J. Compensation - Members of the Police Accountability Board shall be compensated according to Section 26.01.009. Board members shall not be compensated for partial attendance at meetings.

Section 2. The Annual Operating Budget for the fiscal year beginning July 1, 2023, is hereby amended by deleting the material stricken and adding the material underscored on the attached “Exhibit A.”

Section 3. The pay plans and rates of pay for the board members noted on the attached “Exhibit B-E” are hereby amended by deleting the material that is stricken and adding the material that is underscored as reflected on “Exhibit B-E”.

Section 4. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2023, and shall be effective retroactively, as though incorporated initially in the Annual Operating Budget.

Section 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
of New Castle County

SYNOPSIS: This Ordinance, if approved, creates the Police Accountability Board, consistent with 11 *Del. C.* § 8404 of the Delaware Code. This Ordinance also creates (1) one full-time general funded position (Executive Assistant), independent from the Department of Public Safety, within the Executive Office to support the Police Accountability Board; and provides compensation to the Police Accountability Board members for attendance at meetings.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by authorizing one additional full-time general funded position (Executive Assistant), which is independent from the Department of Public Safety, to support the Police Accountability Board. This Ordinance also provides compensation to the Police Accountability Board members for attendance at meetings.

The authorized position count for the Executive Office will increase from 15 to 16 and the total authorized position count for New Castle County will increase from 1,661 to 1,662. This increase will affect FY2024 and all future fiscal years since the intent of the position is to provide on-going support for the Police Accountability Board.

The FY2024 Approved Operating Budget includes a general fund personnel contingency which is anticipated to cover the increased cost of salaries and benefits, including the compensation for the Police Accountability Board members for FY2024. The fiscal impact for salaries and benefits is estimated to be as follows:

FY2024 \$76,058

FY2025 \$121,189

FY2026 \$123,921

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
Operating Transfer Charges		161,959
Total	\$	4,855,223
Total Authorized Full-Time Positions	35	

COUNTY EXECUTIVE

Salaries and Wages	\$	1,777,524
Benefits		1,045,578
Training and Civic Affairs		31,904
Communication and Utilities		15,698
Materials and Supplies		22,236
Contractual Services		148,565
Equipment		1,000
Grants and Fixed Charges		743,000
Contingency		55,000
Operating Transfer Charges		82,016
Total	\$	3,922,521
Total Authorized Full-Time Positions	<u>16</u>	15

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	12,223,612
Benefits		8,338,475
Training and Civic Affairs		130,625
Communication and Utilities		8,308,491
Materials and Supplies		158,147
Contractual Services		6,762,985
Equipment		392,056
Grants and Fixed Charges		3,925,350
Operating Transfer Charges		1,163,161
Operating Transfer Credits		(12,098,321)
Total	\$	26,379,623
Total Authorized Full-Time Positions	167	

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	24,594,391
Benefits		14,346,471
Training and Civic Affairs		42,945
Communication and Utilities		24,785,917
Materials and Supplies		4,523,681
Contractual Services		10,366,975
Equipment		484,333
Grants and Fixed Charges		1,193,757
Land and Structures		35,000
Operating Transfer Charges		4,843,006
Operating Transfer Credits		(7,438,785)
Total	\$	77,777,691
Total Authorized Full-Time Positions	384	

DEPARTMENT OF LAND USE

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

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	11,754,322
Benefits		5,318,947
Training and Civic Affairs		20,232
Communication and Utilities		951,132
Materials and Supplies		1,383,163
Contractual Services		2,334,162
Equipment		19,900
Grants and Fixed Charges		3,110,149
Operating Transfer Charges		1,231,237
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		2,195,206
Equipment		1,471,072
Grants and Fixed Charges		6,492,175
Operating Transfer Charges		7,298,634
Total	\$	126,028,498
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
Land and Structures		
Contingency		
Intragovernmental Service Charges		
Intragovernmental Service Credits		
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
Benefits		74,360,214
Training and Civic Affairs		676,771
Communication and Utilities		35,270,622
Materials and Supplies		7,354,247
Contractual Services		24,122,084
Equipment		2,444,736
Grants and Fixed Charges		15,970,763
Debt Service		45,540,069
Land and Structures		35,000
Contingency		2,979,958
Operating Transfer Charges		16,333,443
Operating Transfer Credits		(20,531,152)
Sub-Total New Castle County	\$	332,735,358
Total Authorized Full-Time Positions	<u>1,662</u>	1,661

RESERVE ACCOUNTS AS OF SEPTEMBER 26, 2023

Tax Stabilization Reserve Account (Unaudited)	74,008,702
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
Total Reserves:	145,957,584

**PAY PLAN AND RATES OF PAY FOR
NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
LEGAL SECRETARY	17	35,781	37,570	39,449	41,421	43,492	45,667	47,951	50,348	52,866	55,509
ETHICS COMMISSION ADMIN ASST	20	41,422	43,493	45,668	47,952	50,350	52,867	55,510	58,286	61,200	64,260
EXECUTIVE ASSISTANT I	22	45,667	47,951	50,348	52,866	55,509	58,285	61,199	64,259	67,472	70,845
OFFICE OF LAW PARALEGAL	24	50,350	52,867	55,510	58,286	61,200	64,260	67,473	70,846	74,389	78,109
PARALEGAL TO THE COUNTY ATTORNEY	25	52,868	55,511	58,287	61,201	64,261	67,474	70,847	74,390	78,110	82,015
EXECUTIVE ASSISTANT II LAW ENFORCEMENT TECHNICIAN	26 26	55,511	58,287	61,201	64,261	67,474	70,847	74,390	78,110	82,015	86,116
COMPLAINTS OFFICER	27	58,286	61,200	64,260	67,473	70,846	74,389	78,109	82,014	86,115	90,421
EXECUTIVE ASSISTANT III STAFF DIRECTOR	30 30	67,474	70,847	74,390	78,110	82,015	86,116	90,422	94,943	99,690	104,675
ASSISTANT COUNTY ATTORNEY I	32	74,392	78,112	82,017	86,118	90,424	94,945	99,692	104,677	109,910	115,405
ASSISTANT COUNTY ATTORNEY II DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 34	82,016	86,117	90,423	94,944	99,691	104,676	109,909	115,404	121,174	127,233
DIRECTOR OF REDEVELOPMENT	36	90,423	94,944	99,691	104,676	109,909	115,404	121,174	127,233	133,594	140,274
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	99,692	104,677	109,910	115,405	121,176	127,235	133,597	140,277	147,291	154,656
COUNTY SOLICITOR	39	104,678	109,911	115,407	121,177	127,236	133,598	140,278	147,292	154,657	162,389
CHIEF FINANCIAL OFFICER CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 40	109,910	115,405	121,176	127,235	133,597	140,276	147,290	154,655	162,387	170,506
CHIEF OF POLICE	41	122,114	128,220	134,630	141,361	148,430	155,852	163,644	171,826	180,418	189,439
PART-TIME ATTORNEY (hourly rate)		41.39	43.46	45.63	47.91	50.31	52.83	55.47	58.24	61.15	64.21
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY											
CHIEF ADMINISTRATIVE OFFICER		106,769	120,648	127,887	135,561	150,473	157,996	165,895	174,190	182,899	192,044
BOARD AND COMMISSIONERS RATES OF PAY											
JUDGEMENT COMMISSIONERS		\$9.25 PER HOUR									
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, BOARD OF ASSESSMENT REVIEW		\$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS \$25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.									
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING									
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									

Effective: 07/01/2023 (Ordinance 23-063)
Revised: 07/01/2023 (Ordinance 23-086)
Revised: xx/xx/xxxx (Ordinance 23-xxx)

**PAY PLAN AND RATES OF PAY FOR
NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
LEGAL SECRETARY	17	36,676	38,510	40,436	42,457	44,580	46,809	49,150	51,607	54,188	56,897
ETHICS COMMISSION ADMIN ASST	20	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,730	65,867
EXECUTIVE ASSISTANT I	22	46,809	49,150	51,607	54,188	56,897	59,743	62,729	65,866	69,159	72,617
OFFICE OF LAW PARALEGAL	24	51,609	54,189	56,898	59,744	62,730	65,867	69,160	72,618	76,249	80,062
PARALEGAL TO THE COUNTY ATTORNEY	25	54,190	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066
EXECUTIVE ASSISTANT II LAW ENFORCEMENT TECHNICIAN	26 26	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269
COMPLAINTS OFFICER	27	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682
EXECUTIVE ASSISTANT III STAFF DIRECTOR	30 30	69,161	72,619	76,250	80,063	84,066	88,269	92,683	97,317	102,183	107,292
ASSISTANT COUNTY ATTORNEY I	32	76,252	80,065	84,068	88,271	92,685	97,319	102,185	107,294	112,658	118,291
ASSISTANT COUNTY ATTORNEY II DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 34	84,067	88,270	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414
DIRECTOR OF REDEVELOPMENT	36	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,934	143,781
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	102,185	107,294	112,658	118,291	124,206	130,416	136,937	143,784	150,974	158,523
COUNTY SOLICITOR	39	107,295	112,659	118,293	124,207	130,417	136,938	143,785	150,975	158,524	166,449
CHIEF FINANCIAL OFFICER CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 40	112,658	118,291	124,206	130,416	136,937	143,783	150,973	158,522	166,447	174,769
CHIEF OF POLICE	41	125,167	131,426	137,996	144,896	152,141	159,749	167,736	176,122	184,929	194,175
PART-TIME ATTORNEY (hourly rate)		42.42	44.54	46.77	49.11	51.57	54.15	56.86	59.70	62.69	65.82
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY											
CHIEF ADMINISTRATIVE OFFICER		109,439	123,665	131,085	138,951	154,235	161,946	170,043	178,545	187,472	196,846
BOARD AND COMMISSIONERS RATES OF PAY											
JUDGEMENT COMMISSIONERS		\$9.25 PER HOUR									
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, BOARD OF ASSESSMENT REVIEW		\$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS \$25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.									
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING									
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, POLICE ACCOUNTABILITY BOARD		<u>\$100 PER MEMBER, \$100 PER MEMBER \$100 PER MEMBER \$100 PER MEMBER \$100 PER MEMBER \$100 PER MEMBER \$100 PER MEMBER</u>									

Effective: 07/01/2024 (Ordinance 23-063)
Revised: 07/01/2024 (Ordinance 23-086)
Revised: xx/xx/xxxx (Ordinance 23-xxx)

**PAY PLAN AND RATES OF PAY FOR
NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
LEGAL SECRETARY	17	37,593	39,473	41,447	43,519	45,695	47,980	50,379	52,898	55,543	58,320
ETHICS COMMISSION ADMIN ASST	20	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,299	67,514
EXECUTIVE ASSISTANT I	22	47,980	50,379	52,898	55,543	58,320	61,237	64,298	67,513	70,888	74,433
OFFICE OF LAW PARALEGAL	24	52,900	55,544	58,321	61,238	64,299	67,512	70,889	74,434	78,156	82,064
PARALEGAL TO THE COUNTY ATTORNEY	25	55,545	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168
EXECUTIVE ASSISTANT II LAW ENFORCEMENT TECHNICIAN	26 26	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476
COMPLAINTS OFFICER	27	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000
EXECUTIVE ASSISTANT III STAFF DIRECTOR	30 30	70,891	74,435	78,157	82,065	86,168	90,476	95,001	99,750	104,738	109,975
ASSISTANT COUNTY ATTORNEY I	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249
ASSISTANT COUNTY ATTORNEY II DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675
DIRECTOR OF REDEVELOPMENT	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379	154,749	162,487
COUNTY SOLICITOR	39	109,978	115,476	121,251	127,313	133,678	140,362	147,380	154,750	162,488	170,611
CHIEF FINANCIAL OFFICER CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 40	115,475	121,249	127,312	133,677	140,361	147,378	154,748	162,486	170,609	179,139
CHIEF OF POLICE	41	128,297	134,712	141,446	148,519	155,945	163,743	171,930	180,526	189,553	199,030
PART-TIME ATTORNEY (hourly rate)		43.48	45.65	47.93	50.33	52.85	55.49	58.26	61.17	64.23	67.44
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY											
CHIEF ADMINISTRATIVE OFFICER		112,175	126,757	134,363	142,425	158,091	165,995	174,295	183,009	192,159	201,768
BOARD AND COMMISSIONERS RATES OF PAY											
JUDGEMENT COMMISSIONERS		\$9.25 PER HOUR									
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, BOARD OF ASSESSMENT REVIEW		\$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS \$25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.									
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING									
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									

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

**PAY PLAN AND RATES OF PAY FOR
NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
LEGAL SECRETARY	17	38,533	40,460	42,484	44,607	46,838	49,180	51,639	54,221	56,932	59,778
ETHICS COMMISSION ADMIN ASST	20	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,907	69,202
EXECUTIVE ASSISTANT I	22	49,180	51,639	54,221	56,932	59,778	62,768	65,906	69,201	72,661	76,294
OFFICE OF LAW PARALEGAL	24	54,223	56,933	59,780	62,769	65,907	69,202	72,662	76,295	80,110	84,116
PARALEGAL TO THE COUNTY ATTORNEY	25	56,934	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323
EXECUTIVE ASSISTANT II LAW ENFORCEMENT TECHNICIAN	26 26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738
COMPLAINTS OFFICER	27	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375
EXECUTIVE ASSISTANT III STAFF DIRECTOR	30 30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725
ASSISTANT COUNTY ATTORNEY I	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281
ASSISTANT COUNTY ATTORNEY II DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017
DIRECTOR OF REDEVELOPMENT	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064	158,618	166,550
COUNTY SOLICITOR	39	112,728	118,363	124,283	130,496	137,020	143,872	151,065	158,619	166,551	174,877
CHIEF FINANCIAL OFFICER CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 40	118,362	124,281	130,495	137,019	143,871	151,063	158,617	166,549	174,875	183,618
CHIEF OF POLICE	41	128,297	134,712	141,448	148,520	155,946	163,743	171,930	180,527	189,553	199,031
PART-TIME ATTORNEY (hourly rate)		44.57	46.80	49.14	51.60	54.18	56.89	59.73	62.72	65.86	69.15
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY											
CHIEF ADMINISTRATIVE OFFICER		114,980	129,926	137,723	145,986	162,044	170,145	178,653	187,585	196,963	206,813
BOARD AND COMMISSIONERS RATES OF PAY											
JUDGEMENT COMMISSIONERS		\$9.25 PER HOUR									
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, BOARD OF ASSESSMENT REVIEW		\$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS \$25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.									
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING									
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									

