NEW CASTLE COUNTY COUNCIL
COUNCIL MEETING

May 14, 2024
6:30 PM

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

AGENDA

A. Call to Order

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

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°24-068: AMEND THE GRANTS BUDGET: APPROPRIATE ADDITIONAL FEDERAL FUNDS OF $57,101.12 AND ANTICIPATED FEDERAL FUNDS OF $180,000.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE EMERGENCY HOUSING CHOICE VOUCHERS GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-069: AMEND THE GRANTS BUDGET: APPROPRIATE $94,727.00 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR WITH FUNDS PROVIDED BY THE DELAWARE WORKFORCE INVESTMENT BOARD TO THE 2024/2025 STATE YEAR ROUND YOUTH EMPLOYMENT GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-070: AMEND THE GRANTS BUDGET: APPROPRIATE $119,303.00 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DIVISION OF EMPLOYMENT AND TRAINING TO THE 2024 STATE SUMMER YOUTH EMPLOYMENT – SUBURBAN NEW CASTLE COUNTY GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-071: AMEND THE GRANTS BUDGET: APPROPRIATE $107,977.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DIVISION OF EMPLOYMENT AND TRAINING, TO THE 2024 STATE SUMMER YOUTH EMPLOYMENT – CITY OF WILMINGTON GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-072: AMEND THE GRANTS BUDGET: APPROPRIATE $50,000.00 FROM THE STATE OF DELAWARE, DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO THE DWIAC SEWER PLANNING GRANT FOR THE DEPARTMENT OF PUBLIC WORKS
Prime Sponsor(s): Mr. Sheldon, Mr. Carter

°24-073: AMEND THE GRANTS BUDGET: APPROPRIATE THE MONETARY VALUE OF 400 DONATED LAPTOPS $458,000 TO THE LOCAL LAW ENFORCEMENT (LLE) 400 LAPTOP COMPUTERS 2024 GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY
Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle

°24-074: AMEND THE GRANTS BUDGET: REALIGN $555,850.04 IN FEDERAL FUNDS WITHIN THE BEHAVIORAL HEALTH UNIT EXPANSION GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE
Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle

°24-075: AMEND THE GRANTS BUDGET: REALIGN $353,829 IN FEDERAL FUNDS WITHIN THE CONNECT AND PROTECT 911 JMHCP GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE
Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle

°24-076: AMEND THE FY2024 APPROVED OPERATING BUDGET: REALIGN $142,000 FROM SEWER FUND DEBT SERVICE TO THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PLANT OPERATIONS COMMUNICATIONS AND UTILITIES BUDGET LINE ITEM TO FUND PUMP STATION ELECTRIC SERVICE
Prime Sponsor(s): Mr. Sheldon, Mr. Carter

°24-077: TO PROVIDE FOR THE INSTALLATION OF DARK SKIES COMPLIANT HOLOPHANE ARE3 ARLINGTON POSTTOP STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS AND THE OPTIONAL WADSWORTH 12’ POLE IN THE DELAWARE NATIONAL SUBDIVISION LOCATED IN THE CHRISTIANA HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS
Prime Sponsor(s): Ms. Durham

°24-078: TO AUTHORIZE THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT CONTAINING AN EVERGREEN PROVISION IN ORDER TO PROVIDE DOOR LOCK SERVICES TO THE NEW CASTLE COUNTY HOPE CENTER
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-079: AUTHORIZING THE ISSUANCE OF UP TO $33,000,000 IN a GENERAL OBLIGATION BOND THROUGH THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND FOR THE DEPARTMENT OF PUBLIC WORKS, CHRISTINA RIVER FORCE MAIN REHABILITATION PROJECT
Prime Sponsor(s): Mr. Sheldon, Mr. Carter

°24-080: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: TRANSFER AUTHORIZATIONS FROM THE SOUTHERN SEWER SERVICE AREA CAPITAL PROJECT AND RICHARDSON PARK PUMP STATION UPGRADE CAPITAL PROJECT TO THE CHRISTINA RIVER FORCE MAIN REHABILITATION CAPITAL PROJECT AND DEAUTHORIZE FUNDING FROM THE RICHARDSON PARK PUMP STATION UPGRADE
Prime Sponsor(s): Mr. Sheldon, Mr. Carter

°24-081: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $127,000 FROM THE CROSSING GUARD RESERVE ACCOUNT TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF CROSSING GUARDS SALARIES AND WAGES AND BENEFITS BUDGET LINE ITEMS
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°24-082: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 22 ("OFFENSES AND MISCELLANEOUS PROVISIONS"), SECTION 22.02.008 ("NOISE CONTROL") RELATING TO DOG AND ANIMAL NOISES
Prime Sponsor(s): Mr. Smiley, Mr. Carter

E. Reports from Select and Special Committees

F. Consent Calendar

R24-107: CELEBRATING AND HONORING THE LIFE OF PETER W. MURRAY AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS
Prime Sponsor(s): Mr. Cartier

R24-108: RECOGNIZING AND CELEBRATING THE LIFE OF SANDRA "SANDI" MAY CARTER
Prime Sponsor(s): Ms. Kilpatrick, Mr. Bell, Mr. Cartier, Ms. Durham, Ms. George, Ms. Hartley-Nagle, Mr. Hollins, Mr. Sheldon, Mr. Smiley, Mr. Street, Mr. Tackett, Mr. Toole

R24-109: REAPPOINTING DELORES MCLAMB TO THE NEW CASTLE COUNTY DIVERSITY COMMISSION
Prime Sponsor(s): Mr. Smiley
Co-sponsor(s): Mr. Shelon

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

R24-110: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FINANCING AGREEMENT WITH THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, IN AN AMOUNT NOT TO EXCEED $33,000,000 TO FUND THE INSTALLATION OF APPROXIMATELY (A) 2,000 LINEAR FEET ("LF") OF NEW 84-INCH FORCE MAIN PIPING TO SERVE AS PERMANENT BYPASS PIPING AROUND THE HEALD STREET BRIDGE, (B) 5,700 LF OF 84-INCH FORCE MAIN PIPING TO SERVE AS PERMANENT BYPASS PIPING AROUND THE MARKET STREET BRIDGE AND (C) 2,000 LF OF A NEW 36-INCH FORCE MAIN EXTENDING FROM THE MARKET STREET PUMP STATION, ALL PART OF THE CHRISTINA RIVER FORCE MAIN REHABILITATION PROJECT; PROVIDING FOR THE PURCHASE OF THE BOND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH
Prime Sponsor(s): Mr. Sheldon, Mr. Carter

R24-111: TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE NO. 8.1.9 (“VIRTUAL PARTICIPATION BY ELECTRONIC MEANS”) RELATING TO ATTENDANCE AT COUNCIL MEETINGS
Prime Sponsor(s): Mr. Smiley

R23-220: (STATUS: TABLED) PLAN OF LOGISTICENTER AT NEW CASTLE COUNTY; ST. GEORGES HUNDRED; SOUTHWESTERLY CORNER OF ROUTE 301 AND JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 1,409,850 SF WAREHOUSE AND A 962,000 SF WAREHOUSE WITH ASSOCIATED SITE IMPROVEMENTS; BP ZONING; APPLICATION NO. 2021-0470; COUNCIL DISTRICT 6
Prime Sponsor(s): Mr. Carter

I. Consideration of Ordinances

°24-060: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $1,800,000 IN ROOM RENTAL FEES AND $626,115 FROM THE GENERAL FUND HOPE CENTER SUB-FUND TO THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING TO FUND HOPE CENTER OPERATIONS
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-061: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDING FROM NEW CASTLE COUNTY COUNCIL FY2024 APPROVED OPERATING BUDGET TO THE 2023 NEW CASTLE COUNTY YOUTH EMPLOYMENT GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-062: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE 2023 NEW CASTLE COUNTY YOUTH EMPLOYMENT PROGRAM GRANT
Prime Sponsor(s): Mr. Hollins, Mr. Street

°24-063: AUTHORIZING THE ISSUANCE OF $1,850,000 IN GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE DEPARTMENT OF PUBLIC SAFETY, POLICE RANGE / EVOC CAPITAL PROJECT
Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle

°24-064: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: INCREASE BOND AUTHORIZATIONS IN THE AMOUNT OF $1,850,000 TO THE DEPARTMENT OF PUBLIC SAFETY, POLICE RANGE / EVOC CAPITAL PROJECT
Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle

°24-065 AMEND THE FY2024 APPROVED OPERATING BUDGET: TRANSFER FUNDS FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE EQUIPMENT BUDGET LINE ITEM FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PARKS
Prime Sponsor(s): Ms. George

°24-066: AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE $67,900 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT AND $67,900 FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF ADMINISTRATION, HUMAN RESOURCES SCANNING CAPITAL PROJECT
Prime Sponsor(s): Mr. Smiley, Mr. Cartier

SUBSTITUTE NO. 4 TO °23-122: (STATUS: TABLED) AMENDING NEW CASTLE COUNTY CODE CHAPTER 40 (THE “UNIFIED DEVELOPMENT CODE”), ARTICLE 22 (“DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING”) AND

ARTICLE 33 (“DEFINITIONS”) RELATING TO LIGHT POLLUTION IN NEW CASTLE COUNTY
Prime Sponsor(s): Ms. Durham, Ms. George

J. Time Sensitive Congratulatory/Honorary Resolutions

R24-112: RECOGNIZING AND HONORING THE LIFE, WORK, AND CONTRIBUTIONS OF CHARLES LAX
Prime Sponsor(s): Ms. Durham
Co-sponsor(s): Mr. Bell, Mr. Carter, Mr. Cartier, Ms. George, Ms. Hartley-Nagle, Mr. Hollins, Ms. Kilpatrick, Mr. Tackett, Mr. Toole

R24-113: OBSERVING MENTAL HEALTH AWARENESS MONTH
Prime Sponsor(s): Mr. Toole
Co-sponsor(s): Ms. George

K. Introduction/Consideration of Emergency Ordinances

L. Public Comment/Other

M. Motion to Adjourn

AGENDA POSTED: May 7, 2024

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

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing zoom Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : https://zoom.us/j/377322142 You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars
Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at https://www.nccde.org/2351/Agendas-and-Minutes Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

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

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: May 14, 2024

ORDINANCE NO. 24-068

**AMEND THE GRANTS BUDGET:
APPROPRIATE ADDITIONAL FEDERAL FUNDS OF $57,101.12 AND ANTICIPATED FEDERAL FUNDS OF $180,000.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE EMERGENCY HOUSING CHOICE VOUCHERS GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING**

WHEREAS, original allocated funding in the amount of $555,756.00 from the U.S. Department of Housing and Urban Development (HUD) was previously approved by County Council and appropriated to the Emergency Housing Choice Vouchers Grant via Ordinance 21-092; and

WHEREAS, authorization is being sought to appropriate additional federal funds of $57,101.12 and anticipated federal funds of $180,000.00 from the U.S. Department of Housing and Urban Development (HUD) to the Emergency Housing Choice Vouchers Grant; and

WHEREAS, this funding will be used by the Department of Community Services, Division of Community Housing and Development for the administrative expenses of the program and for rental and utility subsidies for very low-income families in New Castle County and, when administering the grant, must follow the applicable Section 8 Housing Choice Voucher program requirements; and

WHEREAS, the County Executive has determined that revenues anticipated to be received shall 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 in Exhibit “A,” which is considered to be underscored in its entirety, which is attached hereto and made a part hereof.

Section 2. This Ordinance shall become effective immediately upon its adoption by New Castle 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 June 1, 2021.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate additional federal funds of $57,101.12 and anticipated federal funds of $180,000.00 from the U.S. Department of Housing and Urban Development (HUD) to the Emergency Housing Choice Vouchers Grant which is administered by the Department of Community Services, Division of Community Housing and Development.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 1, 2021.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating additional federal funds of $57,101.12 and anticipated federal funds of $180,000.00 from the U.S. Department of Housing and Urban Development (HUD) to the Emergency Housing Choice Vouchers Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $237,101.12. This increase will affect FY2024 and FY2025 since the targeted program completion date is December 31, 2024. There is no local match requirement for this grant award.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: Emergency Housing Choice Vouchers **Ordinance No. 24-068**

PROGRAM TITLE: Emergency Housing Choice Vouchers

Revenue	Current	Change	Revised
Federal	~~$ 555,756.00~~	$ 237,101.12	$ 792,857.12
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	~~$ 555,756.00~~	$ 237,101.12	$ 792,857.12

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ -	$ -	$ -
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	~~$ 555,756.00~~	$ 237,101.12	$ 792,857.12
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 555,756.00~~	$ 237,101.12	$ 792,857.12

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 6/1/2021

Estimated Program Completion: 12/31/2024

The Local Match: N/A **Found in (ORG):**

Ordinance Passed: 21-092 **Date Revised:** 7/27/2021

PROGRAM DESCRIPTION:

Emergency Housing Vouchers Grant from the U.S. Department of Housing and Urban Development (HUD), authorized by the American Rescue Plan Act (ARPA), for administrative expenses of the program and for rental and utility susidies for very low-income families in New Castle County.

~~7/27/2021~~ 5/14/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: May 14, 2024

ORDINANCE NO. 24-069

**AMEND THE GRANTS BUDGET:
APPROPRIATE $94,727.00 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR WITH FUNDS PROVIDED BY THE DELAWARE WORKFORCE INVESTMENT BOARD TO THE 2024/2025 STATE YEAR ROUND YOUTH EMPLOYMENT GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES**

WHEREAS, the 2024/2025 State Year Round Youth Employment Grant provides employment experiences for socially and economically disadvantaged high school youth in New Castle County that will promote responsibility, teamwork, and a good work ethic; and

WHEREAS, these funds will be used to continue the employment of approximately 20 high school youth with worksite partners that support their career path and/or area of interest; and

WHEREAS, these youth will work 12-15 hours per week through the 2024-2025 school year; and

WHEREAS, the County Executive has determined that grants anticipated to be received from the State of Delaware Department of Labor through funding provided by the Delaware Workforce Investment Board, 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 shall be considered 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. The provisions of this Ordinance shall become effective on June 15, 2024.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $94,727.00 in funding from the State of Delaware, Department of Labor with funds provided by the Delaware Workforce Investment Board, to the 2024/2025 State Year Round Youth Employment Grant to be administered by the Department of Community Services, Division of Community Resources.

The 2024/2025 State Year Round Youth Employment Grant will provide employment experiences for socially and economically disadvantaged high school youth in New Castle County that will promote responsibility, teamwork, and a good work ethic. Funds will be used for the employment of approximately 20 youths with worksite partners that support their career path and/or area of interest. This program will run through the 2024-2025 school year.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $94,727.00 in funding from the State of Delaware, Department of Labor with funds provided by the Delaware Workforce Investment Board to the 2024/2025 State Year Round Youth Employment Grant to be administered by the Department of Community Services, Division of Community Resources.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by $94,727.00. The increase will affect FY2025 only since the estimated expiration date of this grant is June 14, 2025.

DEPARTMENT: Community Services **EXHIBIT:** **"A"**

GRANT TITLE: 2024/2025 State Year Round Youth Employment **Ordinance No. 24-069**

PROGRAM TITLE: 2024/2025 State Year Round Youth Employment

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 94,727.00	$ -	$ 94,727.00
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 94,727.00	$ -	$ 94,727.00

Expense	Current	Change	Revised
Salaries and Wages	$ 84,881.02	$ -	$ 84,881.02
Benefits	$ 9,845.98	$ -	$ 9,845.98
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ -	$ -	$ -
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 94,727.00	$ -	$ 94,727.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 6/15/2024

Estimated Program Completion: 6/14/2025

The Local Match: **Found in (ORG):**

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The 2024/2025 State Year-Round Youth Employment Program will provide employment experiences for socially and economically disadvantaged high school youths in New Castle County to promote responsibility, teamwork and a good work ethic. Funds will be used to employ approximately 20 youths with New Castle County worksite partners. This program will run through the 2024-2025 school year.

5/14/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: May 14, 2024

ORDINANCE NO. 24-070

**AMEND THE GRANTS BUDGET:
APPROPRIATE $119,303.00 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DIVISION OF EMPLOYMENT AND TRAINING TO THE 2024 STATE SUMMER YOUTH EMPLOYMENT – SUBURBAN NEW CASTLE COUNTY GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES**

WHEREAS, the 2024 State Summer Youth Employment Program provides employment experiences for low income youth in the New Castle suburban areas between the ages of 14 and 21 that will promote responsibility, teamwork, and a good work ethic; and

WHEREAS, these funds will be used to employ approximately 40-50 youth through the summer of 2024; and

WHEREAS, the County Executive has determined that grants anticipated to be received from the State of Delaware Department of Labor – Division of Employment and Training 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 shall be considered 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. The provisions of this Ordinance shall become effective on June 15, 2024.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Mathew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $119,303.00 in funding from the State of Delaware, Department of Labor – Division of Employment and Training to the 2024 State Summer Youth Employment – Suburban New Castle County Grant to be administered by the Department of Community Services, Division of Community Resources.