Effective: 07/01/2026 (Ordinance 23-063)
Revised: 07/01/2026 (Ordinance 23-086)
Revised: xx/xx/xxxx (Ordinance 23-xxx)

Introduced by: Mr. Hollins
Date of introduction: October 24, 2023

RESOLUTION NO. 23-181

**CONSENTING TO THE APPOINTMENT OF MELISSA MARLIN TO THE
NEW CASTLE COUNTY FINANCIAL ADVISORY COUNCIL**

WHEREAS, the Financial Advisory Council (“Council”) is composed of nine (9) residents of the County. Pursuant to *New Castle County Code* § 14.01.017, County Council shall appoint four (4) members with the advice and consent of the County Executive and five (5) members shall be appointed by the County Executive with the advice and consent of County Council. The County Executive shall designate a Chairperson from among its members; and

WHEREAS, members of the Council shall possess the ability to review, comprehend, and comment upon financial data and project future revenue and expenditures based on available data relevant to past trends and the current economic environment. No more than three (3) of the members appointed by the County Executive or County Council shall be of the same political party. County Council and the County Executive may each appoint no more than one (1) representative from New Castle County government; and

WHEREAS, members of the Council shall serve for terms of three (3) years with said term to begin from the date of appointment with no limitation on reappointment; and

WHEREAS, the County Executive has submitted for the advice and consent of County Council the appointment of Melissa Marlin to the Council; and

WHEREAS, Ms. Marlin is a resident of New Castle County with a wealth of experience in finance as a former Senior Fiscal and Policy Analyst at the State of Delaware’s Office of Management Budget and currently holds the position of Deputy Principal Assistant for the Delaware Department of Finance; and

WHEREAS, the Council advises the County Executive, County Council, and the Chief Financial Officer of current and projected economic conditions and trends, particularly as they affect New Castle County.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby consents to the appointment of Melissa Marlin to the New Castle County Financial Advisory Council for a term to begin upon adoption of this resolution and to expire on October 24, 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 fiscal impact upon the passage of this Resolution.

Introduced by: Mr. Toole
Date of introduction: October 24, 2023

RESOLUTION NO. 23-182

**CONSENTING TO THE APPOINTMENT OF DONELL SOUSA TO
THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD**

WHEREAS, 9 *Del. C.* § 1352 established the Library Advisory Board as a subcommittee of the Community Services Board; and

WHEREAS, 9 *Del. C.* § 1122 grants the County Executive of New Castle County the power to merge, establish, rename, and modify boards of the county, and the power to prescribe the functions and management systems of all county boards, subject to the approval of the New Castle County Council; and

WHEREAS, County Council enacted Ordinance 21-121, which set forth decommissioning the New Castle County Community Services Advisory Board and established the Library Advisory Board as a stand-alone board; and

WHEREAS, the Library Advisory Board shall consist of thirteen (13) members; and

WHEREAS, the County Executive, with the advice and consent of County Council, shall appoint twelve (12) members—one (1) from District 1 or 7, one (1) from District 2 or 8, one (1) from District 3 or 9, one (1) from District 4 or 10, one (1) from District 5 or 11, one (1) from District 6 or 12, and six (6) members from among existing friends groups, such members to be nominated by the friends groups, particularly those associated with new and/or existing libraries currently under construction and/or expansion, and one (1) member representing all contractual libraries. All members shall serve for a term of three (3) years pursuant to *New Castle County Code* § 2.05.403; and

WHEREAS, the Board shall advise the County Library Manager, recommending programs concerning local library needs and the implementation of an effective County Library System; and

WHEREAS, the Board also shall review and render recommendations on such matters as new and modified administrative policies, the budget, long-range plans, site selection for new libraries, conceptual plans for the construction and expansion of new and existing libraries, and material changes in the Master Plan; and

WHEREAS, the County Executive has submitted for the advice and consent of County Council the appointment of Donell Sousa as a member of the Board representing Districts 1 and 7; and

WHEREAS, Ms. Sousa is a resident of New Castle County, Strategic Analyst for Bank of America and serves as Vice-President of Cleland Height Civic Association.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby consents to the appointment of Donell Sousa to the New Castle County Library Advisory Board, for a term to begin immediately upon adoption of this resolution and to expire October 24, 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 fiscal impact upon the passage of this Resolution.

RESOLUTION NO. 23-183

**CONSENTING TO THE APPOINTMENT OF NAKISHIA WILLIAMS BAILEY 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 Nakishia Williams Bailey to the Board; and

WHEREAS, Ms. Williams Bailey serves as Human Resources Manager for DOT Foods, Inc. and brings a wealth of knowledge to the Board through educational and professional experience with community relations 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 Nakishia Williams Bailey to the New Castle County Board of Adjustment for a term to begin upon adoption of this Resolution and to expire on October 24, 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 fiscal impact upon the passage of this Resolution.

SUBSTITUTE NO. 1 TO RESOLUTION NO. 23-185

**APPOINTING PABLO CHARRIEZ 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 the responsibility to advise the Department of Land Use and the 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 membership of the Open Space Advisory Board shall endeavor to include representation from a broad cross section of New Castle County Planning and Council Districts and shall generally have four-year renewable terms, except for the Youth member who serves a single two-year term, and the inaugural nominations for one of the “professional” seats and one of the “citizen at large” seats appointed by the County Executive; and

WHEREAS, a resident of the City of Wilmington, Mr. Charriez has long been interested in politics and sustainability. He worked closely with grassroots organizations like DE Working Families Party on bills like the proposed Green Amendment. He also worked to promote sustainability in the WFS community, securing a \$1,000 energy audit, planting \$1,000 worth of seeds into a natural plant meadow, and implementing a robust composting and recycling system, while also engaging in public events to encourage new members to join sustainability clubs; and

WHEREAS, County Council hereby approves the nomination of Mr. Charriez for the Open Space Advisory Board for the “youth member” with a volunteer background in land conservation. The seat is for a full four-year term, pending the consent of the County Executive.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby gives its approval for the nomination of Pablo Charriez to the New Castle County Open Space Advisory Board, and upon consent of the County Executive, for a term to begin immediately upon enactment of this Resolution and to expire on October 24, 2025.

Adopted by the County Council of
New Castle County on:

President of County Council of
New Castle County

SYNOPSIS: Same as title.

Substitute No. 1 corrects the term of service, which should expire in 2 years on October 24, 2025, as the appointment is the youth member appointee who serves a 2 year terms versus 4 year term.

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

RESOLUTION NO. 23-185

**APPOINTING PABLO CHARRIEZ 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 the responsibility to advise the Department of Land Use and the 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 membership of the Open Space Advisory Board shall endeavor to include representation from a broad cross section of New Castle County Planning and Council Districts and shall generally have four-year renewable terms, except for the Youth member who serves a single two-year term, and the inaugural nominations for one of the “professional” seats and one of the “citizen at large” seats appointed by the County Executive; and

WHEREAS, a resident of the City of Wilmington, Mr. Charriez has long been interested in politics and sustainability. He worked closely with grassroots organizations like DE Working Families Party on bills like the proposed Green Amendment. He also worked to promote sustainability in the WFS community, securing a \$1,000 energy audit, planting \$1,000 worth of seeds into a natural plant meadow, and implementing a robust composting and recycling system, while also engaging in public events to encourage new members to join sustainability clubs; and

WHEREAS, County Council hereby approves the nomination of Mr. Charriez for the Open Space Advisory Board for the “youth member” with a volunteer background in land conservation. The seat is for a full four-year term, pending the consent of the County Executive.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby gives its approval for the nomination of Pablo Charriez to the New Castle County Open Space Advisory Board, and upon consent of the County Executive, for a term to begin immediately upon enactment of this Resolution and to expire on October 24, 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 with the adoption of this resolution.

Introduced by: Ms. Durham, Ms. George
Date of introduction: October 24, 2023

RESOLUTION NO. 23-184

TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE 2 REGARDING ORIGINATION OF PROPOSED LEGISLATION

WHEREAS, from time to time, it becomes necessary to update or revise New Castle County Council's Procedural Rules to provide clarity and/or efficiency, in this case regarding the origin of proposed legislation; and

WHEREAS, Other legislative bodies identify the authors or origin of ordinances and resolutions on the face of their proposed legislation, often in the caption or in the bottom margin of the legislation; and

WHEREAS, it is in the best interests of County Council that Council's Procedural Rule 2 be amended as identified below.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby amends New Castle County Council Procedural Rule No. 2 by adding the material that is underscored and deleting the material that is struck through, as follows.

RULE NO. 2. ORDINANCES AND RESOLUTIONS (collectively, "LEGISLATION").

2.1. In General...

2.2 Content of Legislation...

2.2.1. Caption. The caption shall identify, by name, the prime sponsor(s) of the proposed legislation on the first line, followed by any co-sponsors on subsequent line(s). In addition, the caption shall identify the originator or source of the legislation, if other than the prime sponsor(s). Without limitation, the following provide examples of conformity with the above: "Introduced by: The President of Council at the request of the County Executive," and "Introduced by: The Chairperson at the request of the County Executive."

~~2.2.1~~2.2.2. Title...

~~2.2.2.~~ 2.2.3. Whereas clauses...

~~2.2.3.~~ 2.2.4. Enacting clause...

~~2.2.4.~~ 2.2.5. Body...

~~2.2.5.~~ 2.2.6. Effective date...

~~2.2.6.~~ 2.2.7. Synopsis...

~~2.2.7.~~ 2.2.8. Fiscal note...

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

SYNOPSIS: The proposed revisions require that, in addition to the sponsors of legislation being identified in the caption, the source or originator of the proposed legislation also be identified, where different than the sponsor.

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

Introduced by: Mr. Bell, Ms. Hartley-Nagle

Date of introduction: October 10, 2023

ORDINANCE NO. 23-135

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$160,000 FROM THE STATE OF DELAWARE FY2024
GRANT-IN-AID BILL TO THE FY2024 POLICE BEHAVIORAL HEALTH 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 \$160,000 in funding from the State of Delaware FY2024 Grant in Aid Bill; and

WHEREAS, the funding will be used to continue to support the mental health team, enhancing the level of service to those suffering from mental illness by providing additional hours of coverage during the week and expanding into the weekend; and

WHEREAS, the County Executive has determined that grants received will be 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 on the attached Exhibits "A" which shall be considered underscored in their entirety.

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. 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: Appropriate \$160,000 in State of Delaware FY2024 Grant in Aid Bill funds to the FY2024 Police Behavioral Health Grant to continue to support the mental health team, enhancing the level of service to those suffering from mental illness by providing additional hours of coverage during the week and expanding into the weekend. This is the fifth year of funding for this grant.

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 appropriate \$160,000 in State of Delaware FY2024 Grant in Aid Bill funds to the FY2024 Police Behavioral Health Grant. The funding will be used to continue to support the mental health team by funding a contracted Mental Health Clinician through Christiana Care (previously an Executive Assistant II), overtime when necessary for the assigned police officers and related operating expenses.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$160,000. The increase will affect FY2024 only as the program end date is June 30, 2024. There is no anticipated fiscal impact on the Operating Budget.

DEPARTMENT:

Public Safety

GRANT TITLE:

FY2024 Police Behavioral Health

PROGRAM TITLE:

FY2024 Police Behavioral Health

EXHIBIT:

"A"

Ordinance No.

23-135

Expense	Current	Change	Revised
Salaries and Wages	\$ 15,000.00	\$ -	\$ 15,000.00
Benefits	\$ 8,823.30	\$ -	\$ 8,823.30
Training/Civic Affairs	\$ 26,000.00	\$ -	\$ 26,000.00
Communication/Utilities	\$ 15,000.00	\$ -	\$ 15,000.00
Materials/Supplies	\$ 5,000.00	\$ -	\$ 5,000.00
Contractual Services	\$ 83,870.00	\$ -	\$ 83,870.00
Equipment	\$ 6,306.70	\$ -	\$ 6,306.70
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 160,000.00	\$ -	\$ 160,000.00

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 160,000.00	\$ -	\$ 160,000.00
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 160,000.00	\$ -	\$ 160,000.00

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:

To continue to provide funding for the Mental Health programs in the Division of Police inclusive of funding a Mental Health Clinician through Christiana Care, overtime when necessary for the assigned police officers and related operating expenses.

Introduced by: Mr. Bell, Ms. Hartley-Nagle
Date of introduction: October 10, 2023

ORDINANCE NO. 23-136

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$506,147.12 FROM THE STATE OF DELAWARE DEPARTMENT OF
SAFETY AND HOMELAND SECURITY TO THE FY2024 FUNDS TO COMBAT
VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY,
DIVISION OF POLICE**

WHEREAS, funding has been awarded from the State of Delaware, Department of Safety and Homeland Security to the FY2024 Funds to Combat Violent Crime Grant; and

WHEREAS, the funding will be used by the New Castle County Department of Public Safety, Division of Police for overtime patrols in high crime areas, specialized training and the purchase of essential police equipment; and

WHEREAS, the County Executive has determined that grants received will be 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 on the attached Exhibit "A," which is considered to be underscored in its entirety, attached hereto and made a part thereof.

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. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 12, 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 \$506,147.12 from the State of Delaware Department of Safety and Homeland Security to the FY2024 Funds to Combat Violent Crime Grant. The funding will be used by the New Castle County Department of Public Safety, Division of Police for overtime patrols in high crime areas, specialized training and the purchase of essential police equipment.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 12, 2023.

FISCAL NOTE: The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$506,147.12. This increase will impact FY2024 and FY2025 since the targeted program completion date is September 30, 2024. In addition, New Castle County is providing a cash match within the Department of Public Safety, Division of Police of \$81,174.36 to cover the full costs of employee benefits.

There will be no fiscal impact beyond FY2025 as a result of this grant award.

DEPARTMENT: Public Safety

GRANT TITLE: FY2024 Funds to Combat Violent Crime

PROGRAM TITLE: FY2024 Funds to Combat Violent Crime

EXHIBIT: "A"

Ordinance No. 23-136

Expense	Current	Change	Revised
Salaries and Wages	\$ 138,000.00	\$ -	\$ 138,000.00
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 137,147.12	\$ -	\$ 137,147.12
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ -	\$ -	\$ -
Equipment	\$ 231,000.00	\$ -	\$ 231,000.00
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 506,147.12	\$ -	\$ 506,147.12

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 506,147.12	\$ -	\$ 506,147.12
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 506,147.12	\$ -	\$ 506,147.12

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	9/12/2023	Estimated Program Completion:	9/30/2024
County Match:	\$ -	Found in (ORG):	
Operating Impact:	\$ 81,174.36	Found in (ORG):	10200304-10200308
Ordinance Passed/ Date Revised:			

PROGRAM DESCRIPTION:

The Funds to Combat Violent Crime Grant is funded by the State of Delaware and is distributed by the Department of Safety and Homeland Security for use by local law enforcement agencies in connection with initiatives to combat violent felonies pursuant to Section 4201(c) of Title 11 of the *Delaware State Code*.

10/10/2023

ORDINANCE NO. 23-137

**TO PROVIDE FOR THE INSTALLATION OF GRANVILLE WITH RIBS STREET LIGHTS
WITH LIGHT EMITTING DIODE (LED) BULBS IN THE GARRETT WOODS
SUBDIVISION LOCATED IN THE NEW CASTLE HUNDRED AND FOR A LIGHT TAX
BASED ON THE COST OF STREET LIGHTS**

WHEREAS, a petition has been filed with the Clerk of New Castle County Council for the establishment of a street light tax district in the **GARRETT WOODS SUBDIVISION** and for the installation of Granville with Ribs street lights with 100 watt light emitting diode (LED) bulbs, therein.

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

Section 1. The County Executive is hereby authorized to execute a contract, in accordance with 9 *Del. C.* Chapter 21, to provide GRANVILLE WITH RIBS street lights with 100 watt light emitting diode (LED) bulbs, according to the standards established by the New Castle County Department of Land Use, to be erected along THOMAS GARRETT DR., REUSCH CIR., HARRIET TUBMAN LA., ARIANNA CT. and REGINALD JACKSON LA. as set forth in the petition.

Section 2. The properties set forth in the petition shall be subject to an annual tax based upon the full annual cost of the street lighting in an amount to be provided for in the Annual Revenue Ordinance.

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 Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This Ordinance approves the installation of GRANVILLE WITH RIBS street lights with 100 watt light emitting diode (LED) bulbs in the GARRETT WOODS SUBDIVISION.

FISCAL NOTE: This Ordinance provides for the installation of GRANVILLE WITH RIBS street lights with 100 watt light emitting diode (LED) bulbs and the assessment of a light tax based on the rates set in the Annual Revenue Ordinance.

The light tax assessed on these GARRETT WOODS SUBDIVISION properties set forth in the petition filed with the Clerk of County Council will be billed in conjunction with the annual property tax billing. The increased expenditure to the County resulting from the installation and maintenance will be offset by the increased revenues realized from the light tax assessment.



OFFICE OF FINANCE

BUILDERS PETITION FOR STREET LIGHTING

STATE OF DELAWARE :

SS :

NEW CASTLE COUNTY :

TO: The Honorable President and Members of County Council of New Castle County, Delaware

BE IT KNOWN, that on this 11th Day of September, A.D. 2023 __ personally
appeared before me, the undersigned Notary Public, Paulette Baker

of the State of Delaware, known to me as such, and being first duly sworn by me according to law, stated and
said as follows:

1. Barry J. Baker holds
record title to Garrett Woods, LLC

a subdivision located in Newark Delaware, New Castle County,
Delaware, the metes and bounds for which are set forth in the Deed dated
19th of July 2023, between David M
Cantara and Matthew G. Jackson

as grantors, and Garrett Woods, LLC

as grantee, recorded in the
Office for the Recorder of Deeds in and for New Castle County at Wilmington, Delaware, in Deed Instrument
Number 20230719-0047492 and 20230719-00474496, a
copy of which is attached hereto and made a part hereof as EXHIBIT A. A substantially reduced copy of the
record subdivision plan for the portion of the lands known as Garrett Woods

New Castle County, Delaware, being known as Subdivision Instrument No. 20220323-0033210,
is attached hereto and made a part hereof as EXHIBIT B.

2. Barry J. Baker
as sole owner of _____ an
unincorporated community in Newark Delaware, New Castle County,
Delaware, hereby petitions New Castle County pursuant to 9 Del. C. 2101, et seq. (Rev. 1974) to enter into a
contract for the purpose of providing light for the streets running through and within _____
_____, the boundary lines of which are set forth on EXHIBIT A
attached hereto and made part hereof, and more visually represented in EXHIBIT B attached hereto and made
part hereof.

3. The type of street lights being requested are Granville with Ribs with 100 watt LED
bulbs

4. List names of all streets you wish to have lights installed on Streets:
Thomas Garrett Drive, Reusch Circle, Harriet Tubman Lane, Arianna Court, Reginald Jackson
Lane

BY

Barry J. Baker

BY

SWORN TO AND SUBSCRIBED before me the day and year
aforesaid.

Notary Public

Paulette Baker



Introduced by: Mr. Sheldon, Mr. Carter

Date of introduction: October 10, 2023

ORDINANCE NO. 23-138

**AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$230,233
IN FEDERAL FUNDING RECEIVED FROM THE UNITED STATES DEPARTMENT
OF THE INTERIOR, UNITED STATES FISH AND WILDLIFE SERVICE TO THE
DEPARTMENT OF PUBLIC WORKS, WATER QUALITY IMPROVEMENT PLAN
CAPITAL PROJECT**

WHEREAS, the Department of Public Works has received documentation certifying that the United States Department of the Interior, United States Fish and Wildlife Service has appropriated \$230,233 to New Castle County from the National Fish and Wildlife Foundation; and

WHEREAS, this funding will be used for phase one of a multiphase restoration for Banning Regional Park to utilize ecologically focused restoration and land management; and

WHEREAS, this includes invasive plant control on mature forest, conversion of some turfgrass lawn to forest and enhancement of wetland and riparian forest; and

WHEREAS, this award is provided on the condition that these funds will be matched by \$230,000 in matching contributions; and

WHEREAS, the match will be provided by \$100,000 from the State of Delaware Department of Natural Resources and Environmental Control (DNREC), \$10,000 from Sarver Ecological via in-kind volunteer services, \$100,000 from New Castle County with funds already authorized within the Water Quality Improvement Plan Capital Project and \$20,000 in New Castle County staff time.

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

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

Section 2. The Capital Program Resolution for the fiscal year beginning July 1, 2023 is hereby amended by adding the material on the attached Exhibit "B," which shall be considered underscored in its entirety.

Section 3. State funding in the amount of \$230,233 is appropriated to the Department of Public Works, Water Quality Improvement Plan Capital Project for phase one of a multiphase restoration for Banning Regional Park to utilize ecologically focused restoration and land management.

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 appropriate \$230,233 in funding received from the United States Department of the Interior, United State Fish and Wildlife Service from the National Fish and Wildlife Foundation to the Water Quality Improvement Plan Capital Project for phase one of a multiphase restoration for Banning Regional Park to utilize ecologically focused restoration and land management.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Capital Budget by appropriating \$230,233 in funding received from the United States Department of the Interior, United State Fish and Wildlife Service from the National Fish and Wildlife Foundation to the Water Quality Improvement Plan Capital Project.

The revised FY2024 Capital Budget amount for the Water Quality Improvement Plan Capital Project will be \$230,233.

The revised FY2024 New Castle County Capital Budget grand total will be \$75,908,396.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

23-138

DEPARTMENT OF ADMINISTRATION

Land Use Information System	\$ 3,000,000
Subtotal	\$ 3,000,000

DEPARTMENT OF COUNTY EXECUTIVE

Executive GF Capital Contingency	\$ 500,000
Executive SF Capital Contingency	250,000
Subtotal	\$ 750,000

DEPARTMENT OF COMMUNITY SERVICES

Absalom Jones Senior Center Kiln	\$ 85,000
Appoquinimink Library	\$ 7,000
Newark Library	\$ 19,200,000
Surratte Pool Renovations	125,000
Subtotal	\$ 19,417,000

DEPARTMENT OF PUBLIC SAFETY

800MgHZ Communications Equipment	\$ 950,000
Cardiac Monitor 2023	\$ 945,148
Communications Upgrade	550,000
Public Safety Equipment	91,000
Public Safety Vest Protection Program	201,840
Subtotal	\$ 2,737,988

DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Building Rehabilitation 2021	\$ 3,000,000
Electric Vehicle Infrastructure	1,800,000
Fleet Equipment 2021	(3,340)
Fleet Equipment 2022	(1,000,000)
Fleet Equipment 2024	6,179,272
General Roof Renovations	1,250,000
Government Center Electrical Upgrade	600,000
HVAC Replacement	2,400,000
Public Safety Parking Lot Lighting	300,000
Subtotal	\$ 14,525,932

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

23-138

DEPARTMENT OF PUBLIC WORKS (Continued)

Parks

Agricultural Preservation	\$	1,500,000
Banning Park Improvements		500,000
Bechtel Park Improvements		2,000,000
Carousel Park		276,120
Delcastle Park Improvements		1,100,000
Game Court Improvements 2021		100,000
General Parkland Improvements 2021		100,000
General Parkland Improvements 2024-2025		2,250,000
Historic Structure Rehabilitation		3,000,000
Middle Run Valley Reforestation		300,000
Open Space Preservation		1,000,000
Park Bridge Replacements		300,000
Pavilion Renovations		100,000
Play Area Improvements 2024-2025		2,000,000
Rockwood Park		1,800,000
Weiss Park Improvements		700,000
Subtotal	\$	17,026,120

Sewer/Stormwater

Asset Management	\$	100,000
Backwater Valve Improvement		50,000
Christina River Force Main		4,400,000
Countywide Drainage		500,000
DelDOT Coordination Project 2021		2,000,000
Edgemoor System Rehabilitation		600,000
General Sewer Improvements		750,000
General Stormwater Improvements		358,954
North Delaware Interceptor System		650,000
Pump Station Rehabilitation 2024-2025		2,000,000
Sewer Fleet Equipment 2022		(650,000)
Sewer Fleet Equipment 2024		2,162,169
Sewer Repairs and Rehabilitation 2024-2025		1,000,000
Stoney Creek Basin		500,000
Stormwater Basin Renovation		725,000
Terminal Avenue System Rehabilitation		275,000
<u>Water Quality Improvement Plan</u>		230,233
White Clay System Rehabilitation		2,800,000
Subtotal	18,221,123	\$ 18,451,356

CAPITAL BUDGET TOTAL

75,678,163	\$ 75,908,396
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EXHIBIT B**PROJECT PROFILES
PUBLIC WORKS - SEWER/STORMWATER (continued)**

Project Name (Number): Water Quality Improvement Plan (C301903)					
Description: Develop and implement the Water Quality Improvement Plans (WQIP's).				Council Districts: All	
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ 3,004,900	\$ -	\$ 997,000	\$ 7,500	\$ 4,009,400
FY2024	-		-	-	
	-	230,233	-	-	230,233
FY2025	-	-	-	-	-
FY2026	1,000,000	-	-	-	1,000,000
FY2027	1,000,000	-	-	-	1,000,000
FY2028	1,000,000	-	-	-	1,000,000
FY2029	1,000,000	-	-	-	1,000,000
Future Years	2,000,000	-	-	-	2,000,000
Total	\$ 9,004,900	\$	\$ 997,000	\$ 7,500	\$ 10,009,400
		\$ 230,233			<u>\$ 10,239,633</u>
Available Authorizations:		\$ 3,612,300			
Available Funding:		\$ 381,885			
Operating Budget Impact:		\$ -			

*Available Authorizations / Funding as of February 28, 2023, net of obligations.

FY2024 Activity:

Construction of WQIP projects (Woodland Run), required by NPDES permit. Phase one of multiphase restoration for Banning Regional Park.

Future Activity:

Construction of WQIP projects, required by NPDES permit, including Dragon Run in coordination with DelDOT.

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: October 10, 2023

ORDINANCE NO. 23-139

**AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE FUNDS
FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT IN THE
AMOUNT OF \$129,000 TO THE DEPARTMENT OF ADMINISTRATION,
RECORDER OF DEEDS HOA PORTAL CAPITAL PROJECT**

WHEREAS, this legislation will amend the FY2024 Capital Budget by appropriating \$129,000 in funds received from the Recorder of Deeds Technology Fee Account to the Department of Administration, Recorder of Deeds HOA Portal Capital Project; and

WHEREAS, funding in the amount of \$79,000 will be used for the migration of the TrakRecord Services software for the Office of the Recorder of Deeds to Software as a service (SaaS) and \$50,000 will be used for the cost of hosting services.