The State Youth Employment Program will provide employment experiences for low income youth in the New Castle County suburban areas between the ages of 14 and 21 that will promote responsibility, teamwork, and a good work ethic. Funds will be used to employ approximately 40-50 youth in the summer employment program. This summer youth program will run through the summer of 2024.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $119,303.00 in funding from the State of Delaware, Department of Labor – Division of Employment and Training to the 2024 State Summer Youth Employment – Suburban New Castle County Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by $119,303.00. The increase will affect FY2024 and FY2025, since the estimated expiration date of this grant is September 1, 2024. The Department of Community Services FY2024 Approved Operating Budget includes $15,588.00 to offset the difference between the reimbursable hourly rate of the grant (summer youth only) and the actual hourly rate paid by the County and the associated part-time benefit rate.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: 2024 State Youth Employment-Suburban **Ordinance No. 24-070**

PROGRAM TITLE: 2024 State Youth Employment-Suburban

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 119,303.00	$ -	$ 119,303.00
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 119,303.00	$ -	$ 119,303.00

Expense	Current	Change	Revised
Salaries and Wages	$ 106,903.00	$ -	$ 106,903.00
Benefits	$ 12,400.00	$ -	$ 12,400.00
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ -	$ -	$ -
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 119,303.00	$ -	$ 119,303.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 6/15/2024

Estimated Program Completion: 9/1/2024

County Match: $ 15,588.00 **Found in (ORG):** 10200304

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The 2024 State Summer Youth Employment Program will provide employment experiences for low income youth in the New Castle County suburban area between the ages of 14 and 20 that will promote responsibility, teamwork and a good work ethic. Funds will be used to employ approximately 40-50 summer youth. This program will run through September 1, 2024.

5/14/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: May 14, 2024

ORDINANCE NO. 24-071

**AMEND THE GRANTS BUDGET:
APPROPRIATE $107,977.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF LABOR – DIVISION OF EMPLOYMENT AND TRAINING, TO THE 2024 STATE SUMMER YOUTH EMPLOYMENT – CITY OF WILMINGTON GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES**

WHEREAS, the State Summer Youth Employment Program provides employment experiences for low-income youth in the City of Wilmington between the ages of 14 and 21 to promote responsibility, teamwork, and a work ethic; and

WHEREAS, these funds will be used to employ approximately 40 youth through the summer of 2024; and

WHEREAS, the County Executive has determined that grants anticipated to be received from the State of Delaware, Department of Labor – Division of Employment and Training, are sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, County 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 shall be considered 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. The provisions of this Ordinance shall be effective June 15, 2024.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $107,977.00 in funding from the State of Delaware, Department of Labor – Division of Employment and Training to the 2024 State Summer Youth Employment – City of Wilmington Grant to be administered by the Department of Community Services, Division of Community Resources.

The State Summer Youth Employment Program will provide employment experiences for low-income youth in the City of Wilmington between the ages of 14 and 21 that will promote responsibility, teamwork, and a good work ethic. Funds will be used to employ approximately 40 youths. This program will run through the summer of 2024.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $107,977.00 in funding from the State of Delaware, Department of Labor – Division of Employment and Training to the 2024 State Summer Youth Employment – City of Wilmington Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by $107,977.00. The increase will affect FY2024 and FY2025, since the estimated expiration date of this grant is September 1, 2024. The Department of Community Services FY2024 Approved Operating Budget includes $14,103.00 to offset the difference between the reimbursable hourly rate of the grant and the actual hourly rate paid by the County and the associated part-time wage benefit rate.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: 2024 State Youth Employment - Wilmington **Ordinance No. 24-071**

PROGRAM TITLE: 2024 State Youth Employment - Wilmington

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 107,977.00	$ -	$ 107,977.00
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 107,977.00	$ -	$ 107,977.00

Expense	Current	Change	Revised
Salaries and Wages	$ 96,754.00	$ -	$ 96,754.00
Benefits	$ 11,223.00	$ -	$ 11,223.00
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ -	$ -	$ -
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 107,977.00	$ -	$ 107,977.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 6/15/2024

Estimated Program Completion: 9/1/2024

County Match: $ 14,103.00 **Found in (ORG):** 10400304

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The State Summer Youth Employment Program will provide employee experiences for low income youth in the City of Wilmington between the ages of 14 and 20 that will promote responsibility, teamwork and a good work ethc. Funds will be uses to employ approximately 40 youths. This program will run through September 1, 2024.

5/14/2024

Prime Sponsor(s): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of introduction: May 14, 2024

ORDINANCE NO. 24-072

**AMEND THE GRANTS BUDGET:
APPROPRIATE $50,000.00 FROM THE STATE OF DELAWARE, DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO THE DWIAC SEWER PLANNING GRANT FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, funding has been awarded from the State of Delaware, Delaware Department of Natural Resources and Environmental Control in consultation with the Water Infrastructure Advisory Council (WIAC) to the DWIAC Sewer Planning Grant; and

WHEREAS, funding awarded is under the Wastewater Matching Planning Grant (WWMPG) Program, in an amount not the exceed $50,000.00; and

WHEREAS, funding shall be used to conduct a Sanitary Sewer Planning and Capacity Model Study to identify potential updates and optimization in the utilization, technology and sewer planning in New Castle County's service to existing and future customers; 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 February 16, 2024.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council

of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $50,000.00 from the State of Delaware, Delaware Department of Natural Resources and Environmental Control in consultation with the Water Infrastructure Advisory Council (WIAC) to the DWIAC Sewer Planning Grant. Funding shall be used to conduct a Sanitary Sewer Planning and Capacity Model Study to identify potential updates and optimization in the utilization, technology and sewer planning in New Castle County's service to existing and future customers.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to February 16, 2024.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $50,000.00 from the State of Delaware, Delaware Department of Natural Resources and Environmental Control in consultation with the Water Infrastructure Advisory Council (WIAC) to the DWIAC Sewer Planning Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $50,000.00. This increase will impact FY2024 through FY2026, since the targeted program completion date of this award is February 15, 2026.

There is a County Match of $50,000.00 which will be funded by the Asset Management Capital Project. New Castle County will be reimbursed one dollar for every two spent on the approved project up to the $50,000.00 grant amount. Anything over $100,000.00 will be incurred solely by New Castle County.

There will be no fiscal impact beyond FY2026 as a result of this grant award.

DEPARTMENT: Public Works **EXHIBIT:** "A"

GRANT TITLE: DWIAC Sewer Planning **Ordinance No. 24-072**

PROGRAM TITLE: DWIAC Sewer Planning

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

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

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 2/16/2024

Estimated Program Completion: 2/15/2026

County Match: $50,000 **Found in (ORG):** 51301201 (C300220)

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The DWIAC Sewer Planning Grant will help to fund a Sanitary Sewer Planning and Capacity Model Study. The purpose is to identify potential updates and optimization in the utilization, technology and sewer planning in New Castle County's service to existing and future customers.

5/14/2024

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Requested by: Public Safety
Date of introduction: May 14, 2024

ORDINANCE NO. 24-073

**AMEND THE GRANTS BUDGET:
APPROPRIATE THE MONETARY VALUE OF 400 DONATED LAPTOPS $458,000 TO THE LOCAL LAW ENFORCEMENT (LLE) 400 LAPTOP COMPUTERS 2024 GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, the County Executive has determined that equipment anticipated to be received is sufficient to cover the increase in the Grants Budget as hereinafter amended;

WHEREAS, the Delaware Police Chiefs' Council, through the State of Delaware Local Law Enforcement Program, will provide 400 new laptops that will replace the current laptops within the New Castle County, Division of Police fleet vehicles; and

WHEREAS, the State of Delaware will lease the laptops for five years and will purchase them at the end of the lease for term for one dollar each; and

WHEREAS, funding for the laptops is provided through the State of Delaware Fiscal Year 2024 Bond and Capital Improvements Act (152nd General Assembly, Senate Bill 160, signed into law June 30, 2023); and

WHEREAS, the laptops will remain with New Castle County at the end of the lease term; 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 July 1, 2023.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council

of New Castle County

Approved on:

_____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: To appropriate the monetary value of equipment received $458,000 from the Delaware Police Chiefs' Council, through the State of Delaware Local Law Enforcement Program to the Local Law Enforcement (LLE) 400 Laptop Computers 2024 Grant. The program will provide 400 new laptops that will replace the current laptops within the New Castle County, Division of Police fleet vehicles.

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

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $458,000 to the Local Law Enforcement (LLE) 400 Laptop Computers 2024 Grant in order to recognize the monetary value of 400 laptops. The Delaware Police Chiefs' Council, through the State of Delaware Local Law Enforcement Program, is providing the New Castle County, Division of Police (NCCPD) 400 new laptops to replace the current laptops within the NCCPD's fleet vehicles. The State of Delaware will lease the laptops for five years and will purchase them at the end of the lease term for one dollar each. The laptops will remain with New Castle County at the end of the lease term. Funding for the laptops is provided through the State of Delaware Fiscal Year 2024 Bond and Capital Improvements Act (152nd General Assembly, Senate Bill 160, signed into law June 30, 2023).

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $458,000 in order to recognize the monetary value of the 400 laptops. This increase will affect FY2024 only since the targeted program completion date of this award is June 30, 2024. There will be no fiscal impact beyond FY2024 as a result of this grant award. There is no local match requirement for this grant award.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: Local Law Enforcement 400 Laptop Computers **Ordinance No. 24-073**

PROGRAM TITLE: Local Law Enforcement 400 Laptop Computers

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 458,000.00	$ -	$ 458,000.00
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 458,000.00	$ -	$ 458,000.00

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ -	$ -	$ -
Equipment	$ 458,000.00	$ -	$ 458,000.00
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 458,000.00	$ -	$ 458,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2023

Estimated Program Completion: 6/30/2024

The Local Match: N/A **Found in (ORG):**

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

The Delaware Police Chiefs' Council, through the State of Delaware Local Law Enforcement Program, is providing the New Castle County Police (NCCPD) 400 new laptops in order to replace the current laptops within the NCCPD's fleet.

5/14/2024

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Requested by: Public Safety
Date of introduction: May 14, 2024

ORDINANCE NO. 24-074

**AMEND THE GRANTS BUDGET:
REALIGN $555,850.04 IN FEDERAL FUNDS WITHIN THE BEHAVIORAL HEALTH UNIT EXPANSION GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

WHEREAS, the New Castle County Police Department (NCCPD) created the Behavioral Health Unit, previously known as the Addiction and Behavioral Health (ABH) Unit in FY2018 and there is an addiction and behavioral health component to the unit; and

WHEREAS, original allocated funding in the amount of $749,000 from the U.S. Department of Justice was previously approved by County Council and appropriated to the Behavioral Health Unit Expansion Grant via Ordinance 22-129; and

WHEREAS, authorization is being sought for the realignment of $555,850.04 within the Behavioral Health Unit Expansion Grant from Contractual Services to Grants/Fixed Charges to accurately reflect anticipated expenditures for Subawards; 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 shall be considered 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 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 March 15, 2022.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will realign $555,850.04 in Federal funds within the Behavioral Health Unit Expansion Grant. The realignment of funds will accurately reflect anticipated expenditures for Subawards.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to March 15, 2022.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by realigning $555,850.04 in Federal funds within the Behavioral Health Unit Expansion Grant.

This Ordinance, if approved, will have no fiscal impact. The realignment will affect FY2024 and FY2025 since the targeted program completion date is March 31, 2025.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: Behavioral Health Unit Expansion **Ordinance No. 24-074**

PROGRAM TITLE: Behavioral Health Unit Expansion

Revenue	Current	Change	Revised
Federal	$ 749,000.00	$ -	$ 749,000.00
State	$ -	$ -	$ -
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 749,000.00	$ -	$ 749,000.00

Expense	Current	Change	Revised
Salaries and Wages	$ 92,820.00	$ -	$ 92,820.00
Benefits	$ 9,171.17	$ -	$ 9,171.17
Training/Civic Affairs	$ 14,088.00	$ -	$ 14,088.00
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	~~$ 563,053.18~~	$ (555,850.04)	$ 7,203.14
Equipment	$ 69,867.65	$ -	$ 69,867.65
Grants/Fixed Charges	~~$ -~~	$ 555,850.04	$ 555,850.04
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 749,000.00	$ -	$ 749,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 3/15/2022

Estimated Program Completion: 3/31/2025

The Local Match: $ 45,713.03 **Found in (ORG):** Police Patrol (10200305)

Ordinance Passed: 22-129

Date Revised: 10/25/2022

PROGRAM DESCRIPTION:

Funding will provide expansion of the NCCPD Hero Help Addiction and Behavioral Health Unit to improve outreach to those individuals dealing with Substance Use Disorder (SUD) by adding two contractual positions, intending to increase enrollment in the program; to create a third co-responder team to increase 911 crisis response time by adding one contractual clinician; to fund overtime for officers assigned to the unit; to purchase laptops and a vehicle for the Unit.

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Requested by: Public Safety
Date of introduction: May 14, 2024

ORDINANCE NO. 24-075

**AMEND THE GRANTS BUDGET:
REALIGN $353,829 IN FEDERAL FUNDS WITHIN THE CONNECT AND PROTECT 911 JMHCP GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

WHEREAS, original allocated funding in the amount of $550,000 from the United States Department of Justice, Office of Justice Programs was previously approved by County Council and appropriated to the Connect and Protect 911 JMHCP Grant via Ordinance 23-144; and

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

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

WHEREAS, authorization is being sought for the realignment of $353,829 within the Connect and Protect 911 JMHCP Grant from Contractual Services to Grants/Fixed Charges to accurately reflect anticipated expenditures for Subawards; 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:

_____
Karen Hartley-Nagle

President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will realign $353,829 in Federal funds within the Connect and Protect 911 JMHCP Grant. The realignment of funds will accurately reflect anticipated expenditures for Subawards.

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 amend the Grants Budget by realigning $353,829 in Federal funds within the Connect and Protect 911 JMHCP Grant.

This Ordinance, if approved, will have no fiscal impact. The realignment will affect FY2024, FY2025, FY2026 and FY2027, since the targeted program completion date of this award is September 30, 2026.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: Connect and Protect 911 JMHCP **Ordinance No. 24-075**

PROGRAM TITLE: Connect and Protect 911 JMHCP

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

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~~	$ (353,829.00)	$ 100,000.00
Equipment	$ -	$ -	$ -
Grants/Fixed Charges	~~$ -~~	$ 353,829.00	$ 353,829.00
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 550,000.00	$ -	$ 550,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/1/2023

Estimated Program Completion: 9/30/2026

The Local Match: $ 231,250.00 **Found in (ORG):** Emergency Comm Admin (10200501)

Ordinance Passed: 23-144

Date Revised: 10/24/2023

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~~ 5/14/2024

Prime Sponsor(s): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of introduction: May 14, 2024

ORDINANCE NO. 24-076

AMEND THE FY2024 APPROVED OPERATING BUDGET: REALIGN $142,000 FROM SEWER FUND DEBT SERVICE TO THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PLANT OPERATIONS COMMUNICATIONS AND UTILITIES BUDGET LINE ITEM TO FUND PUMP STATION ELECTRIC SERVICE

WHEREAS, additional funding is needed for pump station electric service for the remainder of FY2024 in the amount of $142,000; and

WHEREAS, this is mainly due to the extreme wet weather requiring the pumps to run more than anticipated resulting in higher electric costs; and

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

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

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

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

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

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2024 Approved Operating Budget by realigning $142,000 from Sewer Fund Debt Service to the Department of Public Works, Division of Plant Operations Communications and Utilities Budget Line Item. These funds are needed for pump station electric service.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by realigning $142,000 from Sewer Fund Debt Service to the Department of Public Works, Division of Plant Operations Communications and Utilities Budget Line Item.

This realignment of funding will result in no increase to the FY2024 Approved Operating Budget as the legislation is a transfer of funds between Departments and within the same fund.