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

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

Section 2. The Capital Program Resolution for the fiscal year beginning July 1, 2023 is hereby amended by deleting the material stricken and adding the material underscored on the attached Exhibit "B."

Section 3. Funding in the amount of \$129,000 from the Recorder of Deeds Technology Fee Account is appropriated to the Department of Administration, Recorder of Deeds HOA Portal Capital Project, for move current TrackRecords Software to Cloud managed hosting service.

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: This Ordinance, if approved, will appropriate funds from the Recorder of Deeds Technology Fee Account in the amount of \$129,000 to the Department of Administration, Recorder of Deeds HOA Portal Capital Project for the migration of the TrakRecord Services software for the Office of the Recorder of Deeds to Software as a service (SaaS) and for the cost of hosting services.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Capital Budget by appropriating funds from the Recorder of Deeds Technology Fee Account in the amount of \$129,000 to the Department of Administration, Recorder of Deeds HOA Portal Capital Project.

The revised FY2024 Capital Budget amount for the Recorder of Deeds HOA Portal Capital Project will be \$129,000.

The revised FY2024 New Castle County Capital Budget grand total will be \$75,807,163.

The balance in the Recorder of Deeds Technology Fee Account as of September 27, 2023 is \$347,825.68. The revised balance after this appropriation of funding will be \$218,825.68.

The appropriation of funding from the Recorder of Deeds Technology Fee Escrow Account is within the adopted Key Financial Policies.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

23-139

DEPARTMENT OF ADMINISTRATION

Land Use Information System		\$	3,000,000
<u>Recorder of Deeds HOA Portal</u>	<u> </u>		<u>129,000</u>
Subtotal	<u>3,000,000</u>	\$	<u>3,129,000</u>

DEPARTMENT OF COUNTY EXECUTIVE

Executive GF Capital Contingency		\$	500,000
Executive SF Capital Contingency			<u>250,000</u>
Subtotal		\$	750,000

DEPARTMENT OF COMMUNITY SERVICES

Absalom Jones Senior Center Kiln		\$	85,000
Appoquinimink Library		\$	7,000
Newark Library		\$	19,200,000
Surratte Pool Renovations			<u>125,000</u>
Subtotal		\$	19,417,000

DEPARTMENT OF PUBLIC SAFETY

800MgHZ Communications Equipment		\$	950,000
Cardiac Monitor 2023		\$	945,148
Communications Upgrade			550,000
Public Safety Equipment			91,000
Public Safety Vest Protection Program			<u>201,840</u>
Subtotal		\$	2,737,988

DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Building Rehabilitation 2021		\$	3,000,000
Electric Vehicle Infrastructure			1,800,000
Fleet Equipment 2021			(3,340)
Fleet Equipment 2022			(1,000,000)
Fleet Equipment 2024			6,179,272
General Roof Renovations			1,250,000
Government Center Electrical Upgrade			600,000
HVAC Replacement			2,400,000
Public Safety Parking Lot Lighting			<u>300,000</u>
Subtotal		\$	14,525,932

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

23-139

DEPARTMENT OF PUBLIC WORKS (Continued)

Parks

Agricultural Preservation	\$ 1,500,000
Banning Park Improvements	500,000
Bechtel Park Improvements	2,000,000
Carousel Park	276,120
Delcastle Park Improvements	1,100,000
Game Court Improvements 2021	100,000
General Parkland Improvements 2021	100,000
General Parkland Improvements 2024-2025	2,250,000
Historic Structure Rehabilitation	3,000,000
Middle Run Valley Reforestation	300,000
Open Space Preservation	1,000,000
Park Bridge Replacements	300,000
Pavilion Renovations	100,000
Play Area Improvements 2024-2025	2,000,000
Rockwood Park	1,800,000
Weiss Park Improvements	700,000
Subtotal	\$ 17,026,120

Sewer/Stormwater

Asset Management	\$ 100,000
Backwater Valve Improvement	50,000
Christina River Force Main	4,400,000
Countywide Drainage	500,000
DelDOT Coordination Project 2021	2,000,000
Edgemoor System Rehabilitation	600,000
General Sewer Improvements	750,000
General Stormwater Improvements	358,954
North Delaware Interceptor System	650,000
Pump Station Rehabilitation 2024-2025	2,000,000
Sewer Fleet Equipment 2022	(650,000)
Sewer Fleet Equipment 2024	2,162,169
Sewer Repairs and Rehabilitation 2024-2025	1,000,000
Stoney Creek Basin	500,000
Stormwater Basin Renovation	725,000
Terminal Avenue System Rehabilitation	275,000
White Clay System Rehabilitation	2,800,000
Subtotal	\$ 18,221,123

CAPITAL BUDGET TOTAL

<u>75,678,163</u>	<u><u>\$ 75,807,163</u></u>
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EXHIBIT B**PROJECT PROFILES
ADMINISTRATION (continued)**

Project Name (Number): Recorder of Deeds HOA Portal (C122202)					
Description: Purchase and configure a new system for the Recorder of Deeds Homeowners Association portal.				Council Districts: All	
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ -	\$ -	\$ -	\$ 81,500	\$ 81,500
FY2024	-	-	-		
	-		-	129,000	129,000
FY2025	-	-	-	-	-
FY2026	-	-	-	-	-
FY2027	-	-	-	-	-
FY2028	-	-	-	-	-
FY2029	-	-	-	-	-
Future Years	-	-	-	-	-
Total	\$ -	\$ -	\$ -	\$ 81,500	\$ 81,500
				\$ 210,500	\$ 210,500
Available Authorizations:		\$ -			
Available Funding:		\$ -			
Operating Budget Impact:		\$ -			

*Available Authorizations / Funding as of February 28, 2023, net of obligations.

FY2024 Activity:

Complete the development of the New Castle County HOA Portal Search Website. Migraation of the TrakRecord Services software to Software as a service (SaaS).

Future Activity:

Sunset project as of July 1, 2024.

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: October 10, 2023

ORDINANCE NO. 23-140

AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE \$8,000 IN FUNDING RECEIVED FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE CONTRACTUAL SERVICES BUDGET LINE ITEM

WHEREAS, this legislation will amend the FY2024 Approved Operating Budget by appropriating \$8,000 in funding received from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds to the Department of Administration, Office of Finance Contractual Services Budget Line Item; and

WHEREAS, these funds will be used for the purpose of modifying the image cash letter for acceptance by our new banking institution; 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, 2023 is hereby amended by deleting the material stricken and adding the material underscored on the attached Exhibit "A."

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

Section 3. The provisions in 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 amend the FY2024 Approved Operating Budget by appropriating \$8,000 in funding received from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds to the Department of Administration, Office of Finance Contractual Services Budget Line Item for the purpose of modifying the image cash letter for acceptance by our new banking institution.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by appropriating \$8,000 in funding received from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds to the Department of Administration, Office of Finance Contractual Services Budget Line Item.

The revised FY2024 Approved Operating Budget will be \$332,743,358. There will be no fiscal impact to FY2025 and FY2026.

The balance in the New Castle County Technology Fee Account within the Office of the Recorder of Deeds as of September 27, 2023 is \$359,938.25. The revised balance in the Recorder of Deeds Technology Fee Account after this appropriation of funding will be \$351,938.25.

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
Operating Transfer Charges			161,959
Total		\$	4,855,223
Total Authorized Full-Time Positions	35		

COUNTY EXECUTIVE

Salaries and Wages		\$	1,777,524
Benefits			1,045,578
Training and Civic Affairs			31,904
Communication and Utilities			15,698
Materials and Supplies			22,236
Contractual Services			148,565
Equipment			1,000
Grants and Fixed Charges			743,000
Contingency			55,000
Operating Transfer Charges			82,016
Total		\$	3,922,521
Total Authorized Full-Time Positions	15		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	12,223,612
Benefits			8,338,475
Training and Civic Affairs			130,625
Communication and Utilities			8,308,491
Materials and Supplies			158,147
Contractual Services	6,762,985		<u>6,770,985</u>
Equipment			392,056
Grants and Fixed Charges			3,925,350
Operating Transfer Charges			1,163,161
Operating Transfer Credits			(12,098,321)
Total	<u>26,379,623</u>	\$	<u>26,387,623</u>
Total Authorized Full-Time Positions	167		

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	24,594,391
Benefits		14,346,471
Training and Civic Affairs		42,945
Communication and Utilities		24,785,917
Materials and Supplies		4,523,681
Contractual Services		10,366,975
Equipment		484,333
Grants and Fixed Charges		1,193,757
Land and Structures		35,000
Operating Transfer Charges		4,843,006
Operating Transfer Credits		(7,438,785)
Total	\$	77,777,691
Total Authorized Full-Time Positions		384

DEPARTMENT OF LAND USE

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

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	11,754,322
Benefits		5,318,947
Training and Civic Affairs		20,232
Communication and Utilities		949,832
Materials and Supplies		1,383,163
Contractual Services		2,335,462
Equipment		19,900
Grants and Fixed Charges		3,110,149
Operating Transfer Charges		1,231,237
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		2,195,206
Equipment		1,471,072
Grants and Fixed Charges		6,492,175
Operating Transfer Charges		7,298,634
Total	\$	126,028,498
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
Land and Structures		
Contingency		
Intragovernmental Service Charges		
Intragovernmental Service Credits		
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
Benefits			74,360,214
Training and Civic Affairs			676,771
Communication and Utilities			35,269,322
Materials and Supplies			7,354,247
Contractual Services	24,123,384		<u>24,131,384</u>
Equipment			2,444,736
Grants and Fixed Charges			15,970,763
Debt Service			45,540,069
Land and Structures			35,000
Contingency			2,979,958
Operating Transfer Charges			16,333,443
Operating Transfer Credits			(20,531,152)
<i>Sub-Total New Castle County</i>	<i>332,735,358</i>	\$	<u>332,743,358</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,661</i>		

RESERVE ACCOUNTS AS OF SEPTEMBER 12, 2023

Tax Stabilization Reserve Account (Unaudited)	74,008,702
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>145,957,584</u>

Introduced by: Mr. Smiley, Mr. Cartier
Date of introduction: October 10, 2023

ORDINANCE NO. 23-141

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”),
ARTICLE 5 (“DEPARTMENTS AND OFFICES”), SECTION 303 (“PURCHASING OF
CONTRACT CONSTRUCTION”) AND SECTION 502 (“PURCHASING OF SUPPLIES
AND CONTRACTUAL SERVICES”)**

WHEREAS, in order to make the procurement process more transparent, to centralize the process and to standardize the process, it has been determined that it would be beneficial to shift the responsibility, in large part, for the procurement of contract construction from the Office of Technology and Administration Services to the Department of Public Works.

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

Section 1. *New Castle County Code* Chapter 2 (“Administration”), Article 5 (“Department and Offices”), Division 2.05.300 (“Department of Public Works”), Section 2.05.303 (“Purchasing of contract construction”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 2.05.303. Purchasing of contract construction.

A. *Definitions.* The following words, terms, and phrases, when used in this Section, shall have meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

Material means materials, equipment, tools, supplies and other tangible personal property used in connection with or for the performance of a ~~[special services]~~ public works contract or which becomes a component part of the finished project resulting from contract construction.

B. ...

C. *Duties.* The ~~[Office of Technology and Administrative Services]~~ Department Public Works shall have charge of and be responsible for the purchasing of all contract construction for the County and all County agencies and using agencies and the entering into of all public works contracts for such contract construction, and the Department of Public Works shall perform its functions and duties and exercise its power and authority for such purchasing and such contracting in accordance with the terms and conditions of this Section.

D. *Procedures.*

1. *Procurement of public works contracts – Formal Bid.*

- a. All contract construction shall be performed by public works contracts entered into on the open market after competitive bidding in accordance with the terms of this Section, except only in the following specified instances where competitive bidding shall not be required:
 - i. Where the probable cost of the contract construction is estimated not to exceed [~~fifty thousand dollars (\$50,000.00)~~] two hundred fifty thousand dollars (\$250,000.00).

- j. If the probable cost of the contract construction is estimated to exceed [~~fifty thousand dollars (\$50,000.00)~~] two hundred fifty thousand dollars (\$250,000.00), the [~~special services~~] public works contract for such contract construction shall be obtained only after public advertising and competitive bidding and the receipt of sealed bids as provided for in this Section.

2. *Plans and specifications for competitive bidding; descriptions; public advertisement.*

- a.
 - i. In addition to contracts subject to the bid requirements of this Section, when the County or a using agency or a County agency proposes to enter into a public works contract [~~and the probably cost of such contract is estimated to exceed twenty thousand dollars (\$20,000.00)~~], the County, the using agency or the County agency as the case may be, shall cause suitable plans and specifications for such project to be prepared for it by registered and licensed architects or engineers who shall sign such plans and specifications and affix their seals thereto; provided, however, that when the plans and specifications for the public works contract are identical to plans and specifications similarly signed and sealed for previous public works contracts awarded under this Section, such identical plans and specifications may be utilized without new or updated signatures and seals of the registered and licensed architects or engineers; provided, further, that any architect or engineer who signed and sealed the original of such identical plans will have no liability arising from the use of such architect's or engineer's plans and specifications other than the use contemplated by the contract pursuant to which the original of such plans and specifications

was created, signed and sealed, unless such architect or engineer reviews and approves such different use. The County, the using agency or the County agency, as the case may be, shall publish such plans and specifications as part of the proposed public works contract and prescribe such other terms and conditions as it deems necessary. The description of work and/or material and the plans and specifications may use a brand or trade name specifically when it is in the best interests of the County to match its existing inventory.

ii. When the County or a using agency or a County agency proposes to enter into a public works contract [~~for a public building project, not a highway and heavy project~~], and the probable cost of the contract is estimated to exceed [~~fifty thousand dollars (\$50,000.00)~~] two hundred fifty thousand dollars (\$250,000.00), there shall be a prebid meeting of prospective bidders (attendance [~~is not~~] may be mandatory) held with and called publicly upon reasonable notice by the County, the using agency or the County agency, as the case may be, at a place and time stated in such notice, which meeting shall be at least fifteen (15) calendar days before the date for the submission of bids; at the meeting all the participants, including the County, the using agency or the County agency, as the case may be, shall attempt to agree upon a listing of all subcontractor categories to be included in the bids for performing the public works contract as required by Subsection D.9. If all the participants do not agree on such a listing at the meeting, the County, the using agency or the County agency, as the case may be, itself, at least ten (10) calendar days before the due date for submission of bids, shall determine the subcontractor categories to be included in the listing. The listing, whether agreed to by all of the participants at the meeting or determined in the absence of the unanimous agreement of the participants at the meeting by the County, the using agency or the County agency, as the case may be, itself, shall be published by the County, the using agency or the County agency, as the case may be, at least ten (10) calendar days before the due date for the submission of bids, by mailing the listing to each of the participants at the meeting and to such other industry organization, as shall be determined from time to time by the County or the County agency or the using agency, as the case may be. The listing, determined in either of the manners specified in this Subsection and as so published, shall be final and binding upon all bidders and the County, the using agency or the County agency, as the case may be, and it shall be filled out completely in full without any abbreviations.

- b. When the probable cost of the proposed public works contract is estimated to exceed [~~fifty thousand dollars (\$50,000.00)~~] two hundred fifty thousand dollars (\$250,000.00) and after or in connection with compliance with Subsection D.2.a.i and, if applicable, Subsection D.2.a.ii, the County, the using agency or the County agency, as the case may be, shall then advertise for formal sealed bids for the public works contract. The advertisement for such bids shall be published at least once a week for two (2) consecutive weeks in a newspaper published and of general circulation in each county of the State. The advertisement shall state the name of the procuring or awarding agency; shall indicate with reasonable accuracy the character, quantity and location of the work and/or the characters and quantity of material; shall state the time and place of the submission and opening of bids, which place in each instance shall be within the County, and where in the County the plans and specifications or descriptions and such other terms and conditions as shall have been prepared for the contract by the County or the using agency, as provided in Subsection D.2.a.i, may be obtained.

3. *Qualifying bidders – Contractor Responsibility Certifications.*

- a. The County or a using agency or a county agency shall require any person proposing to bid on a public works contract, as a condition to submitting a bid to it for consideration, to submit to the [~~Office of Technology and Administrative Services~~] Department of Public Works a Contractor Responsibility Certification for contracts where the probable cost of the contract is expected to exceed five hundred thousand dollars (\$500,000.00). Only bids approved by the [~~Office of Administrative Services~~] Department of Public Works as meeting all requirements for Contractor Responsibility Certification may be considered by the County or a using agency or a County agency. Such Contractor Responsibility Certification shall include, at a minimum, the following:

xiii. Certification that the bidder shall abide by the County's Small Business Enterprise Program.

- b. The [~~Office of Technology and Administrative Services~~] Department of Public Works shall require bidders and subcontractors to provide appropriate documentation of the

conditions specified in the respective responsibility certifications required by this Section.

- c. The ~~[Office of Technology and Administrative Services]~~ Department of Public Works may require from bidders or subcontractors any other additional information or documents as it deems necessary to evaluate the responsibility of bidders and subcontractors. Such information may include, but shall not be limited to, detailed financial information, references from prior contract customers, past performance evaluations from prior contracts, budget, schedule and change order information from prior contracts or other information deemed necessary for reviewing the bidder's technical qualifications, background, past performance and history of business integrity and law compliance.
- d. If a bidder fails to provide the Contractor Responsibility Certification required by this Section, the bidder shall be disqualified from bidding on the public works contract. If a bidder fails to provide other information or documentation required by the ~~[Office of Technology and Administrative Services]~~ Department of Public Works, it may be disqualified from being awarded the public works contract.

- f. If the ~~[Office of Administrative Services]~~ Department of Public Works receives no qualifying bids in response to its initial invitation to bid for a contract, the invitation shall be amended to exclude the certification requirement set forth in Subsection 2.05.303.D.3.a.viii.
- g. The award of a public works contract is contingent upon the ~~[Office of Administrative Services]~~ Department of Public Works receiving documentation from bidder verifying compliance with Subsections 2.05.303.D.3.a.i—~~[xii]~~ xiii. ~~[The Office of Administrative Services]~~ The Department of Public Works shall contact the agency or group administering bidder's apprenticeship program to further verify participation.
- h. Any contractor who is awarded a public works contract that was subject to the certification requirement found in Subsection 2.05.303.D.3.a.viii. must maintain participation in its apprenticeship program until the Department of Public Works issues conditional acceptance of the work unless the contractor graduates an apprentice from the program prior to completion of the public works contract or there is an unforeseeable circumstance that arises through no fault of the contractor. Upon completion of

the contractor's work under the public works contract, the contractor must provide the ~~[Office of Administrative Services]~~ Department of Public Works with a verification that it continued to participate in its apprenticeship program until the issuance of conditional acceptance of the work by the Department of Public Works. In the event the contractor is awarded a public works contract but cannot provide verification that it maintained participation in its apprenticeship program for the duration of the contract, the contractor shall be disqualified by the ~~[Office of Administrative Services]~~ Department of Public Works from bidding on any public works contracts for six (6) months from the date the ~~[Office of Administrative Services]~~ Department of Public Works determined that the contractor had failed to maintain participation in such program.

4. *Deposit required with bids; return of security.*

- a. If the probable cost of any public works contract is estimated to exceed ~~[ten thousand dollars (\$10,000.00)]~~ two hundred fifty thousand dollars (\$250,000.00), all bids shall be accompanied by a deposit of either (i) a good and sufficient bond to the County for the benefit of the awarding agency, with corporate surety authorized to do business in this State, the form of the bond and the surety to be approved by the awarding agency, or (ii) a certified check of the bidder endorsed to or made payable to the order of the awarding agency, in either case for a sum equal to at least ten (10) percent of the bid. The bid bond need not be for a specific sum but may be stated to be for a sum equal to ten (10) percent of the bid to which it relates and not to exceed a certain stated sum, if such sum is equal to at least ten (10) percent of the bid.

5. *Opening of bids; award of public works contracts; right to reject bids; licenses required at time of award; mistakes, omissions and errors in preparation of bids.*

- c. Determination of contractor responsibility.
 - i. After bids have been publicly opened and the apparent low bidder has been identified pursuant to this Section, the ~~[Office of Technology and Administrative Services]~~ Department of Public Works shall provide such bidder with a written Request for Bidder Information that shall require the bidder to provide, within fourteen (14) calendar days, the subcontractor list and Subcontractor Responsibility Certifications required by this Section. A subcontractor listed pursuant to this Section shall not be substituted unless written

authorization is obtained from the [~~Office of Technology and Administrative Services~~] Department of Public Works and a Subcontractor Responsibility Certification is provided for the substitute subcontractor.

- ii. During the period between the issuance of the Request for Bidder Information and the award of the contract, the [~~Office of Technology and Administrative Services~~] Department of Public Works shall undertake a review to determine whether the apparent low bidder and its listed subcontractors have provided all necessary information and documentation required by this Section and otherwise possess the necessary experience, financial resources, personnel resources and technical qualifications to successfully perform the public works contract and have a sufficient record of law compliance and business integrity to justify the award of a public contract. In conducting such inquiries, the [~~Office of Technology and Administrative Services~~] Department of Public Works may seek additional information from the bidder, prior customers of the bidder, or from any other relevant source.
- iii. If at the conclusion of its review, the [~~Office of Technology and Administrative Services, on the recommendation of the~~] Department of Public Works[,] determines that the qualifications, background and responsibility of the apparent low bidder and its identified subcontractors are satisfactory, it shall award the contract.
- iv. In the event that the [~~Office of Technology and Administrative Services~~] Department of Public Works determines that a prospective subcontractor listed by the apparent low bidder does not meet the responsibility standards of this Section, the Department may, after informing the awardee, exercise one (1) of the following options:

- f. If the Office of Technology and Administrative Services and/or the Department of Public Works determines that a Contractor or Subcontractor [~~Qualification~~] Responsibility Certification, or any other documentation or information submitted by the bidder, contains false or misleading material information that was provided knowingly or with reckless disregard for the truth, or omits material information that was omitted knowingly or with

reckless disregard of the truth, the firm for which the certification was submitted shall be prohibited from performing work for the County for a period of up to five (5) years, and shall be further subject to any other penalties and sanctions, including contract termination, available to the County under law. A contract terminated under these circumstances shall further entitle the County to withhold payment of any monies due to the firm as liquidated damages.

- g. To ensure compliance on public works contracts with equal employment opportunity laws and policies, and other County contracting laws and policies, the ~~[Office of Technology and Administrative Services]~~ Department of Public Works shall monitor such contracts and prepare a quarterly report to County Council that indicates the percentages of minority, women, apprentice and in-state workers employed on public works contracts. The quarterly report will be based on information submitted by the contractor in a format defined by ~~[the Office of Technology and Administrative Services]~~ the Department of Public Works at the time of request for bids and will include all active public works contracts. The report shall be considered a public document.

9. ~~[Public works contracts exceeding fifty thousand dollars (\$50,000.00) for contract construction of a public building project.]~~ Required Subcontractor Information - Any public works contract [for any contract construction of a public building project, but not of a highway and heavy project,] where the probable cost of the contract construction is estimated to exceed [fifty thousand dollars (\$50,000.00)] two hundred fifty thousand dollars (\$250,000.00), shall be subject to the following:

11. Prevailing Wage.

- k. The County is authorized to monitor all contract construction for compliance with this Section and/or investigate all claims that the prevailing wage rates as provided for under this Section are not being or have not been paid. Upon finding that an employer has not paid or is not paying the prevailing wage rates, the County shall provide the employer with a written notice of alleged violation(s) by personal service or by certified mail and shall make an effort to obtain compliance. The notice of violation shall describe the

violation(s), in addition to stating applicable sanctions and/or penalties. Upon failure to obtain compliance within ten (10) business days from the date the letter was received by the employer, the County may withhold so much of accrued payments as may be considered necessary to pay to laborers and mechanics the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics, and the accrued payments will be distributed upon resolution of the matter. An employer who disputes the alleged violation(s), sanctions or penalties may, within ten (10) days from receipt of the notice of violation, file a written request for a hearing before the General Manager of the Department of Public Works or his/her designee. The General Manager shall issue a final order within ~~[two (2)]~~ five (5) business days from the conclusion of the hearing. If no hearing is requested, the notice shall become a final order upon expiration of the ten (10) day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Failure to provide timely payment shall constitute a separate violation of this Section. Any sum collected as a fine or penalty pursuant to this Section shall be applied toward enforcement and administration costs of the Department of Public Works.

16. *Add-ons and overruns on public works contracts.*

- a. The County Executive may establish administrative policies to limit the allowable add-ons and overruns on public works contracts exceeding ~~[fifty thousand dollars (\$50,000.00)]~~ two hundred fifty thousand dollars (\$250,000.00) as originally executed. Such add-ons and overruns will only be allowed to account for differences between the construction specifications and drawings and actual conditions encountered during the execution of the contract.
- l. In no case shall additional work be added to a public works contract exceeding ~~[fifty thousand dollars (\$50,000.00)]~~ two hundred fifty thousand dollars (\$250,000.00), as originally executed, which is not within the scope of the original public works contract. The Office of Law ~~[Department]~~ shall determine if work is within the scope of the original public works contract. If it is not, the additional work must be contracted for pursuant to Subsection D.1.
- m. When contracts are let for less than ~~[fifty thousand dollars (\$50,000.00)]~~ two hundred fifty thousand dollars (\$250,000.00)

but due to add-ons and overruns exceed that limit, the excess must be bid unless otherwise determined by the County Executive.

18. Multiple source contracting. The County may award a contract for a particular contract construction project to two (2) or more firms if the General Manager of the Department of Public Works makes a determination that such an award is in the best interest of the County. If such a determination is made, the advertisement shall include a notification of the right of the County to make such an award and the criteria upon which such an award will be based.

19. Small Business Enterprise Program. Contracts awarded pursuant to this section shall be subject to the County's Small Business Enterprise program as further detailed in an administrative policy, which shall be made available to the public.

20. Procurement of public works contracts – Informal Public Works Contract Procedures.

- a. Applicability. Any public works contract for which the probable cost is less than or equal to two hundred fifty thousand dollars (\$250,000.00) shall be subject this section.
- b. Procedure. All informal public works contracts shall follow the procedures set by the Department of Public Works and shall include a simplified administrative process for obtaining competitive prices for contracts anticipated to be below two hundred fifty thousand dollars (\$250,000.00).
- c. Bid and performance bonds may be made a requirement for informal public works contracts made pursuant to this section.
- d. Informal public works contracts shall still be subject to the prevailing wage requirements set forth in Subjection D.11, the drug and alcohol testing requirements set forth in Section 2.05.305, and the Small Business Enterprise Program requirements set forth in Section _____ of the New Castle County Code.

Sec. 2.05.502. Purchasing of supplies and contractual services.

A. Generally

7. Exceptions generally.

- a. All purchases of and contracts for supplies and contractual services and all sales of obsolete or unusable personal property shall except as specifically provided in this Subsection, be based on competitive bids. Exceptions to competitive bidding will include repair parts for ~~[special]~~ specialized equipment, sole-source items, patented items, goods or services only available from one (1) source, professional services, relating to entertainers/performers, instructors, the purchase of insurance, the purchase of used vehicles and equipment for undercover operations, including all necessary maintenance and repairs, and emergency needs and the purchase and updates of technology and software for use by the Department of Public Safety in connection with its undercover operations. Also, the sale, donation and/or re-homing of any working animal that can no longer perform the duties for New Castle County for which the animal was originally obtained.