COUNTY COUNCIL		
Salaries and Wages	$	2,428,665
Benefits		1,428,590
Training and Civic Affairs		79,749
Communication and Utilities		19,649
Materials and Supplies		60,806
Contractual Services		247,171
Equipment		1,600
Grants and Fixed Charges		416,684
Operating Transfer Charges		162,309
Total	***$***	***4,845,223***
Total Authorized Full-Time Positions 35		

COUNTY EXECUTIVE		
Salaries and Wages	$	1,777,524
Benefits		1,045,578
Training and Civic Affairs		33,904
Communication and Utilities		18,399
Materials and Supplies		15,535
Contractual Services		529,065
Equipment		1,000
Grants and Fixed Charges		1,140,000
Contingency		9,500
Operating Transfer Charges		82,016
Total	***$***	***4,652,521***
Total Authorized Full-Time Positions 16		

DEPARTMENT OF ADMINISTRATION		
Salaries and Wages	$	12,203,612
Benefits		8,338,475
Training and Civic Affairs		125,275
Communication and Utilities		8,314,086
Materials and Supplies		147,505
Contractual Services		6,862,362
Equipment		380,684
Grants and Fixed Charges		3,925,350
Operating Transfer Charges		1,163,553
Operating Transfer Credits		(12,098,321)
Total	***$***	***27,454,926***
Total Authorized Full-Time Positions 172		

DEPARTMENT OF PUBLIC WORKS			
Salaries and Wages		$	24,597,539
Benefits			14,348,323
Training and Civic Affairs			52,527
Communication and Utilities	~~27,018,724~~		27,160,724
Materials and Supplies			4,971,210
Contractual Services			10,588,055
Equipment			475,133
Grants and Fixed Charges			1,193,757
Land and Structures			35,000
Operating Transfer Charges			4,845,206
Operating Transfer Credits			(7,438,785)
Total	***~~80,686,689~~***	***$***	***80,828,689***
Total Authorized Full-Time Positions	***384***		

DEPARTMENT OF LAND USE			
Salaries and Wages		$	8,375,178
Benefits			4,899,879
Training and Civic Affairs			69,415
Communication and Utilities			111,337
Materials and Supplies			107,807
Contractual Services			1,585,618
Equipment			53,790
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,136,835
Operating Transfer Credits			(803,217)
Total		***$***	***15,593,142***
Total Authorized Full-Time Positions	***118***		

DEPARTMENT OF COMMUNITY SERVICES			
Salaries and Wages		$	11,791,052
Benefits			5,322,217
Training and Civic Affairs			25,392
Communication and Utilities			1,037,676
Materials and Supplies			1,412,563
Contractual Services			2,212,956
Equipment			37,867
Grants and Fixed Charges			3,110,149
Operating Transfer Charges			1,232,337
Operating Transfer Credits			(190,829)
Total		***$***	***25,991,380***
Total Authorized Full-Time Positions	***160***		

DEPARTMENT OF PUBLIC SAFETY			
Salaries and Wages		$	67,203,955
Benefits			39,141,888
Training and Civic Affairs			181,191
Communication and Utilities			1,032,702
Materials and Supplies			1,059,997
Contractual Services			2,181,732
Equipment			1,450,572
Grants and Fixed Charges			6,791,770
Operating Transfer Charges			7,298,634
Total		***$***	***126,342,441***
Total Authorized Full-Time Positions	***711***		

REGISTER OF WILLS			
Salaries and Wages		$	1,111,172
Benefits			634,647
Training and Civic Affairs			40,275
Communication and Utilities			12,374
Materials and Supplies			9,925
Contractual Services			56,175
Equipment			4,143
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			36,970
Communication and Utilities			30,977
Materials and Supplies			9,315
Contractual Services			97,001
Equipment			1,150
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~~	$	45,398,069
Land and Structures			
Contingency			
Intragovernmental Service Charges			
Intragovernmental Service Credits			
Total	***~~45,540,069~~***	***$***	***45,398,069***
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	$	0
Total	***$***	***0***
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	$	1,202,655
Total	***$***	***1,202,655***

NEW CASTLE COUNTY		
Salaries and Wages		$ 128,201,629
Benefits		74,367,188
Training and Civic Affairs		698,780
Communication and Utilities	~~37,619,203~~	37,761,203
Materials and Supplies		7,823,796
Contractual Services		24,736,819
Equipment		2,417,439
Grants and Fixed Charges		16,652,560
Debt Service	~~45,540,069~~	45,398,069
Land and Structures		35,000
Contingency		1,917,155
Operating Transfer Charges		16,337,485
Operating Transfer Credits		(20,531,152)
Sub-Total New Castle County		***$*** **335,815,971**
Total Authorized Full-Time Positions ***1,667***		

RESERVE ACCOUNTS AS OF APRIL 23, 2024	
Tax Stabilization Reserve Account (Unaudited)	72,059,107
Sewer Rate Stabilization Reserve Account (Unaudited)	6,261,142
General Fund Budget Reserve Account	44,592,418
Sewer Fund Budget Reserve Account	18,872,304
Total Reserves:	**141,784,971**

Prime Sponsor(s): Ms. Durham
Requested by: Administration/Finance
Date of introduction: May 14, 2024

ORDINANCE NO. 24-077

TO PROVIDE FOR THE INSTALLATION OF DARK SKIES COMPLIANT HOLOPHANE ARE3 ARLINGTON POSTTOP STREET LIGHTS WITH LIGHT EMITTING DIODE (LED) BULBS AND THE OPTIONAL WADSWORTH 12' POLE IN THE DELAWARE NATIONAL SUBDIVISION LOCATED IN THE CHRISTIANA HUNDRED AND FOR A LIGHT TAX BASED ON THE COST OF STREET LIGHTS

WHEREAS, the installation of Dark Skies compliant GRANVILLE street lights with 150 watt light emitting diode (LED) bulbs and the option Wadsworth 12' pole in the DELAWARE NATIONAL SUBDIVISION was previously approved by County Council via Substitute No. 1 to Ordinance 23-161; and

WHEREAS, when Delmarva Power was advised of the new light type they informed New Castle County the light type was not accurate; and

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 DELAWARE NATIONAL SUBDIVISION and for the installation of Dark Skies compliant Holophane ARE3 Arlington Posttop street lights with 150 watt light emitting diode (LED) bulbs and the optional Wadsworth 12' pole, 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 Dark Skies compliant Holophane ARE3 Arlington Posttop street lights with 150 watt light emitting diode (LED) bulbs and the optional Wadsworth 12' pole, according to the standards established by the New Castle County Department of Land Use, to be erected along MERION DRIVE, COBBS CREEK WAY, MUIRFIELD WAY, SPYGLASS HILL WAY, PHALEN COURT, ROLLING OAKS WAY, SHINNECOCK DRIVE, PRAIRIE DUNES DRIVE, BETHPAGE DRIVE and SAWGRASS COURT as set forth in the petition.

Section 2. The properties set forth in the petition shall be subject to an annual tax based on 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:

_____
Karen Hartley-Nagle
President of Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance approves the installation of Dark Skies compliant Holophane ARE3 Arlington Posttop street lights with 150 watt light emitting diode (LED) bulbs and the optional Wadsworth 12’ pole in the DELAWARE NATIONAL SUBDIVISION.

FISCAL NOTE: This Ordinance provides for the installation of Dark Skies compliant Holophane ARE3 Arlington Posttop street lights with 150 watt light emitting diode (LED) bulbs and the optional Wadsworth 12’ pole and the assessment of a light tax based on the rates set in the Annual Revenue Ordinance.

The light tax assessed on these DELAWARE NATIONAL 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.

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of Introduction: May 14, 2024

ORDINANCE NO. 24-078

TO AUTHORIZE THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT CONTAINING AN EVERGREEN PROVISION IN ORDER TO PROVIDE DOOR LOCK SERVICES TO THE NEW CASTLE COUNTY HOPE CENTER

WHEREAS, ASSA ABLOY Global Solutions, Inc. ("AAGS") is the current vendor providing door lock services at the New Castle County Hope Center ("Hope Center"), and was retained by the previous manager of the Hope Center, Hersha Hospitality Management L.P. ("HHM"); and

WHEREAS, the Department of Community Services ("Community Services") desires to retain AAGS to continue providing door lock services in order to ensure the continuity of services through the transition of the Hope Center's management from HHM to the County; and

WHEREAS, in furtherance thereof, AAGS has provided the agreement attached hereto as Exhibit A; and

WHEREAS, AAGS provides services globally, and has stated that the terms in their agreements are non-negotiable; and

WHEREAS, one term of the agreement does not comport with *New Castle County Code*; it provides for automatic renewal of the agreement if neither party issues a notice of termination, and is also known as an "evergreen" provision (*see New Castle County Code* § 2.02.004(D)); and

WHEREAS, the door lock services provided by the agreement are essential during the transition of management of the Hope Center from HHM to the County; and

WHEREAS, County Council believes it is in the public's best interest to permit the County Executive to execute the agreement with AAGS despite the evergreen provision; and

WHEREAS, County Council has determined that the purpose of providing for this exception to *New Castle County Code* § 2.02.004(D) is to advance, and is reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this County); and

WHEREAS, by way of this Ordinance, County Council will allow the evergreen provision for this and only this specific agreement.

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

Section 1. The County Executive is authorized to sign the services agreement providing New Castle County with door lock services and support for the New Castle County Hope Center substantially in the form as attached, which has been approved by the Office of Law, the Office of Finance and the Chief Administrative Officer.

Section 2. *New Castle County Code* Sec. 2.02.004(D)'s prohibition on the County entering into any contractual agreement with an evergreen provision is lifted as to only this services agreement with AAGS.

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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will authorize the County Executive to execute a services agreement providing the New Castle County Hope Center with door lock services and support for all rooms that contains an evergreen provision.

FISCAL IMPACT: Funding for this contract is included in the FY2024 Approved Operating Budget pending passage of Ordinance 24-060.

Contract Number : CNTR0056363

Property Name	New Castle County Hope Center	**Account Number**	51975
Street Address	365 Airport Rd	**Guest Room Count**	
City	New Castle	**Total Lock Count**	240
State / Zip:	DE / 19720	**Install Date**	02-29-2016
Beginning Date	[2024-05-01] until canceled		

Support Agreement

Service Agreement Content	
Hotel unique access to web support portal	√
Support ticket system – Knowledgebase and Incident / Cases	Full Portal Access 24/7
Phone Support - Priority Phone Number (local)	Ext office hours(7-19) | #
Chat Support – (Portal)	24/7 English Only
Remote Support - System updates, Troubleshooting	Office hours -alternatively scheduled 24/7
Adjustments of system setup (max 1 day/year)	Scheduled 24/7 (remote)
Subscription information on system news and security updates	√ (Automated through portal)
Mobile access backend system status and notifications	Included in the mobile access agreement
Decode services (if safes are selected)	√
On-line Training , How to videos – (Portal)	Recorded / web based (English)
Call outs & unscheduled service (T&E Applies)	Priority
Free updates of software with same version	√

☐ **Service Agreement Pricing Locks**	**Cost per lock ($/Year)**		
	0-200 locks	**201-499 locks**	**500+ locks**
Service Agreement (as above)	$10 USD	$8 USD	$6 USD

☐ **Service Agreement Pricing Safes**	**Cost per Safe ($/Year)**		
	0-200 Safes	**201-499 Safes**	**500+ Safes**
Service Agreement (as above)	$3 USD	$2 USD	$1.5 USD

Extended Warranty

Extended Warranty		Select
Extended warranty, all locks / front desk equipment	Per lock/year	☐
Extended Warranty Pricing	**Cost per lock ($/year)**	
Lock/Front Desk warranty years 3-6	$13.50 USD	
Lock/Front Desk warranty years 7-9	$17.00 USD	
Lock/Front Desk warranty year 10	$18.00 USD	

*Reference Exhibit A for extended product warranty.

SOFTWARE ASSURANCE

Software Assurance Agreement	Select
Upgrade of license to higher versions (eg 1.21.2 to 1.22), Maintain compliance with security updates and OS upgrades	☐
Free upgrade of license to higher versions (eg. 1.15 to 1.21)	√
Maintain compliance with security updates and OS upgrades	√
Software Assurance Pricing	$2.50 USD **Per Lock ($/year)**

Our Software Assurance package is based on a yearly invoiced amount calculated per lock. It covers Server software, Client software and firmware related to locks and its components where that is applicable. Assistance of installing the software is provided by remote assistance under a service agreement. In case on-site is needed, that is extra. Choosing not to be covered, future upgrades are subject to separate order.

MAINTENANCE SERVICES

Onsite Service – Optional

Visit will be coordinated by customer with 1 week minimum notice. 2 days Technician onsite maximum. Reasonable incurred expenses not included and billed separately

Onsite Service Options	Select
One Annual visit	☐
Two Annual visits	☐
Four Annual visits	☐
Onsite Service Visits Per Year	**Annual Cost**
One	$1,800.00*
Two	$3,600.00*
Four	$7,200.00*

*Additional onsite service requests beyond selected quantity are available at the contract rate of $1390 per day. Reasonable incurred expenses not included and billed separately.

MAINTENANCE SERVICES – Included with Onsite Service	Frequency
Audit front desk equipment	Each Visit - Scheduled
Check system functionality and PMS operation	Each visit - Scheduled
Check date and times in system & locks	Each visit - Scheduled
Ensure Power Down cards are remade / valid	Each visit - Scheduled
Check daylight savings dates	Each visit - Scheduled
Audit system back up	Each visit - Scheduled
Provide employee printout and access with system controller	Each visit - Scheduled
Check Customer has sufficient spare locks& parts	Each visit - Scheduled
Audit log and error statistics to prevent future errors	Each visit - Scheduled
Check location has correct contact information and update Service Portal	Each visit - Scheduled
Audit of Lock Hardware including firmware	Every second year - Scheduled
Change lock batteries (batteries are extra)	Every second year - Scheduled
System Software – Upgrade to latest version if applicable	Every second year - Scheduled

Price dependent upon country, travel distance and hotel size

Service Agreement Order Summary

Contract Model : Get Quotes
Payment Frequency : Annually

Description	No. of Units	Cost per Unit	Total	Select
Software Assurance (Optional)	240	$2.50 (per Lock per year)	$600.00	☐
Service Agreement Locks	240	$8.00 (per Lock per year)	$1,920.00	X
Onsite Service - One Visit (Optional)	240	$1,800.00 (fixed cost per year)	$1,800.00	☐
Extended Warranty (Optional)	240	$17.00 (per Lock per year)	$4,080.00	☐
Grand Total			**TBD**	

• **Support Agreement Terms and Conditions – Exhibit A**

Services performed under this Support Agreement (the "Agreement") are provided through ASSA ABLOY Global Solutions, Inc. ("AAGS"). As used herein, "Services" shall mean those services set forth in the attached Support Agreement that are mutually agreed to be provided by AAGS to Customer. The execution of the Services may be assigned to a qualified, authorized service agent in the sole discretion of AAGS. Customer hereby agrees to the terms and conditions set forth above and that follow.

1. CUSTOMER RESPONSIBILITIES

Customer agrees to comply with following obligations during the terms of this Agreement. Non-compliance with these obligations may prevent and/or delay the ability of AGGS to provide the services in this Agreement.

- Materially comply with AAGS's operation and maintenance instructions, and documentation provided by AAGS regarding its products and software;
- Provide the proper environment and electrical and telecommunications connections as specified by AAGS;
- Provide access to the equipment and software with adequate communications, facilities, and workspace to enable AAGS to perform the Services;
- Have a representative at the equipment location during any AAGS service activity on the Customer's premises;
- Promptly notify AAGS if the product and/or software does not operate in accordance with AAGS's specifications or documentation accompanying the Products and Software; and
- Maintain an external, backup to software program(s) and data.

2. EXCLUSIONS FROM SERVICES

AAGS has only agreed to provide those Services set forth in the Support Agreement above. Additional requested services from AAGS not set forth in this Agreement shall be charged at the then applicable rates. The following services are excluded from this Agreement, and Customer shall be charged by AAGS at the then applicable rates if AAGS agrees to provide such additional services:

- Support or maintenance of any error to the extent caused by PC's, service cables, contact cards, discontinued or end of life products or software, and any non AAGS products or software including 2800 / Service Terminals/ Extra Model Elsafe;
- Remote programming changes to database files to meet requirements not specified in installation site survey;
- Remote resolution of problems resulting from changes to the database performed by, or an agent of the Customer;
- Over-the-phone training;
- Training services outside the scope of this Agreement;
- Remote support for database migration or database rebuilds;
- Installation of new options or modules not set forth in an applicable order;
- The cost of operating system version upgrades, patches, or release supplements unless Software Assurance Subscription is purchased by Customer;
- Issues corrected in later software updates, patch releases, or release supplements that can be implemented by the Customer
- User account management and password maintenance;
- Assistance with loading operation system upgrades, patches, or release supplements;
- Assistance with configuration, installation, or addition of new hardware or peripherals;
- Assistance loading and supporting third party applications not sold by AAGS;
- Resolution of problems directly related to a Customer's network not directly related to the AAGS products or software;
- Resolution of problems or issues related to non-supported third party applications;

- Pre or Post-installation network consolation or configuration including network support, design, or evaluation or cost of those services;
- Resolution of network problems caused by addition of or changes in network configuration or hardware that are not approved or recommended by AAGS;
- Reinstallation of operating system from scratch when a full system backup is not available; or
- Assistance with Anti-virus software, either to install, configure or update such software.