- c. If the cost of an exception exceeds ~~[twenty-five thousand dollars (\$25,000.00)]~~ one hundred thousand dollars (\$100,000.00) for supplies and contractual services or one hundred fifty thousand dollars (\$150,000.00) for professional services relating to entertainment/performers or instructors, the concurrence of the Law Department must be obtained.

9. *Exception for emergency purchases.* When purchases are necessary to avoid serious danger to life, impairment to property or equipment, considerable monetary loss to the County, or when there is insufficient time for competitive bidding, the Chief of Technology and Administrative Services ~~[or]~~ and the general manager of the impacted department involved may declare an exception. If the probable cost of the purchase order or contract to be made on an emergency basis exceeds ~~[twenty-five thousand dollars (\$25,000.00)]~~ one hundred thousand dollars (\$100,000.00), the County's Chief Administrative Officer must declare that an unusual emergency exists by reason of extraordinary conditions or contingencies that could not reasonably be foreseen and guarded against and which in the opinion of the general manager or head of the agency concerned requires immediate action. A complete record of the emergency purchase and the situation necessitating the purchase shall be forwarded within twenty-four (24) hours to the Chief of Technology and Administrative Services. If the purchase is in excess of ~~[twenty-five thousand dollars (\$25,000.00)]~~ one hundred thousand dollars (\$100,000.00), a record shall also be sent to the Law Department and the Chief Administrative Officer.

11. *Formal bidding and contract procedures.* All supplies and contractual services, except as otherwise provided in this Subsection A, when the estimated cost thereof shall exceed

[~~twenty-five thousand dollars (\$25,000.00)~~] one hundred thousand dollars (\$100,000.00), shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting sealed proposals. When any other interest of the County may prevail over cost factors, the invitation for bids shall so state, and award of the contract may be based in part upon those considerations.

- g. *Bids.* Bids shall be submitted sealed to Purchasing and shall be identified as bids on the envelope or may be submitted electronically to a specified e-mail address if instructions are provided within the bid document. Late bids shall be returned to the bidder unopened, and bids submitted electronically shall be rejected. Any bid which is not in the hands of Purchasing prior to or at the precise time stated in the invitation for bids shall be deemed to be a late bid. If a bid is delayed through the fault or error of a County employee, or a proven network issue within the County the bid shall be opened when received by Purchasing and evaluated with all other bids received. Bids shall be publicly opened in the County at the time and place specified in the notice and invitation to bid. A tabulation of all bids received shall be made available to the public on request. The Purchasing Agent shall not accept the bids of any disqualified bidder. The Purchasing Agent may waive minor irregularities in a bid. A minor irregularity shall be defined for these purposes as one which does not give the bidder in whose proposal it is contained an advantage or benefit not enjoyed by other bidders. A minor irregularity which may be waived or cured is any condition attached to the bid which does not change the terms of the purchase or unfairly prejudice other bidders. The Purchasing Agent shall have the authority to reject all bids, reject parts of all bids, or reject specific bids for anyone (1) or more supplies or contractual services included in the proposed contract, when it is in the best interest of the County.

13. *Sole source / single source procurement.*

- a. A contract may be awarded for material or nonprofessional services without competition if the agency head, prior to the procurement, determines in writing that there is only one source for the required material or nonprofessional service. Sole source or single source procurement shall not be used unless there is sufficient evidence that there is only one source for the required material or service and that no other type of material or service will satisfy the requirement of the agency. The Chief of Technology and Administrative Services and the agency shall examine cost or pricing data prior to an award

under this Section. Sole source procurement shall be avoided, except when no reasonable alternatives sources exist. A written determination by the Chief of Technology and Administrative Services stating the basis for the sole source procurement shall be included in the agency contract file with ~~[a copy]~~ notification sent to County Council a week prior to the award of the contract if the contract to be awarded is ~~[under fifty thousand dollars (\$50,000.00)]~~ over one hundred thousand dollars (\$100,000.00) for goods and contractual services or one hundred fifty thousand dollars (\$150,000.00) for professional services.

16. *Add-ons and overruns.*

- c. When contracts are let for less than or equal to ~~[twenty-five thousand dollars (\$25,000.00)]~~ one hundred thousand dollars (\$100,000.00) for goods and services or one hundred fifty thousand dollars (\$150,000.00) for professional services, but due to add-ons and overruns exceed that limit, the excess must be bid.

19. *Small Business Enterprise Program.* Contracts award pursuant to this section shall be subject to the County's Small Business Enterprise program as further detailed in an administrative policy, which shall be made available to the public.

B. Professional services purchases and contracts.

3. *Scope.* Subsection B covers the purchase of and the contracting for all professional services by an agency where the probable cost of such services is estimated to exceed ~~[fifty thousand dollars (\$50,000.00)]~~ one hundred fifty thousand dollars (\$150,000.00) for professional services, or where the provisions of Section 2.03.103.C are invoked. Purchasing will insure that the provisions of Section 2.03.103.C are provided to all professional service contractors whose contracts are valued at more than five hundred dollars (\$500.00).

7. *Sole source / single source procurement.*

- a. A contract may be awarded for professional service without competition if the agency head, prior to the procurement, determines in writing that there is only one source for the required professional

service. Sole source procurement shall not be used unless there is sufficient evidence that there is only one source for the required professional service and that no other type of professional service will satisfy the requirement of the agency. The Chief of Technology and Administrative Services shall examine cost or pricing data prior to an award under this Section. Sole source procurement shall be avoided, except when no reasonable alternative sources exist. A written determination by the Chief of Technology and Administrative Services stating the basis for the sole source procurement shall be included in the contract file with a ~~[copy]~~ notification sent to County Council a week prior to the award of the contract if the contract to be awarded is [under fifty thousand dollars (\$50,000.00)] over one hundred fifty thousand dollars (\$150,000.00) for professional services.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This legislation will shift the responsibility, in large part, for the procurement of contract construction from the Office of Technology and Administrative Services to the Department of Public Works. The legislation also amends the thresholds for purchasing of contract construction, supplies and contractual services.

FISCAL NOTE: No discernable fiscal impact.

Introduced by: Mr. Smiley
Date of introduction: June 14, 2022

ORDINANCE NO. 22-088

REVISE ZONING MAP: NEW CASTLE HUNDRED, SOUTH SIDE OF SCHOOL BELL ROAD, NORTH SIDE OF PULASKI HIGHWAY; REZONE A PORTION OF TAX PARCEL 10-034.00-012, AND ALL OF TAX PARCEL 10-034.00-013, 0.821 ACRES FROM NC6.5 (NEIGHBORHOOD CONSERVATION 6.5) TO CR (COMMERCIAL REGIONAL).

(The Exploratory Plan and rezoning for **Royal Farms Store #369** proposes to rezone a portion of tax parcel 10-034.00-012 and all of tax parcel 10-034.00-013 from “NC6.5” (Neighborhood Conservation 6.5) to “CR” (Commercial Regional) in order to combine a portion of tax parcel 10-034.00-012 and all of tax parcel 10-034.00-013 and tax parcel 10-034.00-097 into a single tax parcel to construct a 4,649 square foot convenience store with associated gasoline pumps, and associated site improvements. App. **2021-0317-SZ.**)

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 Exhibits “A” and “L” dated June 1, 2022, as set forth therein.

Section 2. The 2012 Comprehensive Development Plan Update for New Castle County, as shown amended, is hereby further amended, by changing the land use designation shown on Exhibit “E” dated June 2, 2022, as set forth herein, so as to make such land consistent with the amendment of the zoning map, as per Section 1 above.

Section 3. 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:

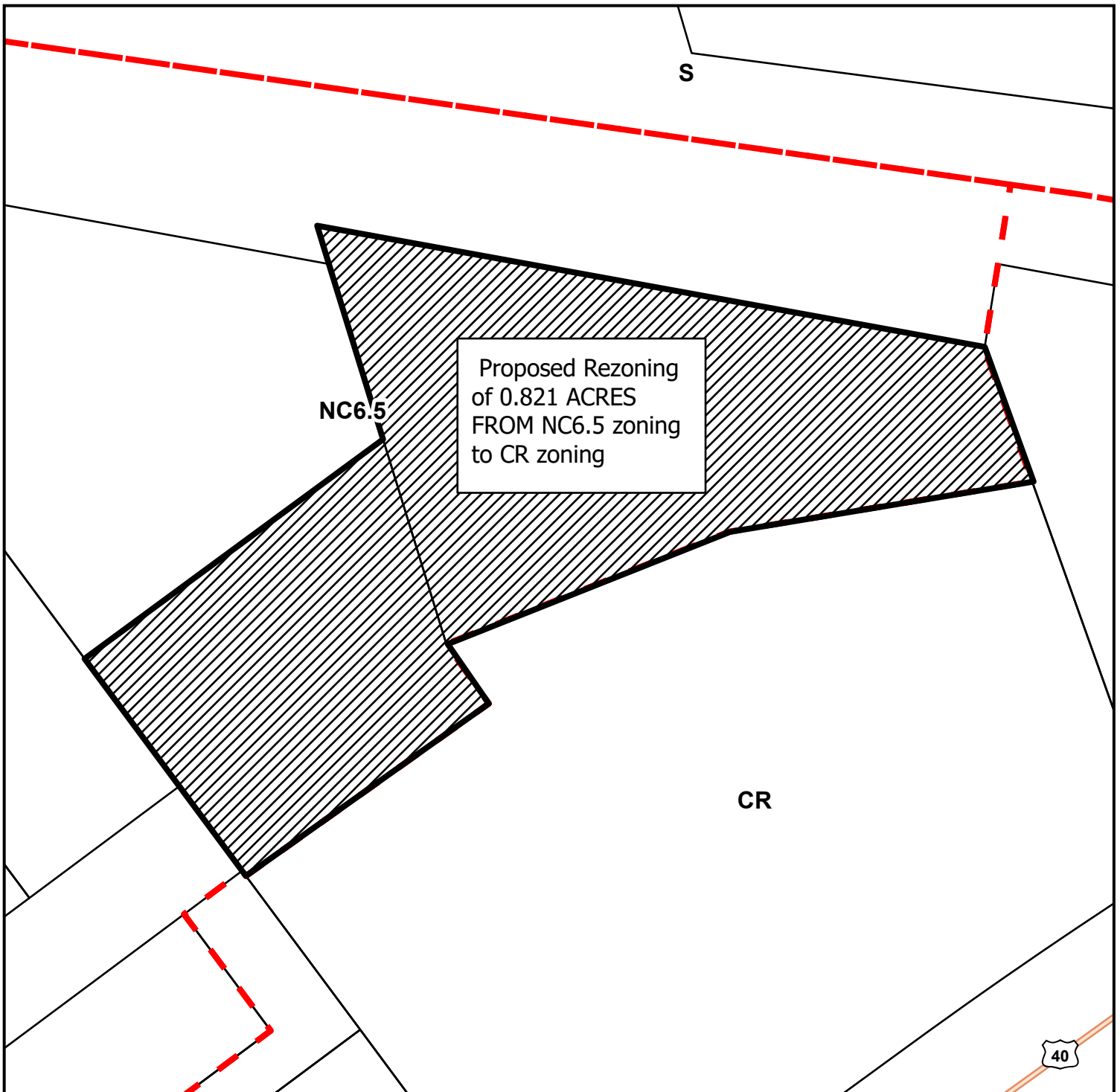
County Executive
New Castle County

SYNOPSIS: Same as Title.