3. ADDITIONAL TERMS AND CONDITIONS

3.1 AAGS General Terms and Conditions. Attached as Exhibit C are AAGS's General Terms and Conditions (the "General Terms"). The General Terms are herein incorporated by reference in their entirety and applicable to all Services and Products ordered by Customer. Capitalized terms not defined herein shall have the meanings set forth in the General Terms.

3.2 Term. This Agreement is effective upon mutual execution of this Agreement and when payment is received by AAGS and continues for one (1) year. This Agreement shall auto-renew every year thereafter for another one-year period, unless either party cancels this agreement by providing sixty (60) days' written notice prior to such renewal date. Additionally, either party may terminate this agreement any time by providing 60 days written notice to the other party. AAGS does not prorate cost of the Agreement for early termination or offer refunds. In the event Customer requests services from AAGS and this Agreement is either expired or has been terminated, Customer will be billed for such services at the then current hourly rates for labor and the then current prices for Products and/or components.

For notice of termination:

If to AAGS:

ASSA ABLOY Global Solutions Inc.

631 International Parkway, Ste. 100

Richardson, Texas 75081

Attn: Legal

If to the Customer: the Customer's address set forth on page one of the Agreement.

EXHIBIT B

EXTENDED WARRANTY PROGRAM IF PURCHASED BY PUCHASER

Extended Product Warranty

If Customer has not purchased the Extended Product Warranty, the terms of this Exhibit are null and void. Capitalized terms not defined in this Exhibit shall have the same meaning defined in the attached Agreement.

1. **Limited Extended Warranty for Products. Any and all warranties set forth herein are null and void if Customer has failed to pay the entire purchase price for all amounts payable under this Agreement that are not the subject of a good faith dispute.** Subject to the limitations contained in this Agreement, AAGS warrants for One year after the date the initial Limited Warranty of Products purchased expires (the "Warranty Period") that (a) the Products will materially conform to the specifications set forth in AAGS's published specifications in effect as of the date of shipment of such Product, and (b) the Products shall be free from material defects or workmanship flaws (collectively, the "Extended Warranty"). Please note that use of keycards or any components which do not conform to AAGS's published specifications shall void the Extended Warranty for such Products incorporating these nonconforming items. Third-party products sold or licensed separately by AAGS (as opposed to being incorporated into the Products themselves) are only warranted to the extent provided by the original manufacturer's warranty; provided, however, AAGS will provide Purchaser a copy of all warranty and other documentation with respect to all third-party products if requested to do so. It is Customer's sole responsibility to make all warranty claims with third parties. Customer's failure to notify AAGS in writing of a defect within the Warranty Period shall be a waiver of Customer's right to have the defect remedied. If a warranty claim is made within the Warranty Period by Customer, and AAGS determines in its reasonable discretion that such claim is valid, AAGS will (in its reasonable discretion) either repair, exchange, or replace Product so long as the Customer follows the specified RMA authorization procedure to return the malfunctioning Product. This Extended Warranty is conditioned upon (i) the product being repaired or altered only by personnel authorized by AAGS, (ii) no unauthorized components having been incorporated into the Product, (iii) no Force Majeure Event having occurred causing, in whole or in part, a failure of the Product (iv) the Product being operated and maintained in material accordance with its specifications, (v) the Product having been originally installed only by AAGS authorized personnel, and (vi) all updates and upgrades communicated as being available from AAGS have been incorporated into the Product.
2. EXCEPT FOR THE EXTENDED WARRANTY SET FORTH IN THIS EXHIBIT AND THE TERMS, AAGS MAKES NO IMPLIED WARRANTY WHATSOEVER WITH RESPECT TO THE PRODUCTS, INCLUDING ANY (1) IMPLIED WARRANTY OF MERCHANTABILITY, (2) IMPLIED WARRANTY OF FITNESS FOR PARTICULAR PURPOSE, OR (3) IMPLIED WARRANTY AGAINST INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS OF A THIRD PARTY, OR ANY IMPLIED WARRANTY OF COURSE OF DEALING, COURSE OF PERFORMANCE, USAGE OF TRADE OR OTHERWISE. To the extent any warranties cannot be disclaimed, the implied warranties are limited to the Warranty Period.
3. Also specifically excluded from AAGS's warranty is Customer's negligence; normal wear and tear from use, misuse; use of parts or components not approved by AAGS (including but not limited to keys and keycards); Force Majeure Events; repairs or alternations carried out by anyone other than AAGS authorized personnel; improper installation, operation and maintenance; vandalism or physical abuse; faulty or defective Product operation caused by fire or fire-fighting appliances; and any other causes other than Customer's normal use of the Product in material accordance with the Agreement and the Terms.
4. This Extended Warranty is only available to the original Customer of the Products.
5. **Warranty Repairs.** AAGS shall not be required to perform any warranty repairs of the Products at a specific Site. Customer shall be responsible for removing all the parts or components of the Products returned to AAGS for repair under the applicable warranty.

EXHIBIT C

GENERAL TERMS AND CONDITIONS

THESE GENERAL TERMS AND CONDITIONS govern the provision of Software as a Service, Seos Credential Services, Hardware, Installation Services and Training Services from the ASSA ABLOY Group company specified in the Agreement ("**ASSA ABLOY**") and the customer named in the Agreement ("**Customer**"). Support services are subject to the execution of a separate support agreement. Each of ASSA ABLOY and Customer shall also be referred to as a "**Party**" or, in the collective, the "**Parties**."

NOW THEREFORE, in consideration of the premises and the terms and conditions set forth herein, the Parties agree as follows:

1.DEFENITIONS

CAPITALIZED TERMS IN THESE GENERAL TERMS AND CONDITIONS HAVE THE FOLLOWING MEANINGS:

1.1. "**Affiliate**" means a legal entity that directly or indirectly through one or more intermediaries is controlled by or under common control with a Party's ultimate parent company. For the purposes of this definition, the term "control" shall be understood as the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a legal entity, whether through the ownership of voting stock, by contract, or otherwise.

1.2. "**Agreement**" means the Quote which refers to these General Terms and Conditions, and any schedules (including these General Terms and Conditions), addendums or other attachments thereto (including any specific terms and conditions for the Service).

1.3. "**APIs**" means application programming interfaces.

1.4. "**Application**" means a software application, developed and owned by the ASSA ABLOY Group, intended for smart phones and other mobile communications devices, and being required for an End User to be able to use the Mobile Access Services (such software application being licensed to End Users under a separate end user license agreement).

1.5. "**ASSA ABLOY Group**" means the group of companies of which ASSA ABLOY AB, corporate registration number 556059-3575, is the ultimate controlling entity.

1.6. "**Business Day**" means a day (other than a Saturday, Sunday or public holiday) on which commercial banks are open for general banking business (other than for Internet banking services only) in the jurisdiction where ASSA ABLOY is incorporated.

1.7. "**CCPA**" means the California Consumer Privacy Act of 2018, as amended (Cal. Civ. Code §§ 1798.100 to 1798.199), and any related regulations or guidance provided by the California Attorney General.

1.8. "**Confidential Information**" means the Documentation, and the following information of ASSA ABLOY or its Affiliates: data, drawings, benchmark tests, specifications, trade secrets, algorithms, source code, object code, know-how, formulas, processes, ideas, inventions (whether patentable or not), customer lists, schematics and other technical, business, financial, marketing and product development plans, forecasts, strategies and information, and any information disclosed by ASSA ABLOY under an Agreement. The terms and conditions of an Agreement shall be treated as Confidential Information.

1.9. "**Contracted Business Purposes**" means for purposes of providing the Services and as set forth in Exhibit C.

1.10. "**Customer Content**" means End User Data and other information and data used or submitted by Customer and End Users in connection with licensed Services.

1.11. "**Documentation**" means the Specifications and, in the event the provision of which is required for use of the Hardware or any of the Services, any proprietary information or documentation made available to Customer by ASSA ABLOY for use in conjunction with the Hardware or Service, including any information available online through the Service.

1.12. "**Effective Date**" means, if the Agreement is executed by both Parties within the first fourteen days of a calendar month, the first day of that calendar month, and otherwise the first day of the next subsequent calendar month.

1.13. "**Embedded Software**" means any software component embedded in the Hardware.

1.14. "**End User**" means Customer's employee, contractor, guest or other individual that is authorized by Customer to use or benefit from the Hardware or Services as an end user.

1.15. "**End User Data**" means information and Personal Data of an End User submitted, provided or collected in connection with the use of Hardware or Services.

1.16. "**Force Majeure**" means an event beyond a Party's reasonable control including, without limitation, strikes, lock-outs or other labour disturbances or disturbances by fire, flood, war, embargo, blockade, riot, epidemic, governmental interference, delay or shortage in transportation or inability to obtain necessary labour, materials or facilities from usual sources or from defect or delay in the performance of any of its suppliers or subcontractors if caused by any circumstance referred to in the foregoing.

1.17. "**GDPR**" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of Personal Data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

1.18. "**Hardware**" means hardware (or parts) including Embedded Software (as applicable) sold by ASSA ABLOY to Customer, as set forth in the Agreement.

1.19. "**Installation Services**" means (i) installation services purchased by Customer or (ii) implementation services comprising upgrading of the current software and Hardware used by Customer to the latest version of such software and locking systems that has support for RFID locksets and additionally supports the Mobile Access System if purchased by Customer as identified in the applicable Agreement and provided subject to the Installation and Training Terms and Conditions set forth in Exhibit B;

1.20. "**Intellectual Property Rights**" means common law and statutory rights associated with (a) patents and patent applications; (b) works of authorship, including mask work rights, copyrights, copyright applications, copyright registrations and "moral" rights; (c) the protection of trade and industrial secrets and confidential information; (d) all rights to registered and common law trademarks, trade names, trade dress, and service marks; (e) other proprietary rights relating to intangible intellectual property (including but not limited to designs, design rights, source codes, proprietary material, Know-How, ideas, concepts, methods, techniques, rights in databases and all other intellectual property rights and rights of a similar character whether registered or capable of registration); (f) analogous rights to those set forth above; and (g) divisions, continuations, renewals, reissuances and extensions of the foregoing (as applicable) now existing or hereafter filed, issued or acquired.

1.21. "**Initial Subscription Period**" means an initial Subscription period of 12 months from the Effective Date, or such other initial Subscription period specified in the Agreement.

1.22. "**Know-how**" means unpatented technical information (including, without limitation, information relating to inventions, discoveries, concepts, methodologies, models, research, development and testing procedures, the results of tests and trials, processes, techniques and specifications, quality control data, analyses report and submissions) that is not in the public domain.

1.23. "**License**" means a non-exclusive, non-transferable, non-sublicenseable right to use the Software Product for purchased Hardware or Services during the License Term based on the license model specified in the Agreement, e.g., based on the number of users, doors, locks that are Bluetooth enabled and designated to interoperate as part of the system, or other peripherals. For the Mobile Access System, the License includes upgrades of software and firmware as needed to maintain access and use the Mobile Keys System or components thereof during the License Term, subject to payment of the applicable License fees.

1.24. "**License Term**" shall have the meaning set forth in Section 9.1.

1.25. "**Mobile Access System**" means Hardware and software (excluding the Application(s)) together forming a system for use with certain wireless communication devices, which enable such devices to function as door opening and/or access solutions, comprising ASSA ABLOY's Bluetooth enabled (BLE) communication board and reader for use with ASSA ABLOY's Hardware; Hardware as specified in the Agreement; and ASSA ABLOY'S software and firmware to enable the operation of the Mobile Access System, including interoperability with Seos Credential Services, but excluding APIs needed for Bluetooth wireless communication devices, smart phones or mobile devices used by End Users to interoperate with the Mobile Access System.

1.26. "**Personal Data**" means any information relating to an identified or identifiable natural person and shall be construed in accordance with applicable data protection law.

1.27. "**Quote**" means a quote or other agreement in writing by ASSA ABLOY for provision of Services (and any changes to previously ordered Services) and/or Hardware, duly executed by each of ASSA ABLOY and Customer.

1.28. "**Renewal Subscription Period**" shall have the meaning set forth in Section 9.1.y

1.29. "**Seos Credential Services**" means the service provided by ASSA ABLOY and its Affiliates in connection with the operation of the Mobile Access System by Customer and End Users, to create and package Mobile IDs with End User reservation data, encrypt Mobile IDs and reservation data, and transmit in real time the encrypted Mobile IDs and End User data to the End User's Bluetooth wireless device, smart phone or mobile device and a Customer property management server over a Wi-Fi or wireless connectivity enabling the End User's Bluetooth wireless communication devices to function as a door opening and/or access solution when such devices have downloaded and registered the Application.

1.30. "**Services**" shall mean SaaS, Seos Credential Services, Training Services or Installation Services as specified in an Agreement.

1.31. "**Software as a Service (or SaaS)**" shall mean remote access to the Software Product installed and run on a single-tenant or multi-tenant computing platform managed by ASSA ABLOY.

1.32. "**Software Product**" means ASSA ABLOY's standard version of its proprietary software applications, API and modules, including Embedded Software, as further identified in the Agreement and specified in the Specification.

1.33. "**Specification**" means the functional, technical and commercial specifications and terms and conditions of the Hardware or Software Product, which may include, without limitation, product sheets, service descriptions, statement of works

1.34. "**Subscription**" means the non-exclusive and non-transferable right for Customer to use the SaaS, Seos Credential Services, or Embedded Software in accordance with the applicable Agreement.

1.35. "**Taxes**" shall have the meaning set forth in Section 5.6.

1.36. "**Training Services**" shall mean training services purchased by Customer as identified in the applicable Agreement and provided subject to the Installation and Training Terms and Conditions set forth in Exhibit B.

2.LICENSES, OWNERSHIP, AND RESTRICTIONS

2.1. **Scope**. These General Terms and Conditions set forth the general terms and conditions under which ASSA ABLOY sells and provides Hardware and Services. Each Agreement will be deemed to incorporate and be subject to all the terms and conditions of these General Terms and Conditions, except to the extent the Agreement expressly modifies specific terms.

2.2. **Grant of Rights**. In consideration of Customer's payment of the applicable fees to ASSA ABLOY, and, subject to the terms and conditions of the Agreement, ASSA ABLOY grants to Customer a License to use the SaaS, Seos Credential Services and/or Embedded Software as specified in the Agreement in accordance with the Documentation solely for its own internal operations. The foregoing license rights shall be restricted to the number and type of Licenses specified in the applicable Agreement. Customer shall not have the right under the Agreement to use the names ASSA ABLOY, Seos or any of the corporate or trade names, trademarks, logos services marks, symbols, insignia, or other distinguishing marks of any ASSA ABLOY Affiliate for any reason other than as provided for herein, including but not limited to advertising, publicity releases, or promotional or marketing publications, without the express prior written consent of ASSA ABLOY in each instance.

2.3. **Ownership**. The License granted under the Agreement does not constitute a sale of the Software Product, Embedded Software, the Application or any portion of it. ASSA ABLOY and its licensors retain all right, title and interest in the Software Product, the Embedded Software, the Application, the Services and associated Documentation, and all translations and derivative works thereof, including any materials, inventions, or works developed through ASSA ABLOY's performance of Services, and all Intellectual Property Rights embodied therein or relating thereto. All rights not expressly granted under the Agreement are reserved by ASSA ABLOY and its licensors. There are no implied rights.

2.4. **Restrictions on Use**. Customer's rights to use SaaS and Embedded Software (as applicable) are subject to the following restrictions and Customer shall not, and shall not cause or permit any third party to: (a) modify or create any derivative work of SaaS or Embedded Software, or its associated Documentation, or any portion thereof or incorporate other services, software or products in SaaS or Embedded Software; (b) except to the extent such activities cannot be lawfully restricted, decompile, reverse engineer or otherwise attempt to derive the underlying ideas, algorithms, structure or organization from SaaS or Embedded Software; (c) sell, license, sublicense, lease, rent, or otherwise transfer rights to SaaS or Embedded Software to any third party; (d) use SaaS or Embedded Software to submit any content that infringes or misappropriates third party rights, including intellectual property rights or to submit any content that is obscene, defamatory, offensive or malicious, (e) to intentionally distribute spam, viruses, worms, Trojan horses, corrupted files, or other items of a destructive or disruptive nature; (f) to engage in, promote, or encourage illegal activity; (g) to disable, interfere with or circumvent any aspect of SaaS or Embedded Software; or (h) disclose or publish the results of any performance, functional, or other evaluation or benchmarking of SaaS or Embedded Software to any third party without written consent from ASSA ABLOY.

2.5. **Customer's Grant of Rights**. Customer grants ASSA ABLOY the right to host, use, process, display and transmit Customer Content pursuant to and in accordance with the Agreement. Customer has the sole responsibility for the accuracy, quality, integrity, legality, reliability, and appropriateness of Customer Content and for obtaining all rights related to each of the foregoing required by ASSA ABLOY to provide Services. Customer represents and warrants that none of the Customer Content infringes any third party rights.

2.6. **Third Party Applications**. SaaS, Seos Credential Services and Embedded Software may contain or include functionality and software provided or licensed by third parties ("**Third Party Functionality**"). For any Third Party Functionality, such components shall be licensed as part of the SaaS, Seos Credential Services or Embedded Software in accordance with the terms and conditions of the Agreement. Notwithstanding the foregoing, all open source software provided by ASSA ABLOY is outside the scope of the Agreement and is not included in the definition of SaaS, Seos Credential Services or Embedded Software and such open source software is instead subject to the applicable open source software licenses.

2.7. **Beta Services**. From time to time, ASSA ABLOY may make Beta SaaS services available to Customer at no charge. Customer may choose to try such Beta services. Beta services are intended for evaluation purposes and not for production use, are not supported, and may be subject to additional terms. Beta services are not considered "SaaS" under the Agreement, however, all restrictions, ASSA ABLOY's rights and Customer's obligations concerning the SaaS shall apply equally to Customer's use of Beta services. Unless otherwise stated, any Beta services trial period will expire upon the earlier of one year from the trial start date or the date that a version of the Beta services becomes generally available without the applicable Beta services designation. ASSA ABLOY may discontinue Beta services at any time in ASSA ABLOY's sole discretion and may never make them generally available. ASSA ABLOY will have no liability for any harm or damage arising out of or in connection with a Beta service.

2.8. **Modifications**, Updates and Upgrades. ASSA ABLOY reserves the right to, at any time, modify, update and/or upgrade, temporarily or permanently, the Services (or any part thereof) ASSA ABLOY shall have no liability in any manner whatsoever for modifying, replacing, or supporting discontinued Hardware.

2.9. **Trial Access**. ASSA ABLOY may provide to Customer a free trial access to and/or a demonstration version of the SaaS and/or Hardware for a maximum period of 90 days in order to enable Customer to evaluate the SaaS and/or Hardware before executing an Agreement. Customer acknowledges and agrees that Customer's access to and use of the SaaS and Hardware on such a free basis shall solely be on Customer's own risk and responsibility, on an "as is" basis, and shall at all times be in

accordance with the terms and conditions of these General Terms and Conditions and any instructions or materials provided in connection with the provision of the free trial access. ASSA ABLOY hereby disclaims any and all of its obligations and liabilities under the Agreement or otherwise, to the fullest extent permitted by applicable law, arising out of Customer's access to and use of the SaaS and/or Hardware in accordance with this Section 2.9 Customer acknowledges and agrees that (a) ASSA ABLOY will be under no obligation or liability to retain Customer Content generated during the free trial access period, unless Customer executes an Agreement within 180 days from the date hereof; (b) ASSA ABLOY may change the contents of the bundle of SaaS features during the free trial access period, in which case Customer may not be able to retain settings used by or Customer Content generated during the free trial access period; (c) Customer may decide to execute an Agreement for a bundle of SaaS features which encompass different or less features than those available to Customer during the free trial access period, in which case Customer may not be able to retain settings used by or Customer Content generated during the free trial access period; (d) ASSA ABLOY may, in its sole discretion, limit the number of users, doors or other peripherals connected to the SaaS, as well as the number of or specifics of the messages, reports, API calls or other features of the service; and (e) ASSA ABLOY may, in its sole discretion, terminate Customer's access to and use of the SaaS in accordance with this Section 2.9 at any time.

2.10. **Disabling of Service or part thereof**. ASSA ABLOY may disable the functionality of the SaaS, Seos Credential Services, or part thereof: (a) immediately upon written notice to Customer, if ASSA ABLOY reasonably believes that there has been a material breach in security (in which case ASSA ABLOY shall reactivate the functionality of the licensed Service when such breach has been eliminated, (b) immediately upon written notice to Customer in the event of a third party claim of infringement, violation or misappropriation of intellectual property rights, (c) in the circumstances set forth in Section 9.2, and (d) otherwise upon termination or expiry of the Agreement.

3.PURCHASE AND DELIVERY

3.1. **Shipping, Delivery and Storage**. ASSA ABLOY reserves the right to make, and Customer agrees to accept, multiple shipments to fulfill an Agreement. All shipments and delivery terms are EXW (Incoterms 2010).) ASSA ABLOY's warehouse, facility, or port of entry in the United States, with Freight Prepaid Add & Handling (Shipping Costs). Title and risk in and to Hardware included in a shipment transfers to Customer at the time the carrier signs the bill of lading. All freight and shipping costs are the responsibility of Customer, are estimates only and subject to change. If Customer fails to accept delivery from ASSA ABLOY at the scheduled time, the remaining purchase price owed by Customer shall still be due and payable in accordance to the original payment schedule, and any and all risks associated with the Hardware (or parts) to be delivered, shall be solely borne by Customer. All shipping and storage costs incurred by ASSA ABLOY due to Customer's delay or failure to accept delivery shall be fully reimbursed by Customer. Customer is solely responsible for providing a safe and secure storage location for the Hardware at all times is the sole responsibility of Customer. Hardware should be stored in a secure area near an elevator to assist with installation, if possible. Delivery of SaaS shall be deemed to occur upon the provision of a link to enable Customer to access SaaS and an account login for SaaS.

3.2. **Cancellations**. Any request to cancel an order made in an Agreement must be received no later than thirty (30) days prior to the initial scheduled Hardware shipment. All cancellations of Hardware products are subject to a restocking charge equal to fifteen percent (15%) of the invoiced price of the Hardware products cancelled.

4.SCOPE OF INSTALLATION AND TRAINING SERVICES

4.1. **Installation and Training Services**. ASSA ABLOY shall provide the Installation Services and Training Services as set forth in the Agreement, and on and subject to the Installation and Training Services Terms and Conditions in Exhibit B

5.PAYMENTS, FEES, RECORDS AND TAXES

5.1. **Payments Generally**. Customer is required to pay a deposit of up to fifty percent (50%) of the estimated total price of an Agreement upon accepting an Agreement. All unpaid balances are due to ASSA ABLOY net thirty (30) days from the date on an invoice. ASSA ABLOY does NOT accept any "pay when paid" clauses or conditions, and payment is due to ASSA ABLOY regardless of any receipt of monies from a third party. Customer shall be responsible for all costs and expenses (including attorney fees and court costs) incurred by ASSA ABLOY in connection with any overdue balance. Customer agrees to pay ASSA ABLOY the balance of fees and expenses in the amounts and times as set forth in the Agreement, without retention, set-off, withholding or counterclaim. All payments are due and payable in full within 30 days from the date of ASSA ABLOY's invoice, unless otherwise stated in the Agreement. All payments shall be invoiced and paid in US Dollars and are non-refundable and non-creditable. Customer agrees to accept invoices without requiring a separate purchase order. In no event shall any purchase order, invoice, or any other documentation provided by Customer modify or supersede the terms of payment pursuant to the Agreement, including without limitation, the timing of when all fees are due for payment according to terms of the Agreement.

5.2. **Travel Expenses**. Travel and other expenses directly related to the Services will be invoiced at actual cost.

5.3. **Late Payments**; **Default.Interest**. Any amount by Customer hereunder which remain unpaid after the due date shall be subject to default interest equal to 1.8% per month which interest will be immediately due and payable from the due date

for payment until the date of actual receipt in cleared funds by ASSA ABLOY and a late fee in the amount of ten percent (10%) of the total price set forth in the applicable Agreement.

5.4. **Suspension of Service**. If any amount owing by Customer under the Agreement is 30 or more days overdue, or if Customer violates the Restrictions on Use set forth in Section 2.4, ASSA ABLOY may, without limiting ASSA ABLOY's other rights and remedies, suspend Services to Customer until such amount is paid in full or, as applicable, Customer remedies its violation of Section 2.4.

5.5. **Records and Audit Rights**. ASSA ABLOY reserves the right to run usage reports against Customer's system for the sole purpose of determining Customer's number of active users, Hardware items or other peripherals for which Customer needs a License ("Required Licenses"). Where the number of Required Licenses exceed the purchased Licenses set forth in the Agreement, ASSA ABLOY shall either notify Customer who shall within 10 business days reduce the Required Licenses to be consistent with the purchased Licenses or ASSA ABLOY may charge Customer for payment for the excess retroactively.

5.6. **Taxes**. Prices do not include, and Customer shall pay, any national, state, local, or international property, license, privilege, sales, use, excise, gross receipts, VAT, ad valorem, use, duty, withholding or other like taxes relating to the sale, delivery, receipt, payment for or use of Hardware and Services including any interest, penalty and additional tax or other charge related to delay or failure to pay such amount ("Taxes"). If ASSA ABLOY is required to collect any Taxes, such Taxes will be itemized separately on the invoice and paid by Customer. ASSA ABLOY will accept a valid Tax exemption certificate from Customer, if applicable. If an exemption certificate previously accepted by Customer is not recognized by the relevant governmental taxing authority, Customer agrees to promptly reimburse ASSA ABLOY for any Taxes covered by such exemption certificate which ASSA ABLOY is required to pay.

6.DATA PROTECTION AND PRIVACY; INFORMATION SECURITY

6.1. **End User Data Privacy.** Both parties will comply with all applicable requirements of applicable data protection laws when collecting, using, retaining, or disclosing personal information. Customer will have and abide by an appropriate privacy policy and will comply with all applicable laws, policies, and regulations relating to the collection of information from End Users and processing of Personal Data. Customer must post a privacy policy and that privacy policy must provide notice of Customer's use of cookies, identifiers for mobile devices or similar technology used to collect data. Customer must disclose how ASSA ABLOY collects and processes Personal Data within the Services or as part of improving the Hardware and Services. ASSA ABLOY'S processing of Personal Data is described in Exhibit C. Customer will ensure that each End User is provided with clear and comprehensive information about, and consents to, the processing of their Personal Data when such activity occurs in connection with the Services and where providing such information and obtaining such consent is required by law. When such consent is not required by applicable law, Customer shall ensure that it has another appropriate and required legal basis for the processing of End User Data in accordance with the Agreement and for Customer's intended purposes as may be necessary under applicable law. In connection with the Services, Customer shall only use or process End User Data, pursuant to all applicable laws, rules, regulations and orders of any governmental authority having relevant jurisdiction. Except as permitted under applicable laws, rules, regulations and orders of any governmental authority having relevant jurisdiction, Customer shall not share, distribute, transfer, publish, sell, trade, give away, or in any other way use, disseminate or disclose Personal Data received from any End Users.

6.2. **Data Processing**. Customer shall promptly inform ASSA ABLOY if the CCPA is applicable to ASSA ABLOY's processing of Personal Data on behalf of Customer hereunder, in which case – and only in such a case – the provisions set forth in Clauses **Error! Reference source not found**. - 6.6 below shall apply.

6.3. **Purposes**. ASSA ABLOY will only collect, use, retain, or disclose Personal Data in accordance for the Contracted Business Purposes. ASSA ABLOY will not collect, use, retain, disclose, sell, or otherwise make Personal Data available for ASSA ABLOY's own commercial purposes or in a way that does not comply with the CCPA. If a law requires ASSA ABLOY to disclose Personal Data for a purpose unrelated to the Contracted Business Purpose, ASSA ABLOY must first inform Customer of the legal requirement and give Customer an opportunity to object or challenge the requirement, if reasonably practicable and unless the law prohibits such notice. ASSA ABLOY will limit Personal Data collection, use, retention, and disclosure to activities reasonably necessary and proportionate to achieve the Contracted Business Purposes or another compatible operational purpose. Customer acknowledges that ASSA ABLOY, its Affiliates and third parties may process Personal Data of the same data subjects in their operations outside the context of this Agreement, for which the provisions of this Agreement do not apply.

6.4. ASSA ABLOY will promptly take reasonable steps to comply with any Customer request or instruction requiring ASSA ABLOY to provide, amend, transfer, or delete the Personal Data, or to stop, mitigate, or remedy any unauthorized processing.

6.5. **Pseudonymization**. To the extent permitted under applicable data protection laws, ASSA ABLOY may aggregate, deidentify, or anonymize personal information so it no longer meets the Personal Data definition, and may use such aggregated, deidentified, or anonymized data for its own research and development purposes. ASSA ABLOY will not attempt to or actually re-identify any previously aggregated, deidentified, or anonymized data and will contractually prohibit downstream data recipients from attempting to or actually re-identifying such data.

6.6. **Assistance with Customer's CCPA Obligations**. ASSA ABLOY will reasonably cooperate and assist Customer with meeting the Customer's CCPA compliance obligations and responding to CCPA-related inquiries, including responding to verifiable consumer requests, taking into account the nature of ASSA ABLOY's processing and the information available to ASSA ABLOY. ASSA ABLOY will notify Customer without undue delay if it receives any complaint, notice, or communication that directly or indirectly relates either party's compliance with the CCPA.

6.7. **Information Security**. ASSA ABLOY will implement and maintain commercially reasonable security measures designed to meet the following objectives: (i) ensure the security of Customer Content in the custody and under the control of ASSA ABLOY; (ii) protect against unauthorized use or access to such Customer Content, and (iii) protect against any anticipated threats or hazards to the security or integrity of such Customer Content. Customer acknowledges and agrees that ASSA ABLOY

may rely upon the security processes and measures utilized by ASSA ABLOY's cloud infrastructure providers. Each Party shall notify the other without undue delay upon becoming aware of a breach of security leading to the accidental or unlawful destruction, loss alteration, unauthorised disclosure or, or access to, Personal Data.

7.LIMITED WARRANTY, DISCLAIMERS AND LIMITATION OF LIABILITY

7.1. **Authority**. ASSA ABLOY represents and warrants that ASSA ABLOY has the right and power to enter into the Agreement and grant the licenses set forth herein.

7.2. **Installation Services**. Subject to the conditions and limitations of liability stated herein, ASSA ABLOY warrants for a period of 30 days from performance of service that Installation Services shall be performed in accordance with generally accepted industry standards.

7.3. **Hardware**: Subject to the conditions and limitations of liability stated herein, ASSA ABLOY warrants that the Hardware products will be free from material defects in materials and workmanship and will substantially conform to the applicable Documentation in effect as of the date of manufacture for a period of one (1) year from the date of shipment. No credits or refunds will be given for Hardware products that are returned incomplete or damaged. ASSA ABLOY shall not be required to perform any warranty repairs of the Hardware at a specific site. Customer shall be responsible for removing and reinstalling all the parts or components of the Hardware returned to ASSA ABLOY for repair under the warranty. Customer shall bear all risk of loss during the shipment of items and Hardware products returned to ASSA ABLOY. Customer shall be solely responsible for obtaining insurance on any and all items and Hardware products that are returned to ASSA ABLOY.

7.4. All Hardware and systems must be installed by ASSA ABLOY certified technicians/installers for the type of product being installed, or all warranties are voided. Systems that require online commissioning must be commissioned by an ASSA ABLOY certified technician/installer to be covered under ASSA ABLOY's warranty.

7.5. The warranty does not apply to (a) consumable parts, such as batteries or protective coatings that are designed to diminish over time, unless failure has occurred due to a defect in materials or workmanship. Customer is solely responsible under the Agreement to ensure that batteries powering Hardware are properly charged and timely exchanged. (b) to cosmetic damage, unless failure has occurred due to a defect in materials or workmanship; (c) to damage caused by use with a third party component or product); (d) to damage caused by accident, abuse, misuse, fire, liquid contact, earthquake or other external cause; (e) to damage caused by service (including upgrades and expansions) performed by anyone who is not a representative of ASSA ABLOY or an ASSA ABLOY authorized technician; (f) to defects caused by normal wear and tear or otherwise due to the normal aging of the Hardware.