FISCAL IMPACT: This rezoning ordinance will have no immediate discernable fiscal impact on the County, but if the parcel rezoned is 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: ROYAL FARMS STORE #369
PROPOSED REZONING: EXISTING NC6.5 ZONING TO CR ZONING

APPLICATION NO. 2021-0317-SZ
TAX PARCEL NO. P/O 10-034.00-012



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:650

Prepared by: property.munsaka

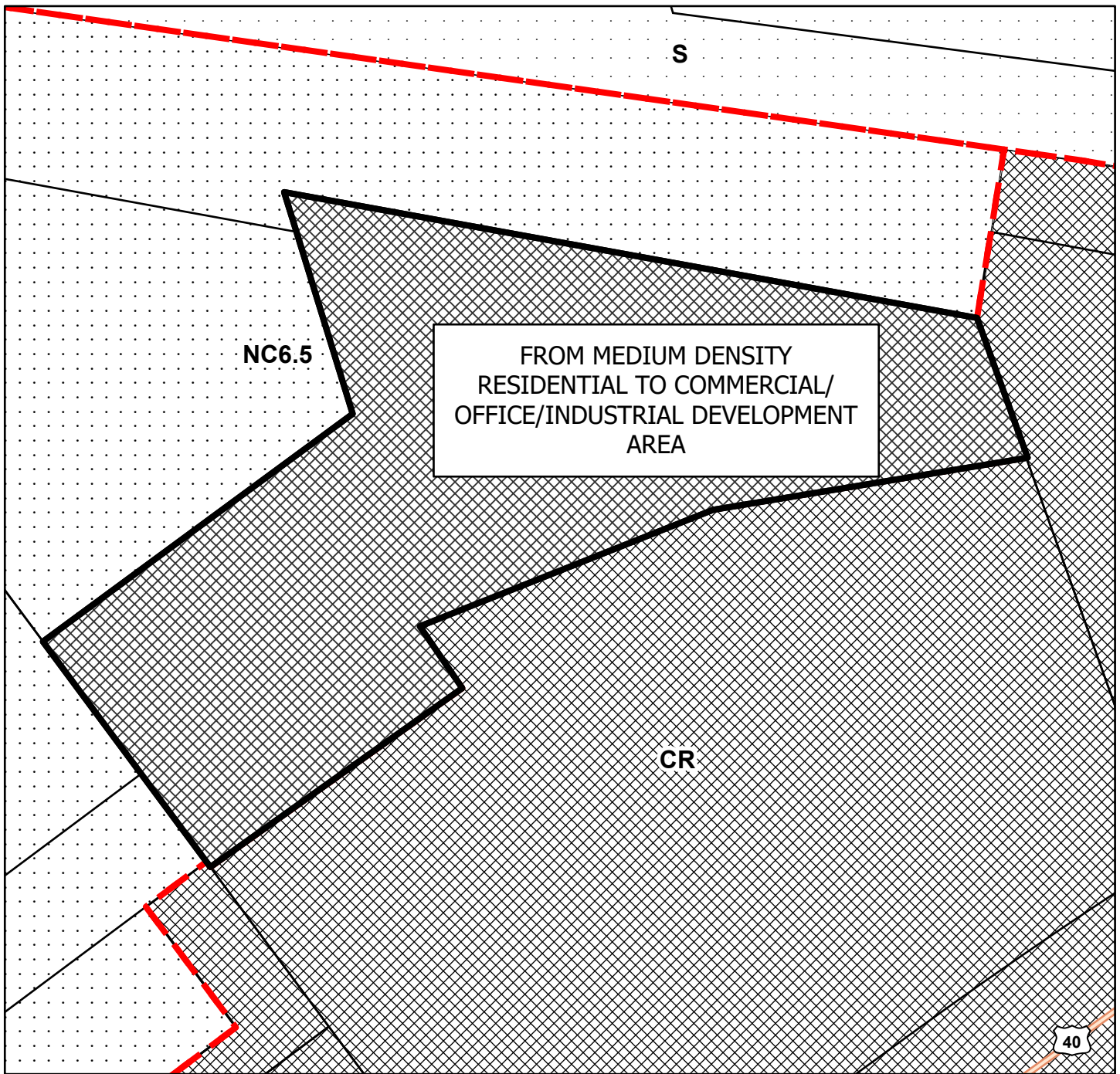
Date: 6/1/2022



PERMANENT ORDINANCE NO. 22-088

Date Adopted by County Council _____

Date Approved by County Executive _____



AMENDMENT TO THE 2012 COMPREHENSIVE DEVELOPMENT PLAN
NEW CASTLE COUNTY, DELAWARE



Ordinance No. 22-088

Exhibit E

App. No. 2021-0317-SZ

Date: 6/2/2022

Scale: 1:650

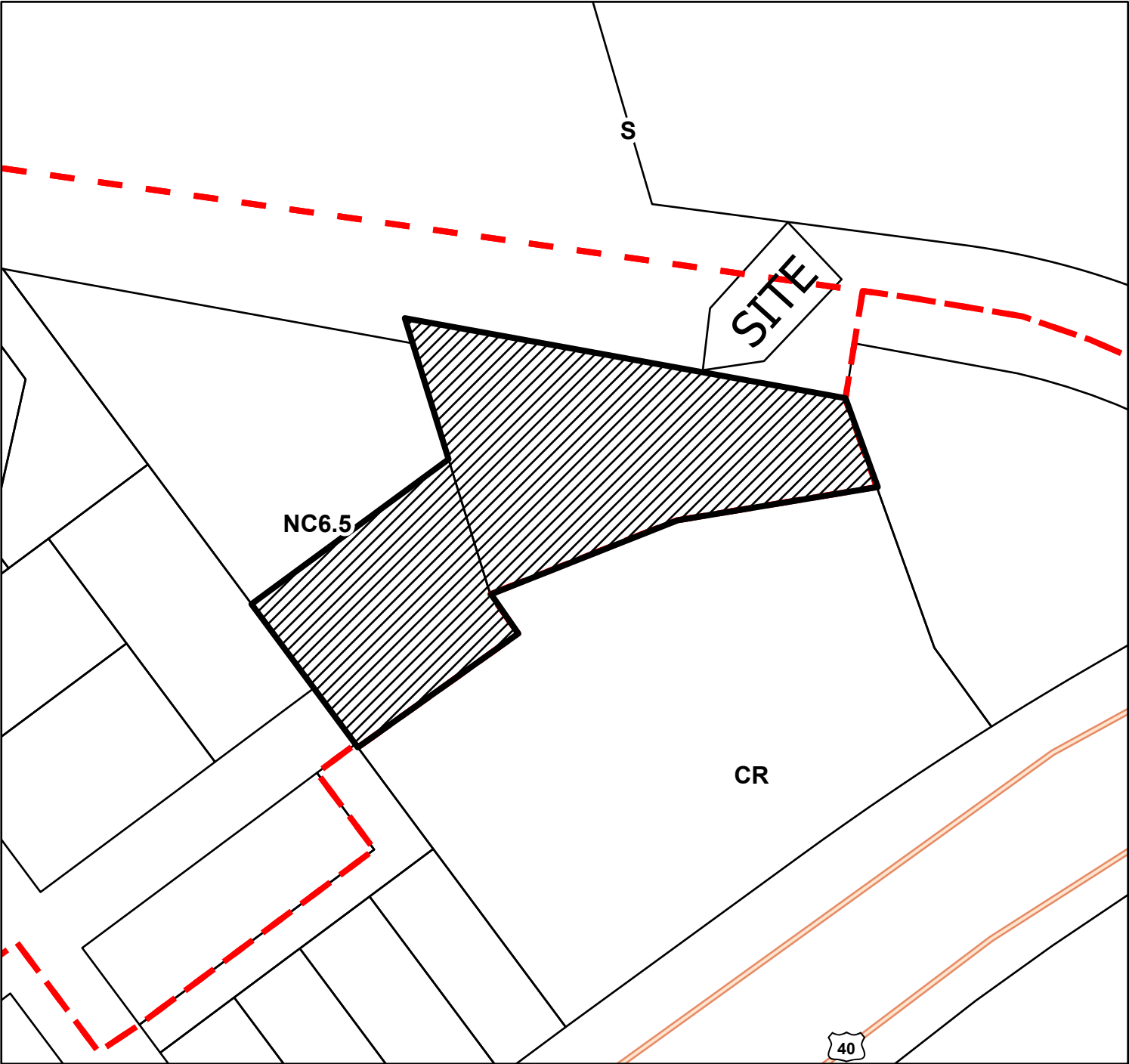
Residential Very Low Density Low Density Medium Density High Density	Commercial/Office/Industrial Development Area New Community Development HI Zoned Land Municipal Land	Resource & Rural Preservation Hometown (HT) Overlay Historic Overlay (H)
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APPLICANT: CARTER FARM LLC

APPLICATION NO. 2021-0285-S

PROPOSED REZONING: EXISTING S ZONING TO CHANGE TO S AND H ZONING

TAX PARCEL NO. P/O 11-061.00-005



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1,000
Prepared by: property.munsaka
Date: 6/1/2022



PERMANENT ORDINANCE NO. 22-088
Date Adopted by County Council _____
Date Approved by County Executive _____



Department of Land Use

**DEPARTMENT OF LAND USE
RECOMMENDATION REPORT**

**Ordinance 22-088
Application 2021-0317-S/Z
Minor Land Development Plan and Rezoning for Royal Farms Store #369**

September 19, 2023

Location: South side of School Bell Road north side of Pulaski Highway

Sponsor: Councilman George Smiley, District 7

Description: Minor land development plan with rezoning to rezone 0.821 acres from NC6.5 (Neighborhood Conservation) to CR (Commercial Regional) to permit the construction of a 4,649 s.f. retail building with gas pumps

Applicant: Two Farms, Inc.

EXECUTIVE SUMMARY

Situated between School Bell Road and Pulaski Highway (US Rt 40), the minor land development plan for Royal Farms Store #369 proposes to construct a 4,649 square foot gas station with associated gas pumps and improvements. To accommodate the proposed use, the application seeks to rezone a total of 0.82± acres (0.62± acres of Parcel No. 10-034.00-013 and 0.20± of Parcel No. 10-034.00-012) from NC6.5 (Neighborhood Conservation) to CR (Commercial Regional). The proposed rezoning is consistent with the 2012 New Castle County Comprehensive Plan¹ and additionally, is consistent with the recommendations included in the 2022 New Castle County Comprehensive Plan.

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 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 **CONDITIONAL APPROVAL** of the rezoning application with the following condition:

1. Minor typographical errors on the Exhibits accompanying Ord. 22-088 be corrected prior to consideration at County Council.

DESCRIPTION

¹ Active Comprehensive Plan when application was submitted to the Department of Land Use.

The subject site is located east of DE Route 1 on the north side of Pulaski Highway (US Rt 40), which serves as a major east to west thoroughfare from the State of Maryland through the City of New Castle. School Bell Road borders the subject site to the north. The proposed minor land development plan seeks to construct a gas station and convenience store with associated site improvements on 2.24± acres. As part of the proposal, the application seeks to rezone 0.82+ acres of NC6.5 (Neighborhood Conservation) to CR (Commercial Regional). The subject site is currently comprised of three parcels. Parcel No. 10-034.00-097, along Pulaski Highway, is currently utilized as a contractor establishment / automotive repair. Parcels 10-034.00-012 (514 School Bell Road) and 10-034.00-013 (548 School Bell Road) are currently utilized residentially. As part of the proposal, the house at 514 School Bell Road will be retained on the portion of the site to remain NC6.5 (Neighborhood Conservation) zoned land.

ZONING & DEVELOPMENT PATTERN

The subject site is located along the Pulaski Highway (US Rt 40) corridor at the intersection with School Bell Road. Pulaski Highway largely serves as a major, east to west, commercial corridor between the State of Maryland border and City of New Castle. Historically, the surrounding area was developed residentially in the mid-twentieth century; however, over the years the dwellings fronting Pulaski Highway have been converted to neighborhood-scale commercial establishments. Today, the area between the DE Rt 1 and the US Rt. 40 / US Rt 13 intersection is characterized by CR zoned lands fronting the highway with residential development (Neighborhood Conservation) to the northwest.

Directly west of the subject site is the Fairwinds subdivision (zoned NC6.5), a medium density, residential development dating to the mid twentieth century. West along Pulaski Highway are small scale individual businesses including a restaurant, a grocer, and a liquor / convenience store. The New Life Worship Center fronts School Bell Road to the west of the site. Across the street, along the north side of School Bell Road is vacant farmland (zoned S). East of the site at the intersection of School Bell Road and Pulaski Highway is the Bear Diner (zoned CR).

BACKGROUND

The subject site appears to have first been developed in the mid-twentieth century with the construction of the Fairwinds subdivision.² While the landscape has not undergone significant changes since the initial development of the surrounding area, the demand for commercial uses along the Pulaski Highway corridor has grown.

The Department of Land Use received the proposed minor subdivision plan with rezoning in June of 2021. Ordinance 22-088 was introduced at County Council on June 14, 2022. The application proceeded through the State of Delaware PLUS process in April of 2022. The plan proposes the construction of a 4,649 square foot gas station and convenience store as well as the construction of gas pumps and associated site improvements. As part of the application, Ordinance 22-088 proposes to rezone 0.82± acres of NC6.5 (Neighborhood Conservation) to CR (Commercial Regional). The plan appears to meet the minimum requirements of the Unified Development Code and did not seek variances / require review by the Board of Adjustment. The plan calls for the construction of eight gas pumps and 73 parking spaces to

²Indicated by aerial imagery from 1954.

support the proposed use while 0.69 acres are reserved for open space. Access to the site is proposed both from Pulaski Hwy and School Bell Road.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The subject application was reviewed at a PLUS meeting held on April 27, 2022. The PLUS Review Letter, dated May 25, 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 application.

The Delaware Department of Transportation noted that the entrances along Pulaski Highway and School Bell Road must meet the standards in the Development Coordination Manual. DelDOT 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. The Delaware Department of Natural Resources and Environmental Control (DNREC) noted they had no concerns regarding the proposed rezoning. The State Historic Preservation Office noted that the site is within a Level 1 area and that there is a low potential for historic resources.

The Delaware State Fire Marshall's Office provided comments regarding Fire Protection Water requirements and Fire Protection Features of buildings larger than 10,000 square feet. Additionally, the Fire Marshall noted the requirements for accessibility, gas piping and system information, and the plan review process. The Delaware Emergency Management Agency (DEMA), provided general comments regarding emergency management in the surrounding area.

PLANNING BOARD PUBLIC HEARING – August 1, 2023

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

Shawn Tucker, the applicant's attorney, spoke on behalf of the application. Mr. Tucker provided a brief presentation on the proposed rezoning and accompanying minor land development plan that proposes the construction of a new Royal Farms. He spoke to the public meetings that were held with the community regarding the proposed development over the past few years. Mr. Tucker stated that the plan requests a partial rezoning of 0.821+ acres of NC6.5 (Neighborhood Conservation) to CR (Commercial Regional) in order to meet the current land development code requirements for development of the site. He noted that the additional land will result in more open space and buffering as required by the code. Mr. Tucker described the area proposed for rezoning, which includes all of parcel 10-034.00-013 and 0.20+ acres of Parcel No. 10-034.00-012. He spoke to the Standards for Zoning Map Amendment and explained how the proposed rezoning meets the standards. Mr. Tucker explained to the Board how the proposed development meets the Guiding Principles for Commercial Corridors.

Ms. Peterson inquired about the ingress and egress of the site along School Bell Road. Ms. Kline, the traffic engineer for the project, noted that access to School Bell Road will be full movement and that there would be dedicated lanes added to ensure there is no blockage of through traffic on School Bell Road. Mr.