7.6. **Remedies**. Subject to the conditions and limitations of liability set forth herein:

7.6.1. ASSA ABLOY's sole and exclusive obligation and Customer's sole and exclusive remedy for a breach of the foregoing limited Installation Services warranty shall be ASSA ABLOY's commercially reasonable effort to reperform the non-conforming part of the Services. ASSA ABLOY will, at ASSA ABLOY's expense, take such actions it determines in its sole discretion are required to conform;

7.6.2. ASSA ABLOY's sole and exclusive obligation and Customer's sole and exclusive remedy if the SaaS or Seos Credential Service does not conform to ASSA ABLOY's then current Specifications shall be ASSA ABLOY's commercially reasonable effort after receiving written notice describing in reasonable detail the specific nature of the defect or non-conformity to repair or replace the functionality of the non-conforming part of the SaaS or Seos Credential Service to make it perform substantially in accordance with the Documentation. In the event ASSA ABLOY is unable to remedy the non-conformity and such non-conformity materially affects the functionality of the SaaS or Seos Credential Service, Customer will have the right to terminate the applicable service, in which case ASSA ABLOY must refund to Customer a pro rata portion of any fees pre-paid by Customer for the applicable remainder of the Initial Subscription Period or Renewal Subscription Period;

7.6.3. ASSA ABLOY's sole and exclusive obligation and Customer's sole and exclusive remedy for breach of the foregoing limited warranties applicable to the sale of the Hardware shall be that ASSA ABLOY will either repair, replace or provide a reasonable workaround for the defective and/or nonconforming part of the Hardware after receiving written notice (such notice being received before the expiry of the warranty period) of the breach of warranty describing in reasonable detail the specific nature of the defect or non-conformity, or refund all amounts paid for such defective and/or non-conforming Hardware.

7.7. **Third Party IPR Claims**. In the event that Hardware or a Service becomes subject to a claim by a third party that it infringes a third party copyright, patent or other intellectual property right, or ASSA ABLOY anticipates that such a third party claim may be raised, ASSA ABLOY shall have at its option and expense the right to (a) obtain for Customer a license to continue using that Hardware; or (b) substitute the Hardware with other substantially similar hardware. THIS SECTION 7.7 SETS FORTH ASSA ABLOY'S SOLE LIABILITY AND CUSTOMER'S SOLE AND EXCLUSIVE REMEDY WITH RESPECT TO ANY CLAIM OF INTELLECTUAL PROPERTY INFRINGEMENT.

7.8. **Disclaimer of Warranties**. Customer expressly acknowledges and agrees that the use of each of the Services is at Customer's sole risk. EXCEPT FOR THE LIMITED WARRANTY SET FORTH IN SECTION 7.6 ABOVE TO THE MAXIMUM EXTENT PERMITTED UNDER APPLICABLE LAWS, ASSA ABLOY EXPRESSLY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NON-INFRINGEMENT. ASSA ABLOY DOES NOT WARRANT THAT THE FUNCTIONS MEET CUSTOMER'S REQUIREMENTS, THAT THE OPERATION OF ANY OF THE SERVICES WILL BE UNINTERRUPTED, ERROR-FREE, WITHOUT DOWNTIME, OR THAT DEFECTS IN THE SERVICES WILL BE CORRECTED. THE ABOVE WARRANTIES DO NOT APPLY TO ANY DEFECTS, DAMAGES, FAILURES OR MALFUNCTIONS TO ANY PART OF THE HARDWARE OR SERVICES RESULTING FROM (A) NEGLIGENCE, ABUSE, OR MISAPPLICATION (B) USE OF THE HARDWARE OR SERVICES OTHER THAN AS SPECIFIED IN THE DOCUMENTATION THEREOF OR OTHERWISE IN OTHER THAN ITS NORMAL AND CUSTOMARY MANNER (C) ANY ALTERATIONS, MODIFICATIONS OR ADAPTATIONS OF THE PRODUCTS PERFORMED BY ANYONE OTHER THAN ASSA ABLOY, OR ANY UNAUTHORIZED

COMBINATION OR INTERFACING OF THE HARDWARE WITH OTHER HARDWARE OR SOFTWARE. FURTHERMORE, ASSA ABLOY DOES NOT WARRANT OR MAKE ANY REPRESENTATION REGARDING THE PERFORMANCE OR THE RESULTS OF THE USE OF THE SERVICES OR DOCUMENTATION IN TERMS OF THEIR CORRECTNESS, ACCURACY, RELIABILITY, OR OTHERWISE. NO ORAL OR WRITTEN INFORMATION OR ADVICE GIVEN BY ASSA ABLOY OR ITS AUTHORIZED REPRESENTATIVE SHALL CREATE A WARRANTY OR IN ANY WAY INCREASE THE SCOPE OF A WARRANTY. The foregoing limitations and exclusions apply to the extent permitted by applicable law in customer's jurisdiction. If applicable law limits the application of the provisions of this Section 7, ASSA ABLOY's liability will be limited to the maximum extent permissible.

7.9. In the event that Hardware or a Service becomes subject to a claim by a third party that it infringes a third party copyright, patent or other intellectual property right, or ASSA ABLOY anticipates that such a third party claim may be raised, ASSA ABLOY shall have at its option and expense the right to (a) obtain for Customer a license to continue using that Hardware or Service; (b) substitute the Hardware or Service with other substantially similar hardware or service; or (c) terminate the license for the infringing portion of the Hardware or Service. THIS SECTION 7.9 SETS FORTH ASSA ABLOY'S SOLE LIABILITY AND CUSTOMER'S SOLE AND EXCLUSIVE REMEDY WITH RESPECT TO ANY CLAIM OF INTELLECTUAL PROPERTY INFRINGEMENT.

7.10. **LIMITATION OF LIABILITY**. IN NO EVENT SHALL ASSA ABLOY OR ITS AFFILIATES OR THIRD PARTY LICENSORS OR THEIR RESPECTIVE DIRECTORS, OFFICERS, EMPLOYEES OR AGENTS BE LIABLE TO CUSTOMER FOR LOSS OF PROFIT OR REVENUES, COSTS OF DELAY, BUSINESS INTERRUPTION, LOSS OF USE OF PRODUCT OR OTHER PRODUCT SOFTWARE, SYSTEM, OR FACILITY, LOSS OF DATA OR INFORMATION, LOSS OF PRODUCTIVITY, INTEREST CHARGES, COSTS OF SUBSTITUTE PRODUCTS, SOFTWARE, SYSTEMS, OR SERVICES, COST OF PURCHASES OR REPLACEMENT POWER, DOWNTIME COSTS, DAMAGE TO PROPERTY OR PERSON, NOR FOR ANY INCIDENTAL, SPECIAL, EXEMPLARY, INDIRECT, CONSEQUENTIAL OR PUNITIVE DAMAGES ARISING OUT OF OR IN CONNECTION WITH THE USE OR PERFORMANCE OF HARDWARE OR SERVICES PROVIDED HEREUNDER REGARDLESS OF WHETHER THE CLAIM GIVING RISE TO SUCH DAMAGES IS BASED UPON BREACH OF ANY REPRESENTATION OR WARRANTY, BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE OR STRICT LIABILITY), OR OTHERWISE), EVEN IF ASSA ABLOY OR ITS AUTHORIZED REPRESENTATIVE HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. IN NO EVENT WILL ASSA ABLOY'S AGGREGATE LIABILITY FOR DAMAGES OR LOSSES (WHETHER IN ONE INSTANCE OR A SERIES OF INSTANCES) UNDER THE AGREEMENT EXCEED THE AMOUNT PAID BY CUSTOMER PURSUANT TO THE APPLICABLE AGREEMENT (OR, IN THE CASE OF PROVISION OF SERVICES, PAID BY CUSTOMER PURSUANT TO THE APPLICABLE AGREEMENT DURING THE TWELVE MONTHS IMMEDIATELY PRECEDING THE CLAIM).

7.11. Nothing in this agreement excludes the liability of ASSA ABLOY for death or personal injury caused by ASSA ABLOY's negligence; nor for fraud or fraudulent misrepresentation.

7.12. The limitations and exclusions set forth in this Agreement apply to the fullest extent permitted by applicable law. If applicable law limits the application of the provisions of this Clause 7, ASSA ABLOY's liability will be limited to the maximum extent permissible.

8.INDEMNIFICATION

8.1. Customer shall indemnify and hold ASSA ABLOY, its Affiliates, officers, directors, third party licensors, and employees, harmless from and against any and all claims, damages, losses, costs or other expenses (including reasonable attorneys' fees) that arise directly or indirectly out of (a) alterations or modifications to the SaaS, Embedded Software or Hardware made by or on behalf of Customer (b) combinations of using the SaaS, Embedded Software or Hardware with products, services, or materials not provided by ASSA ABLOY where the infringement would not have occurred but for Customer's combination of such products, services, or materials; (c) Customer's wilful misconduct or unauthorized use of SaaS, Embedded Software or Hardware; (d) any violation by Customer of third party rights including but not limited to privacy and data protection rights or breach of Clause 7.1; (e) from Customer's use of or submission of Customer Content through a Service; or (f) Customer's access to and use of a Service in accordance with Clause 2.9.

9.TERM AND TERMINATION

9.1. **Term**. The term of Agreement shall commence on the Effective Date of the Agreement and shall remain in force during the Initial Subscription Period and any Renewal Subscription Period or until terminated in accordance with the terms hereof ("License Term"). Following expiry of the Initial Subscription Period, and any Renewal Subscription Period, the Subscription period will automatically renew at ASSA ABLOY's prices in effect at the time of such renewal, for an additional period of 12 months years at a time (each a "**Renewal Subscription Period**") following the end of the Initial Subscription Period and any subsequent Renewal Subscription Period, unless terminated in writing by either Party by giving three months' notice of such party's intent not to renew prior to the end of the Initial Subscription period or the then applicable Renewal Subscription Period. Any such notice of intent not to renew shall be given in accordance with the terms hereof. No such automatic renewal shall occur at any time following the termination of the Agreement in accordance with the terms hereof.

9.2. **Termination of Agreement by ASSA ABLOY**. ASSA ABLOY may terminate the Agreement by written notice to Customer in the event that (i) Customer fails to make any payment required within ten (10) days after receiving a written notice that such payment is past due, provided that such failure does not relate to a good faith dispute between the parties regarding the amount due; (ii) Customer breaches any of its obligations under the Agreement, and has been given written notice of such default, and has not corrected the default within thirty (30) days of the date of the notice; or (iii) immediately upon registered letter if Customer commences bankruptcy proceedings, makes composition with its creditors, is subject to the appointment of an administrator or is subject to any other similar proceedings or otherwise proceedings that have the same or similar effects or if the other Party could reasonably be deemed to be insolvent. Without limiting ASSA ABLOY's other rights in

the Agreement, if ASSA ABLOY terminates the Agreement pursuant to this Section, Customer will pay any unpaid fees covering the remainder of the License Term.

9.3. **Termination of Agreement by Customer**. Customer may terminate the Agreement by written notice in the event that ASSA ABLOY materially breaches any of its obligations under the Agreement, has been given written notice of such default, and has not corrected the default within thirty (30) days of the date of the notice.

9.4. **Effect of Termination**. Upon any expiry or termination of the Agreement, all rights granted to Customer in relation to the Services will immediately cease and Customer shall cease using the licensed Service, or if Customer should otherwise discontinue using the licensed Service, Customer shall destroy all copies of the Documentation and any related materials in any form.

9.5. **Handling of Customer Content in the event of Termination**. Upon request by Customer made within 30 days after the effective date of termination or expiration of the Agreement, ASSA ABLOY will make Customer Content available to Customer for export or download as provided in the Documentation. After such 30-day period, ASSA ABLOY will have no obligation to maintain or provide any Customer Content.

10.CONFIDENTIALITY

10.1. **Confidentiality**. Customer agrees to maintain and protect all Confidential Information and keep it confidential using the same degree of care that it exercises with respect to its own information of like importance but in no event less than reasonable care, and may use it only for the purposes for which it was provided under the Agreement. Except as expressly provided in the Agreement, Confidential Information may be disclosed only to Customer's employees or contractors obligated to Customer under similar confidentiality restrictions and only for the purposes for which it was provided. These obligations do not apply to information which: (a) is rightfully obtained by Customer without breach of any obligation to maintain its confidentiality; (b) is or becomes known to the public through no act or omission of Customer; (c) Customer develops independently without using Confidential Information of ASSA ABLOY; or (d) only to the extent and for the purpose of disclosing such Confidential Information in response to a valid court or governmental order, and if Customer has given the ASSA ABLOY prior written notice and provides reasonable assistance so as to afford it the opportunity to object or obtain a suitable protective order.

10.2. **Remedy for Breach**. Because of the unique nature of the Confidential Information, each Party agrees that the disclosing Party may suffer irreparable harm in the event the recipient fails to comply with its confidentiality obligations under the Agreement, and that monetary damages will be inadequate to compensate the disclosing Party for such breach. Accordingly, the recipient agrees, notwithstanding Clause 7.6, that the disclosing Party will, in addition to any other remedies available to it at law or in equity for breach of this Clause 10, be entitled to seek injunctive relief in any court of competent jurisdiction to enforce such confidentiality obligations.

11.MISCELLANEOUS

11.1. **Compliance with Law**. Each party shall comply with all applicable laws, ordinances, rules and regulations, and shall obtain any and all permits, licenses, authorization, and/or certificates that may be required in any jurisdiction or any regulatory or administrative agency in connection with the sale, use and/or operations of Hardware or Services. Without limiting the generality of the foregoing, Customer shall comply with all laws and regulations on anti-corruption, sanctions and export control, data protection, international communications, and the exportation of technical or Personal Data.

11.2. **Export and Import Controls**. The SaaS, Hardware, Embedded Software or other technology ASSA ABLOY makes available hereunder may be subject to export laws and regulations of the European Union, the United States and other jurisdictions. Customer agrees to comply strictly with all export laws and regulations. Customer shall not permit End Users to access or use any licensed Service or Customer Content in or via an embargoed country, which would prohibit such access or in any violation of any export law or regulation. Proscribed countries are set forth in the applicable export regulations and are subject to change without notice, and Customer must comply with the list as it exists in fact. Customer certifies, represents, warrants and undertakes that Customer is not targeted under the sanctions or export controls of the United Nations, the United States, the European Union or any other relevant government, or are listed on the U.S. Department of Commerce's Denied Persons List or affiliated lists, on the U.S. Department of Treasury's Specially Designated Nationals List or any list maintained by the United Nations, the European Union or other relevant government.

11.3. **Independent Contractor**. Nothing in the Agreement is intended to create a partnership, franchise, joint venture, agency, or a fiduciary or employment relationship. Neither Party may bind the other party or act in a manner which expresses or implies a relationship other than that of independent contractor. Except as otherwise set forth herein, each Party shall bear its own costs and expenses in performing the Agreement.

11.4. **Third Party Rights**. This agreement does not confer any rights on any person or party other than the parties to this agreement and, where applicable, their successors and permitted assigns.

11.5. **U.S. Government Rights**. If Customer is a U.S. Government agency and subject to the regulations of FARS or DFARS, the SaaS are provided with "Restricted Rights." Use, duplication or disclosure by the U.S. Government is subject to restrictions as set forth in subparagraph (c)(1)(ii) of the Rights in Technical Data and Computer Software clause at DFARS 252.227-7013 or subparagraphs (c)(1) and (2) of the Commercial Computer Software-Restricted Rights at 48 CFR 52.227-19, as applicable (and the successor clauses to any of the foregoing). The contractor/manufacturer is ASSA ABLOY. Subject to any applicable regulations set out in the FAR or DFARS (and any superseding regulations), SaaS are provided with the commercial license

rights and restrictions described elsewhere in the Agreement. For Department of Defense agencies, the restrictions set forth in the "Technical Data - Commercial items" clause at DFARS 252.227-7015 (Nov 1995) shall also apply.

11.6. **Governing Law and Venue**. This Agreement, and all disputes, claims, or causes of action (whether in contract, tort, statute, or constitution) that may be based upon, arise out of, or relate to this Agreement, or the negotiation, execution, or performance of this Agreement (including any claim or cause of action arising out of or related to any representation or warranty made in connection with this Agreement) (collectively, the "Agreement Dispute"), shall be governed by the laws of the State of Texas, without giving effect to its provisions of choice of law. The provisions of the United Nations Convention on Contracts for the International Sale of Goods will not apply to this Agreement or any Quote or transaction hereunder.

11.7. Any action, proceeding, mediation, or arbitration shall be brought in the State of Texas, County of Dallas. The parties hereby irrevocably submit to the subject matter and personal jurisdiction of such courts, and waive the defense of inconvenient forum to the maintenance of any such action or proceeding in such venue.

11.8. **Dispute Resolution**. In the event of an Agreement Dispute, the party claiming such Agreement Dispute shall give written notice to the other party with a description of the Agreement Dispute (a "**Dispute Notice**") to the other party. Following delivery of a Dispute Notice, the parties shall negotiate in good faith for a reasonable period of time to settle such Agreement Dispute; provided that such reasonable period shall not, unless otherwise agreed by the parties in writing, exceed forty-five (45) calendar days from the time of receipt by a party of a Dispute Notice. If, within forty-five (45) calendar days (or such longer period as may be agreed in writing between the parties) after receipt of a Dispute Notice, the parties have not succeeded in resolving of the Agreement Dispute, the parties agree to submit the Agreement Dispute, at the earliest possible date, to mediation conducted in accordance with the Commercial Mediation Rules of the American Arbitration Association ("**AAA**"), and to bear equally the costs of the mediation. The parties agree to participate in good faith in the mediation and negotiations related thereto, for a period of thirty (30) days, or such longer period as they may mutually agree, following the initial mediation session (the "**Mediation Period**"). If the Agreement Dispute has not been resolved for any reason after the Mediation Period, then such Agreement Dispute shall be determined exclusively by arbitration before and in accordance with the then-existing Commercial Arbitration Rules of the AAA, except as modified herein (the "**Rules**"). There shall be one arbitrator mutually agreed upon by both parties within twenty (20) days after the Mediation Period. If an arbitrator cannot be timely appointed by the parties, AAA shall appoint an arbitrator in accordance with the Rules, and in any such procedure, each Party shall be given two strike, excluding strikes for cause. In resolving any Agreement Dispute, the parties intend that the arbitrators shall apply the substantive laws of the State of Texas, without regard to any choice of law principles thereof that would mandate the application of the laws of another jurisdiction. The parties intend that any award rendered by the arbitrators shall be final and binding on the parties. The arbitrators shall be entitled, if appropriate, to award any remedy in such proceedings, including monetary damages, specific performance, and all other forms of legal and equitable relief; provided, however, the arbitrators shall not be entitled to award indirect, consequential, punitive, exemplary, treble, or any other form of non-compensatory damages, excluding attorneys' fees. Any arbitration proceeding shall be concluded in a maximum of six (6) months from the commencement of the arbitration, unless agreed to otherwise by the parties in writing.

11.9. **Assignment**. The Agreement will be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns; provided, however, that neither party shall assign any of its rights, obligations, or privileges (by operation of law or otherwise) hereunder without the prior written consent of the other party. Notwithstanding the foregoing, however, (i) ASSA ABLOY may assign the Agreement to a successor in interest (or its equivalent) of all or substantially all of its relevant assets, whether by sale, merger, or otherwise; (ii) ASSA ABLOY may assign the Agreement to any of its Affiliates; and (iii) ASSA ABLOY may use subcontractors in the performance of its obligations hereunder. Any attempted assignment in violation of what is set forth above in this Section 11.9 will be void. If subcontractors are used by ASSA ABLOY for the processing of Personal Data on Customer's behalf, the obligations set forth in these General Terms and Conditions with respect to Personal Data shall be imposed on those subcontractors, and ASSA ABLOY shall inform Customer of any intended changes concerning the addition or replacement of other processors, thereby giving the controller the opportunity to object to such changes, in each case if required under applicable data protection laws.

11.10. **Delays and Force Majeure**. ASSA ABLOY shall notify Customer as soon as reasonably possible of any delays in the scheduled delivery, and Customer agrees that ASSA ABLOY cannot be held liable in any manner whatsoever for such delays. Neither party shall be liable for failure to fulfil its obligations (other than payment obligations) under the Agreement issued hereunder or for delays in delivery due to Force Majeure. The time for performance of any such obligation shall be extended for the period lost because of the event of Force Majeure.

11.11. **Notices**. Notices concerning the Agreement shall be in writing and shall be given or made by means of certified or registered mail, express mail or other overnight delivery service, or hand delivery, proper postage or other charges paid and addressed or directed to the respective parties to their respective addresses.

11.12. **Severability**. If any provision of the Agreement shall be held by a court of competent jurisdiction to be wholly or partly invalid or contrary to law or public policy, the validity of the Agreement as a whole shall not be affected and the remaining provisions shall remain in full force and effect. To the extent that such invalidity materially affects a Party's benefit from, or performance under, the Agreement, it shall be reasonably amended.

11.13. **Survival**. Terms and conditions which by their nature extend beyond the License Term shall survive the termination or expiry of the Agreement, including Customer's obligations under Sections 2.3, 6, 7, 8.1, 9, 9 and 10. Customer's obligations to pay fees or charges due and payable at the time of expiry or termination, or which become due and payable thereafter, shall survive the termination of the Agreement or any addenda hereto.

11.14. **Waiver**. No term or provision hereof shall be deemed waived and no breach consented to or excused, unless such waiver, consent or excuse shall be in writing and signed by the party claimed to have waived or consented. Should either party consent, waive, or excuse a breach by the other party, such shall not constitute consent to, waiver of, or excuse of any other different or subsequent breach whether or not of the same kind as the original breach. Notwithstanding the foregoing, provisions on complaints and limitation periods, such as in Section 7 hereof, shall apply.

11.15. **Entire Agreement**. The Agreement including all schedules constitute the entire understanding and agreement between the parties hereto with respect to the subject matter of the Agreement and merges and supersedes all prior communications, understanding and agreements, written or oral, and no amendments shall become effective without written

agreement signed by the parties hereto. Each party acknowledges that in entering into this agreement it does not rely on any statement, representation, assurance or warranty (whether made innocently or negligently) that is not set out in this agreement. Each party agrees that it shall have no claim for innocent or negligent misrepresentation based on any statement in this agreement.

By executing below, Purchaser and AAGS agree to all of the terms and conditions set forth in these Terms.

PURCHASER	**AAGS**
_____	_____
By: _____	**By:** _____
Its: _____	**Its:** _____
Date: _____	**Date:** _____

Prime Sponsor(s): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of introduction: May 14, 2024

ORDINANCE NO. 24-079

AUTHORIZING THE ISSUANCE OF UP TO $33,000,000 IN A GENERAL OBLIGATION BOND THROUGH THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND FOR THE DEPARTMENT OF PUBLIC WORKS, CHRISTINA RIVER FORCE MAIN REHABILITATION 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 repair, replace, and provide redundancy to the existing Christina River Force Main system now maintained by the County over an extended period; and

WHEREAS, it has been deemed necessary to appropriate up to $33,000,000 for the installation of (i) approximately 2,000 linear feet ("LF") of new 84-inch force main piping to serve as permanent bypass piping around the Heald Street Bridge, (ii) approximately 5,700 LF of 84-inch force main piping to serve as permanent bypass piping around the Market Street Bridge, and (iii) approximately 2,000 LF of a new 36-inch force main extending from the Market Street Pump Station (collectively, the "Project"); and

WHEREAS, the Project is part of the ongoing rehabilitation of the Christina River Force Main to prevent sanitary sewer incidents that decrease water quality and have negative environmental and public health impacts on wildlife, residents, and commercial entities; and

WHEREAS, this Ordinance corresponds to Resolution 24-xxx authorizing the County Executive to execute a financing agreement in connection with the funding of the Project, for up to $33,000,000 with the Delaware Water Pollution Control Revolving 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 bond in the maximum aggregate principal amount of up to $33,000,000 for the Project.

Section 2. The funds raised by the issuance of the bond 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 bond has been authorized, or for the payment of the principal of, and interest on, loans made in anticipation of the sale of such bond.

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 (9 *Del. C.* § 1163(a)(1)).

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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: Authorize the issuance of up to $33,000,000 of a general obligation bond through the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, to the Department of Public Works, Christina River Force Main Rehabilitation Project.

FISCAL NOTE: This Ordinance, if approved, will authorize the issuance of up to $33,000,000 of general obligation bond funds through the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, to the Department of Public Works, Christina River Force Main Rehabilitation Project.

The fiscal impact of issuing a County Bond with the maximum aggregate principal amount of up to $33,000,000 assuming a term of thirty (30) years with a constant principal amount, is demonstrated in 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 up to $33,000,000.

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

Previous Authorizations	Principal	Interest	Total
Authorized and Issued Bonds [1] (4/30/2024)	$504,120,000	$150,805,997	$654,925,997
Authorized and Unissued Bonds (4/30/2024)	131,383,970	55,181,267 [2]	186,565,237
Total Previous Authorizations	$635,503,970	$205,987,264	$841,491,234

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

Authorized and Issued Bonds [5] (4/30/2024)	$24,369,577	$ 4,214,409 [6]	$28,583,986
Authorized and Unissued Bonds [5] (4/30/2024)	31,077,761	10,355,007 [6]	41,432,768
Total Previous Authorizations	55,447,337	14,569,416	70,016,753
Proposed Net Authorizations [4] by the Ordinance	33,000,000	10,230,000 [3]	43,230,000
Total Previous Authorizations and Proposed Net Authorizations	$88,447,337	$24,799,416	$113,246,753

[1] These amounts have been adjusted to reflect retired principal and interest through 4/30/2024.
[2] Interest is computed at 4.0 percent.
[3] Interest is computed at 2.0 percent.
[4] Assuming a constant principal amount of $1,100,000.00 over a term of thirty years, total debt service interest for the $33,000,000 would be $10,230,000.
[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.

Prime Sponsor(s): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of introduction: May 14, 2024

ORDINANCE NO. 24-080

AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: TRANSFER AUTHORIZATIONS FROM THE SOUTHERN SEWER SERVICE AREA CAPITAL PROJECT AND RICHARDSON PARK PUMP STATION UPGRADE CAPITAL PROJECT TO THE CHRISTINA RIVER FORCE MAIN REHABILITATION CAPITAL PROJECT AND DEAUTHORIZE FUNDING FROM THE RICHARDSON PARK PUMP STATION UPGRADE

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 repair, replace, and provide redundancy to the existing Christina River Force Main system now maintained by the County over an extended period; and

WHEREAS, it has been deemed necessary to appropriate up to $33,000,000 for the installation of (i) approximately 2,000 linear feet ("LF") of new 84-inch force main piping to serve as permanent bypass piping around the Heald Street Bridge, (ii) approximately 5,700 LF of 84-inch force main piping to serve as permanent bypass piping around the Market Street Bridge, and (iii) approximately 2,000 LF of a new 36-inch force main extending from the Market Street Pump Station (collectively, the "Project"); and

WHEREAS, the Project is part of the ongoing rehabilitation of the Christina River Force Main to prevent sanitary sewer incidents that decrease water quality and have negative environmental and public health impacts on wildlife, residents, and commercial entities; and

WHEREAS, this Ordinance corresponds to Resolution 24-xxx authorizing the County Executive to execute a financing agreement in connection with the funding of the Project, for up to $33,000,000 with the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control; and

WHEREAS, this Ordinance will enable the transfer of previously authorized bond funding in the amount of $32,966,984 from the Southern Sewer Service Area Capital Project to the Christina River Force Main Capital Project and $33,016 from the Richardson Park Pump Station Upgrade Capital Project; and

WHEREAS, this Ordinance also deauthorizes $9,966,984 from the Richardson Park Pump Station Upgrade Capital Project due to the loan from the Delaware Water Pollution Control Revolving Fund not being approved at this point in time; and

WHEREAS, additional authorizations from the Delaware Water Pollution Control Revolving Fund for the Southern Sewer Service Area Capital Project and Richardson Park Pump Station Upgrade Capital Project will be requested at the time of approval of the loan application.

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. Authorized bond funding will be transferred from the Southern Sewer Service Area Capital Project and Richardson Park Pump Station Upgrade Capital Project to the Christina River Force Main Capital Project totaling $33,000,000.

Section 4. Authorizations in the amount of $9,966,984 will be deauthorized from the Richardson Park Pump Station Upgrade Capital Project.

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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will transfer funding from the Southern Sewer Service Area Capital Project and Richardson Park Pump Station Upgrade Capital Project to the Christina River Force Main Capital Project, totaling $33,000,000. Additionally, $9,966,984 will be deauthorized from the Richardson Park Pump Station Upgrade Capital Project. This funded is needed as part of the ongoing rehabilitation of the Christina River Force Main to prevent sanitary sewer incidents that decrease water quality and have negative environmental and public health impacts on wildlife, residents, and commercial entities.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Capital Budget by transferring funding from the Southern Sewer Service Area Capital Project and Richardson Park Pump Station Upgrade Capital Project to the Christina River Force Main Capital Project, totaling $33,000,000. Additionally, $9,966,984 will be deauthorized from the Richardson Park Pump Station Upgrade Capital Project.

The revised FY2024 Capital Budget amount for the Southern Sewer Service Capital Project will be ($32,966,984). The revised FY2024 Capital Budget amount for the Richardson Park Pump Station Upgrade Capital Project will be ($10,000,000). The revised FY2024 Capital Budget amount for the Christina River Force Main Capital Project will be $37,400,000.

This transfer of funding will have no fiscal impact on the FY2024 Capital Budget. The FY2024 New Castle County Capital Budget grand total will remain $70,646,212.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

DEPARTMENT OF ADMINISTRATION

Human Resources Scanning	$	135,800
Land Use Information System		3,000,000
Recorder of Deeds HOA Portal		129,000
Register of Wills System		250,000
Subtotal	$	3,514,800

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
EMS Stations		500,000
Police Range / EVOC		2,350,000
Public Safety Building Renovations		300,000
Public Safety Equipment		291,000
Public Safety Vest Protection Program		201,840
Subtotal	$	6,087,988

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		-
Subtotal	$	14,225,932

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

DEPARTMENT OF PUBLIC WORKS *(Continued)*

Parks		
Agricultural Preservation		$ 1,500,000
Banning Park Improvements		500,000
Bechtel Park Improvements		2,000,000
Brandywine Springs Park Rehabilitation		440,000
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		2,950,000
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		$ 18,166,120
Sewer/Stormwater		
Asset Management		$ 100,000
Backwater Valve Improvement		50,000
Christina River Force Main	~~4,400,000~~	37,400,000
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
Richardson Park Pump Station Upgrade	~~-~~	(10,000,000)
Sewer Fleet Equipment 2022		(650,000)
Sewer Fleet Equipment 2024		2,162,169
Sewer Repairs and Rehabilitation 2024-2025		1,000,000
Southern Sewer Service Area	~~-~~	(32,966,984)
Stoney Creek Basin		500,000
Stormwater Basin Renovation		725,000
Terminal Avenue System Rehabilitation		275,000
Water Quality Improvement Plan		230,233
White Clay System Rehabilitation		2,800,000
Subtotal	~~18,451,356~~	$ 8,484,372
CAPITAL BUDGET TOTAL	**~~80,613,196~~**	**$ 70,646,212**

EXHIBIT B

PROJECT PROFILES
PUBLIC WORKS - SEWER/STORMWATER (continued)

Project Name (Number): Southern Sewer Service Area (C309603)

Description: Construction of sanitary sewer system south of the C&D Canal to incluude treatment plant, pump stations, force mains and interceptor sewer lines.

Council Districts: 6, 12

Funding Schedule

	Bonds	Federal	State	Other	Total
Prior Authorizations	$ 68,123,844	$ -	$ 60,446,641	$ 7,299,515	$ 135,870,000
FY2024	(1,500,000)	-	———	1,500,000	———
			(32,966,984)	-	(32,966,984)
FY2025	-	-	-	-	-
FY2026	1,000,000	-	-	-	1,000,000
FY2027	14,000,000	-	-	-	14,000,000
FY2028	6,000,000	-	-	-	6,000,000
FY2029	1,000,000	-	-	-	1,000,000
Future Years	11,000,000	-	-	-	11,000,000
Total	**$ 99,623,844**	**$ -**	**~~$ 60,446,641~~**	**$ 8,799,515**	**~~$ 168,870,000~~**
			$ 27,479,657		**$ 135,903,016**
Available Authorizations:		**$ 65,287,414**			
Available Funding:		**$ 3,824,548**			
Operating Budget Impact:		**$ (3,300)**			

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

FY2024 Activity:

Construct the SSSA treatment and disposal improvements and construct the West Wing sanitary sewer infrastructure.

Future Activity:

Continue construction of the SSSA treatment and disposal improvements and construct the West Wing sanitary sewer infrastructure.

EXHIBIT B

PROJECT PROFILES
PUBLIC WORKS - SEWER/STORMWATER (continued)

Project Name (Number): Richardson Park Pump Station Upgrade (C300618)

Description: Upgrade/replacement of the pumps, generators, electrical motor control center and power distribution equipment.