Snowden inquired if School Bell Road would be widened. Ms. Kline confirmed that the road would be widened. Mr. Daigle inquired about the stacking on the site when vehicles turn into the property. Ms. Kline noted that there is a distance before a car gets to parking stalls that would allow for multiple vehicles to stack if needed, but they did not expect any significant ques on site. Ms. Peterson inquired if there would be a left turn onto School Bell Road and Ms. Kline confirmed that there would be. Ms. Visvardis inquired if there were underground tanks on the site today. Jose Lazo, the applicant's engineer, stated that there are tanks on the site and stated that the site would be appropriately remediated. Mr. Snowden inquired about the fence surrounding the west side of the property. Mr. Tucker noted that the owner has been working with the type of fencing desired with the surrounding community and is still under discussion; however the owner was considering a six-foot, chain link fence. Ms. Peterson inquired if music would be played at the gas pumps. A representative from Royal Farms, stated that there is capability to play music; however there were not plans to play music.

Stephanie Royle, 512 School Bell Road, offered comment in opposition on the application. She stated that she knew nothing about the proposed Royal Farms on the subject site and stated that she had not been contacted by Royal Farms. She emphasized her surprise on the proposal.

Roger Booth, 53 Fir Avenue, offered comment in opposition on the application. He stated that he was contacted regarding the proposal. He stated that he had concerns regarding traffic, flooding, and stormwater management on the developed site. Mr. Booth noted concerns about the establishment being a 24-hour operation and the potential for additional foot traffic in the neighborhood as well as public safety concerns.

Winona Burris, secretary of Fairwinds Civic Association, spoke in support of the application. She stated that Royal Farms have been very communicative about the proposal. She stated that flyers were sent out to all the dwellings on community meetings. She stated that she believes it would be an improvement to the neighborhood, as the site is used a junk yard currently.

Jean Short, treasurer of Fairwinds Civic Association, spoke in support of the application. She stated that she had hand delivered flyers about the proposed project in the neighborhood. Ms. Short stated that she believes the development would be a huge improvement to the neighborhood and that she did not believe there would be an increase in foot traffic in the neighborhood due to the absence of an interconnection to the subdivision.

Councilman Smiley spoke in support of the proposed application and noted that there are stormwater management facilities will be put in place for the site. He stated that he has a Royal Farms near his house and that there have been minimal problems and believes they will be a good neighbor. He stated that he was hopeful that the redevelopment of this site will help future investment and improvement on the Pulaski Highway corridor.

The owners of the Express Market at 703 Pulaski Highway spoke in opposition of the application. They stated that they were a family-owned business and that if a Royal Farms was built near them that they would be put out of business within a few months. They inquired what the timeline would be for the construction of the site and noted that this was the first time that they had heard of the proposal.

In his rebuttal, Mr. Tucker noted that they tried their best to meet with the community but acknowledged the difficulties of getting the message out. He stated that the property has been posted with a yellow sign since the submittal of the Exploratory plan with contact information. He stated that Ms. Royle's property abuts the site to the northwest and that the development may not be directly adjacent to her property line. He stated that they have looked at stormwater management in great detail to prevent flooding. Mr. Lazo spoke to the stormwater management design for the proposed site. Ms. Peterson inquired if there would be a stormwater system on the property that currently exists and if there would be less impervious cover on the site. Mr. Lazo confirmed and spoke to the facilities to be installed on the site. Mr. Cochran inquired about existing facilities on Pulaski Highway for stormwater management. Mr. Lazo stated that there were existing stormwater management systems in the DelDOT right of way. Mr. Tucker noted that the project timeline was tentative for hopefully August of next year. He stated that he appreciated concerns regarding competitive business; however, according to State law competition cannot be taken into consideration regarding zoning regulations. He spoke to the traffic concerns and stated that the traffic engineers worked to ensure DelDOT's Level of Service Standards. He stated that the operation would be a 24/7 operation and noted that it was found that having an establishment open 24 hours deters crime as passing law enforcement officers will frequent lit up places. Mr. Sekowski inquired if there were any discussions about interconnection on the subject site. Mr. Tucker stated that there was discussions with the Bear Diner about sharing an entrance; however, they were not able to come to an agreement at the time. He stated that there are proposed interconnections on the plan should there be a redevelopment of the neighboring property.

ANALYSIS

The subject site is situated near the intersection of Pulaski Highway (US Rt 40) and School Bell Road, an intersection that is characterized by a mix of commercial uses supported by nearby residential developments. Based on the zoning and land development pattern in the surrounding area, the site lends itself to the redevelopment of the subject site into a gas station and convenience store. The rezoning of an additional 0.82± acres from NC6.5 (Neighborhood Conservation) to CR (Commercial Regional) appears to be appropriate due to the proximity to existing CR (Commercial Regional) zoning along Pulaski Highway.

Filed with the Department of Land Use in 2021, App. 2021-0317-S/Z predates the most recent version of the New Castle County Comprehensive Plan; therefore, review of the rezoning under the Standards for Map Amendment should be considered against the 2012 New Castle County Comprehensive Plan. Based on the Future Land Use Map, the 2012 Comprehensive Plan anticipated the subject site to be utilized as a Commercial Development area in addition to the other nonresidential uses along Pulaski Hwy in the surrounding area. Following the existing zoning pattern, the 2012 Comprehensive Plan identifies the subject site as both Commercial / Office / Industrial Development area as well as Medium Density Residential. While the proposed rezoning should be reviewed in accordance with the 2012 Comprehensive Plan, it should be noted that the 2022 New Castle County Comprehensive Plan identifies the subject site as Type 1- Commercial Corridor type uses, which generally are appropriate for neighborhood commercial uses that are adjacent to residential uses. As shown on the renderings provided to the Planning Board ahead of the public hearing, the proposed convenience store is designed in a manner that is sensitive to surrounding residential development and takes into account use of appropriate building materials and building height.

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 2012 New Castle County Comprehensive Plan anticipated the subject site to be utilized as a Commercial Development area in addition to the other nonresidential uses along Pulaski Hwy in the surrounding area. The proposed rezoning is consistent with the Future Land Use Map, which identifies the subject site as Commercial / Office / Industrial Development area as well as Medium Density Residential (following the existing zoning pattern). The rezoning of the 0.82± acres from NC6.5 (Neighborhood Conservation) to CR (Commercial Regional) is consistent with the goals and intent of the 2012 Comprehensive Plan.

B. Consistency with the character of the neighborhood.

The overall subject site is comprised of a mix of both residential and commercial uses. The surrounding neighborhood is comprised of commercial uses as well as medium density residential subdivisions. The rezoning of additional acreage adjacent to existing CR (Commercial Regional) zoning is consistent with the character of the surrounding neighborhood.

C. Consistency with zoning and use of nearby properties.

A portion of the existing site is currently zoned CR (Commercial Regional) and utilized commercially as a contractor establishment. Based on the zoning pattern along Pulaski Highway (US Rt 40) and at the intersection with School Bell Road, the 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.

Originally developed in the mid-twentieth century, the subject site is currently utilized in a manner that does not meet the current site design and development standards for commercial development. The redevelopment of the site to a gas station is a suitable use for the property and would meet the current design and landscaping requirements of the Unified Development Code. With access to both Pulaski Highway (DE Rt 40) and School Bell Road, the subject site is situated in a manner that will provide appropriate access to and from the proposed gas station.

E. Effect on nearby properties.

The applicant provided testimony during the public hearing regarding the screening, buffering, and lighting of the subject site from nearby properties and the measures taken to ensure that there will be little to no impact on nearby properties. The applicant has noted their intention to continue working with the surrounding community to ensure that any concerns regarding potential impacts will be considered and mitigated.

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 proposed plan, 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. Therefore, the Department of Land Use recommends **CONDITIONAL APPROVAL** of the rezoning application with the following condition:

1. Minor typographical errors on the Exhibits accompanying Ord. 22-088 be corrected prior to consideration at County Council.

PLANNING BOARD RECOMMENDATION

At a business meeting held on September 19, 2023, the Planning Board considered the recommendation offered by the Department of Land Use. On a motion made by Mr. Snowden and seconded by Ms. Visvardis, the Board voted to recommend **CONDITIONAL APPROVAL** of the rezoning application with the following condition:

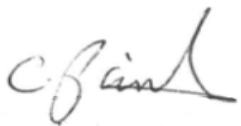
1. Minor typographical errors on the Exhibits accompanying Ord. 22-088 be corrected prior to consideration at County Council.

The motion was adopted by a vote of 7-0-0-1 (In Favor: Peterson, Daigle, Gray, Visvardis, Snowden, Cochran, Cahill-Krout; In Opposition: None; Abstention: None; Absent: Drake).

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.



9/26/2023

Charuni Patibanda
General Manager
Department of Land Use

date



9/26/2023

Karen Peterson
Chair
Planning Board

date

I move that Ordinance 23-121 be amended such that the provisions thereto which appear in *New Castle County Code* Ch. 6 (Building Code), Article 5 (Residential Code) shall reflect brackets and strikethroughs and underlines as specifically reflected below. Accordingly and consistent therewith, Chapter 3 (Building Planning), Residential Code Sections R313.1, R313.1.1, R313.2, R313.2.1, Chapter 12 (Mechanical Administration), the synopsis and the fiscal note of the ordinance, and any other applicable section thereto are amended such that any reference to mandatory sprinkler systems is amended out of Ordinance 23-121 in order that the *New Castle County Code* remain as it exists currently.

FLOOR AMENDMENT NO. 1 TO ORDINANCE NO. 23-121

...
CHAPTER 3. BUILDING PLANNING...

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, Exception, 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”.

...
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.

...
SYNOPSIS: ... **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; provides that fire sprinklers are permissive, not mandatory ~~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.

...
FISCAL NOTE: T/C

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^e</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.

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.

Smiley,

Introduced by: Mr. Carter, Mr.

Mr. Bell

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. 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.

Introduced by: Mr. Cartier, Mr. Bell,
Mr. Carter, Ms. Durham,
Ms. George, Ms. Hartley-Nagle,
Mr. Hollins, Ms. Kilpatrick,
Mr. Smiley, Mr. Street,
Mr. Tackett

Date of introduction: October 24, 2023

RESOLUTION NO. 23-186

**CONGRATULATING THE EDMOOR TRACK TEAM
FOR ITS OUTSTANDING ACHIEVEMENTS**

WHEREAS, since 2017, the Edgemoor Track Team has consistently demonstrated how the Community Intervention and Outreach Program Team effectively combines prevention efforts with sports; and

WHEREAS, more than 200 runners have participated in this program; and

WHEREAS, this year, 2023, the Edgemoor Track Team achieved success with 32 participants proudly earning a total of 115 medals in the City of Wilmington Bob King Track Meets. Accolades for this track season included the Most Outstanding Six-Year-Old Runners; and

WHEREAS, ultimately, the team earned the first-place position in the City of Wilmington Bob King Track Meet Series; and

WHEREAS, inspired by the youth, parents initially began walking around the track during practice and then formed an adult track team. This created the opportunity for families to actively engage in athletics together; and

WHEREAS, seven runners have gone onto elite track team participation, with two runners receiving college scholarship offers; and

WHEREAS, the Community Intervention and Outreach Program is committed to extending this program, with a focus on offering increased opportunities to involve additional youth participants.

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby congratulates the Edgemoor Track Team for its outstanding achievements.

Adopted by 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 with the adoption of this resolution.

Introduced by: Mr. Cartier, Ms. Durham,
Mr. Bell, Mr. Carter,
Ms. Kilpatrick, Ms. George,
Ms. Hartley-Nagle, Mr. Tackett
Date of introduction: October 24, 2023

RESOLUTION NO. 23-187

**THANKING DAVID H. BURT FOR HIS DEDICATED PUBLIC SERVICE
TO THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT**

WHEREAS, David Burt was raised in Wilmington, Delaware by parents Warren and Cynthia Burt, along with his brother John; and

WHEREAS, David graduated from Tower Hill School in 1976, Swarthmore College in 1980 and the Marshall-Wythe School of Law, College of William and Mary in 1985; and

WHEREAS, for twenty years, he worked with the DuPont Company, leading the Delaware trial team, served in the Legal Department's Commercial Practice Group, served with International Arbitration in the US, Asia, and Europe, practiced as dispute resolution lawyer on DuPont's Recoveries Core Team, and trail-blazed Affirmative Recoveries; and

WHEREAS, he was a leader in developing and promoting DuPont's national and international Alternative Dispute Resolution concept as a frequent speaker and writer, and served as DuPont Liaison with the International Center for Conflict Prevention and Resolution (CPR) in NYC; and

WHEREAS, David worked for seven years as an Executive Consultant at the International Center for Conflict Prevention and Resolution, promoting Mediation and Arbitration and chaired the Mediation and Executive Advisory Committees; and

WHEREAS, he served on the Steering Committee of the Corporate Counsel International Arbitration Group (CCIAG) and on the Council of Distinguished Advisors to the Straus Institute for Dispute Resolution at Pepperdine University, was a contributing member of the International Task Force on Mixed Mode Dispute Resolution; and

WHEREAS, David is currently in private practice as an Independent Neutral Arbitrator and Commercial Affirmative Recoveries Advisor; and

WHEREAS, he served the public of New Castle County as Chairman of the New Castle County Board of Adjustment from 2010-2023 presiding over more than 400 hearings; and

WHEREAS, he married Audrey Whiteside Burt in 1983, and they have two sons, Evan, and Matthew; and

WHEREAS, David's interests include boating on the Chesapeake Bay, traveling internationally, tinkering with his 1931 Model A Ford truck, playing with his German Shorthaired Pointer, Kayli.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby thanks David H. Burt for his commitment and public service to the New Castle County Board of Adjustment.

Adopted by County Council
of New Castle County on: October 24, 2023

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.