Council Districts: 1

Funding Schedule

	Bonds	Federal	State	Other	Total
Prior Authorizations	$ 7,998,310	$ -	$ 10,000,000	$ 1,001,690	$ 19,000,000
FY2024	-	-	~~-~~	-	~~-~~
			(10,000,000)	-	(10,000,000)
FY2025	-	-	-	-	-
FY2026	-	-	-	-	-
FY2027	-	-	-	-	-
FY2028	-	-	-	-	-
FY2029	-	-	-	-	-
Future Years	-	-	-	-	-
Total	**$ 7,998,310**	**$ -**	**~~$ 10,000,000~~**	**$ 1,001,690**	**~~$ 19,000,000~~**
			$ -		**$ 9,000,000**
Available Authorizations:		**$ 10,438,135**			
Available Funding:		**$ 2,785**			
Operating Budget Impact:		**$ -**			

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

FY2024 Activity:

Bid and award rehabilitation project.

Future Activity:

Activity as needed.

EXHIBIT B

PROJECT PROFILES
PUBLIC WORKS - SEWER/STORMWATER (continued)

Project Name (Number): Christina River Force Main (C300705)

Description: Evaluation of the Christina River Force Main (CRFM) to determine present condition and develop a long-term plan.

Council Districts: 6, 12

Funding Schedule

	Bonds	Federal	State	Other	Total
Prior Authorizations	$ 15,525,000	$ -	$ 16,659,005	$ -	$ 32,184,005
FY2024	56,576	-	~~———————~~	4,343,424	~~4,400,000~~
			33,000,000	-	37,400,000
FY2025	20,000,000	-	-	-	20,000,000
FY2026	-	-	-	-	-
FY2027	-	-	-	-	-
FY2028	-	-	-	-	-
FY2029	25,000,000	-	-	-	25,000,000
Future Years	345,000,000	-	-	-	345,000,000
Total	**$405,581,576**	**$ -**	**~~$ 16,659,005~~**	**$ 4,343,424**	**~~$ 426,584,005~~**
			$ 49,659,005		**$ 459,584,005**

Available Authorizations:	**$ 4,244,536**
Available Funding:	**$ 298,955**
Operating Budget Impact:	**$ 124**

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

FY2024 Activity:

Design of new CRFM redundant system, continued assessment and protection of existing CRFM. Installation of approximately 2,000 linerar feet (“LF”) of new 84-inch force main piping to serve as permanent bypass piping around the Heald Street Bridge, approximately 5,700 LF of 84-inch force main piping to serve as permanent bypass piping around the Market Street Bridge, and approximately 2,000 LF of a new 36-inch force main extending from the Market Street Pump Station.

Future Activity:

Construction of phased CRFM redundant system, continued assessment and protection of existing CRFM.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: May 14, 2024

ORDINANCE NO. 24-081

AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $127,000 FROM THE CROSSING GUARD RESERVE ACCOUNT TO THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF CROSSING GUARDS SALARIES AND WAGES AND BENEFITS BUDGET LINE ITEMS

WHEREAS, additional funding is required for the Department of Public Safety, Division of Crossing Guard salaries and wages and benefits for the remainder of FY2024 in the amount of $127,000; and

WHEREAS, funding will be appropriated in the amount of $127,000 from the Crossing Guard Reserve Account to the Department of Public Safety, Division of Crossing Guards; 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 for the fiscal year beginning July 1, 2023 is hereby amended by deleting the matter stricken and adding the matter underscored on the attached Exhibit “A.”

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by appropriating $127,000 from the Crossing Guard Reserve Account to the Department of Public Safety, Division of Crossing Guards Salaries and Wages and Benefits Budget Line Items. These funds are needed to cover salaries and wages for the remainder of FY2024.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Approved Budget by appropriating $127,000 from the Crossing Guard Reserve Account to the Department of Public Safety, Division of Crossing Guards Salaries and Wages and Benefits Budget Line Items.

The revised FY2024 Approved Operating Budget will be $335,942,971. Fiscal impact for future years will be determined on an as needed basis. The Crossing Guard Reserve Account balance upon passage of this Ordinance will be $541,665.

COUNTY COUNCIL		
Salaries and Wages	$	2,428,665
Benefits		1,428,590
Training and Civic Affairs		79,749
Communication and Utilities		19,649
Materials and Supplies		60,806
Contractual Services		247,171
Equipment		1,600
Grants and Fixed Charges		416,684
Operating Transfer Charges		162,309
Total	***$***	***4,845,223***
Total Authorized Full-Time Positions 35		

COUNTY EXECUTIVE		
Salaries and Wages	$	1,777,524
Benefits		1,045,578
Training and Civic Affairs		33,904
Communication and Utilities		18,399
Materials and Supplies		15,535
Contractual Services		529,065
Equipment		1,000
Grants and Fixed Charges		1,140,000
Contingency		9,500
Operating Transfer Charges		82,016
Total	***$***	***4,652,521***
Total Authorized Full-Time Positions 16		

DEPARTMENT OF ADMINISTRATION		
Salaries and Wages	$	12,203,612
Benefits		8,338,475
Training and Civic Affairs		125,275
Communication and Utilities		8,314,086
Materials and Supplies		147,505
Contractual Services		6,862,362
Equipment		380,684
Grants and Fixed Charges		3,925,350
Operating Transfer Charges		1,163,553
Operating Transfer Credits		(12,098,321)
Total	***$***	***27,454,926***
Total Authorized Full-Time Positions 172		

DEPARTMENT OF PUBLIC WORKS		
Salaries and Wages	$	24,597,539
Benefits		14,348,323
Training and Civic Affairs		52,527
Communication and Utilities		27,018,724
Materials and Supplies		4,971,210
Contractual Services		10,588,055
Equipment		475,133
Grants and Fixed Charges		1,193,757
Land and Structures		35,000
Operating Transfer Charges		4,845,206
Operating Transfer Credits		(7,438,785)
Total	***$***	***80,686,689***
Total Authorized Full-Time Positions 384		

DEPARTMENT OF LAND USE		
Salaries and Wages	$	8,375,178
Benefits		4,899,879
Training and Civic Affairs		69,415
Communication and Utilities		111,337
Materials and Supplies		107,807
Contractual Services		1,585,618
Equipment		53,790
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,136,835
Operating Transfer Credits		(803,217)
Total	***$***	***15,593,142***
Total Authorized Full-Time Positions 118		

DEPARTMENT OF COMMUNITY SERVICES		
Salaries and Wages	$	11,791,052
Benefits		5,322,217
Training and Civic Affairs		25,392
Communication and Utilities		1,037,676
Materials and Supplies		1,412,563
Contractual Services		2,212,956
Equipment		37,867
Grants and Fixed Charges		3,110,149
Operating Transfer Charges		1,232,337
Operating Transfer Credits		(190,829)
Total	***$***	***25,991,380***
Total Authorized Full-Time Positions 160		

DEPARTMENT OF PUBLIC SAFETY			
Salaries and Wages		~~67,203,955~~	$ 67,293,955
Benefits		~~39,141,888~~	39,178,888
Training and Civic Affairs			181,191
Communication and Utilities			1,032,702
Materials and Supplies			1,059,997
Contractual Services			2,181,732
Equipment			1,450,572
Grants and Fixed Charges			6,791,770
Operating Transfer Charges			7,298,634
Total		***~~126,342,441~~***	***$ 126,469,441***
Total Authorized Full-Time Positions	***711***		
REGISTER OF WILLS			
Salaries and Wages			$ 1,111,172
Benefits			634,647
Training and Civic Affairs			40,275
Communication and Utilities			12,374
Materials and Supplies			9,925
Contractual Services			56,175
Equipment			4,143
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			36,970
Communication and Utilities			30,977
Materials and Supplies			9,315
Contractual Services			97,001
Equipment			1,150
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	$	0
Total	***$***	***0***
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	$	1,202,655
Total	***$***	***1,202,655***

NEW CASTLE COUNTY			
Salaries and Wages		~~128,201,629~~	$ 128,291,629
Benefits		~~74,367,188~~	74,404,188
Training and Civic Affairs			698,780
Communication and Utilities			37,619,203
Materials and Supplies			7,823,796
Contractual Services			24,736,819
Equipment			2,417,439
Grants and Fixed Charges			16,652,560
Debt Service			45,540,069
Land and Structures			35,000
Contingency			1,917,155
Operating Transfer Charges			16,337,485
Operating Transfer Credits			(20,531,152)
Sub-Total New Castle County		***~~335,815,971~~***	***$*** **335,942,971**
Total Authorized Full-Time Positions	***1,667***		

RESERVE ACCOUNTS AS OF APRIL 23, 2024	
Tax Stabilization Reserve Account (Unaudited)	72,059,107
Sewer Rate Stabilization Reserve Account (Unaudited)	6,261,142
General Fund Budget Reserve Account	44,592,418
Sewer Fund Budget Reserve Account	18,872,304
Total Reserves:	**141,784,971**

Prime Sponsor(s): Mr. Smiley, Mr. Carter
Date of introduction: May 14, 2024

ORDINANCE NO. 24-082

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 22 ("OFFENSES AND MISCELLANEOUS PROVISIONS"), SECTION 22.02.008 ("NOISE CONTROL") RELATING TO DOG AND ANIMAL NOISES

WHEREAS, Noise, which has many sources including household pets, degrades the quality of life of New Castle County neighborhoods and its residents; moreover, if not addressed promptly and consistently, noise levels often reach such a degree as to endanger health, safety, and welfare of our residents, jeopardize property values, and erode the overall integrity of the County; and

WHEREAS, further to the above, responding to ordinary barking noises and control of animals and the enforcement of dog and animal laws are best addressed by the highly trained professionals of the Delaware Office of Animal Welfare ("OAW"); and

WHEREAS, the animal control officers of the OAW are specially trained to determine the care and treatment that should be provided to dogs and other animals, as well as to verify that a dog or other animal is properly licensed and vaccinated in compliance with Delaware laws, and to provide for the well-being of animals; and

WHEREAS, the OAW has agreed to address complaints relating to barking dogs and noisy animals; 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, but not limited to, promoting the public health, safety, welfare, and quality of life of the present and future inhabitants of the County.

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

Section 1. *New Castle County Code* Chapter 22 ("Offenses and Miscellaneous Provisions"), Section 22.02.008 ("Noise Control") is hereby amended by adding the underlined language and deleting the language with strikethroughs, as set forth below.

Sec. 22.02.008. Noise control.

A. *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection…

~~*Animal noise control agency* means a State or County administrative agency, a humane society, or other entity which is authorized by statute, ordinance or contract to enforce any animal noise control laws or regulations of the State or County.~~

…

B. *Noise disturbances prohibited.*

…

2. *Specific prohibitions.* It shall be unlawful for any person to make, continue or cause to be made or continued any noise disturbances in the County in any of the following manners:

…

d. *Animals.* A noise disturbance caused by an animal, including a dog, shall be addressed as provided for under 16 *Del. C*. Ch. 30F and 7 *Del. C*. Ch. 71. For purposes of this Section, the term “animal” does not include livestock or poultry which are raised or kept as part of a farm operation which is actively devoted to the production for sale of plants and animals useful to people. ~~Owning, possessing, harboring or controlling any animal or bird which causes a noise disturbance by barking, baying, crying, squawking or by making any other noise continuously or incessantly for a period of ten (10) minutes or which makes such noises intermittently for one-half (½) hour or more; provided, however, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or that no person other than the owner, controller or possessor of the animal was teasing or provoking the animal or bird at the time it made such noise. For purposes of this Section the term "animals and birds" shall not include livestock or poultry which are raised or kept as part of a farm operation which is actively devoted to the production for sale of plants and animals useful to people.~~

…

C. *Enforcement and penalties.*

1. Except as otherwise specified in this Section, any person who fails to comply with the regulations as established in this Section shall be subject to the penalties provided in Section 1.01.009.

2. Enforcement. This Section shall be enforced by the Police Department. ~~provided, however, that the provisions of Subsection B.2.d may also be enforced by an animal noise control agency as defined in this Section. The County Executive may appoint the animal noise control officers, contingent on funds available, responsible for the enforcement of this section as code enforcement constables or officers for the limited purpose of issuing summons for violations of this Chapter. An animal noise control agency other than a State or County administrative agency, authorized by ordinance to enforce this Section, shall be designated an instrumentality of the County created pursuant to 9 *Del. C.* § 101 et seq. (Counties), only for purposes of the immunities conferred on such agency and its employees pursuant to 10 *Del. C.* § 4001 et seq. (Tort Claims Act), unless otherwise provided by such authorizing ordinance. The County shall not be obliged to indemnify, hold harmless, defend or insure such agency if the immunity is ever determined to be inapplicable.~~

3. Noise Disturbances. ~~and Animal Noise Penalties.~~ Any person convicted of a violation of Subsection B.1~~, B.2.d~~ or Subsection E, which shall be classified a misdemeanor, shall pay a fine for each offense as follows:

a. A fine of not less than ~~two hundred fifty dollars ($250.00)~~ $250 nor more than ~~one thousand dollars ($1,000.00)~~ $1,000 for the first offense, and a fine of not less than ~~five hundred dollars ($500.00)~~ $500 nor more than ~~two thousand five hundred dollars ($2,500.00)~~ $2,500 for the second offense, and a fine of not less than ~~one thousand dollars ($1,000.00)~~ $1,000 nor more than ~~five thousand dollars ($5,000.00)~~ $5,000 for each subsequent offense.

b. Each day any violation of such subsection ~~shall~~ continues shall constitute a separate offense for which a separate conviction may be obtained and a separate penalty for each day shall be imposed.

~~c. Any summons issued for any violation of Subsection B.2.d may provide that in lieu of appearing in court, the offender may remit a voluntary assessment of up to two hundred dollars ($200.00) for each offense. The summons may provide that each day any violation shall continue shall constitute a separate offense.~~

Section 2. This Ordinance shall become effective on July 1, 2024, after its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: The Office of Animal Welfare has agreed to address noise complaints involving animals, including barking dogs. Accordingly, this Ordinance revises the relevant *New Castle County Code* sections to clarify that noise disturbances caused by barking dogs and other noisy animals, not including livestock or poultry which are raised or kept as part of a farm operation, are addressed consistent with 16 *Del. C*. Ch. 30F and 7 *Del. C*. Ch. 71. Finally, this Ordinance will take effect on July 1, 2024.

FISCAL NOTE: There is no discernible fiscal impact.

Prime sponsor(s): Mr. Cartier
Date of Introduction: May 14, 2024

RESOLUTION NO. R24-107

CELEBRATING AND HONORING THE LIFE OF PETER W. MURRAY AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS

WHEREAS, Peter Winthrop Murray, age 57, of Wilmington, Delaware passed away on Saturday, March 9, 2024; and

WHEREAS, Peter was born in Montclair, New Jersey on May 9, 1966, son of the late Andrew Murray and Phyllis O'Connell Murray. In 1989, he earned a BS in business from the University of Vermont. He then attended the University of Vermont Rubenstein School of Environment and Natural Resources, earning a Certification in Sustainable Business; and

WHEREAS, Peter started his career in finance for Raytheon in Boston. Peter then moved onto other businesses including Amana and Newell Rubbermaid. In 2001 he moved to Wilmington to work at DuPont as a Global Supply Chain Leader. Peter also started a supply chain consulting business named "Tout Prest Consulting." For the past three years, he was employed as a supply chain manager for Wesco/Incora where he was a valued employee and will be sorely missed; and

WHEREAS, Peter adored his children, Magnus, Beatrice, and Katerina and was so proud of the young adults they had become. In addition to their much-loved annual camping trip, one of his favorite activities with his children was going to the Brandywine Zoo as Peter was an animal lover; and

WHEREAS, Peter was an active participant in sports. At the University of Vermont, Peter skied for the UVM Nordic ski team. He enjoyed cycling, mountain biking, weightlifting, hiking and coached a high school track team in Vermont; and

WHEREAS, Peter was deeply involved in volunteering in his local community. Peter and his partner Sol participated in many community peace walks. He volunteered with the United Way, AmeriCorps and the Longwood Fire Department/EMS services. He was also involved with the Claymont Renaissance Development Corporation. He was an NPower mentor, coaching individuals in a variety of skills and helping them advance to positions of community leadership and career achievement. Peter not only believed in equity, inclusion, and justice for all; he put his beliefs into action. He made a positive imprint of himself with all his activities within his community; and

WHEREAS, Peter is survived by his three children, Magnus Murray, Beatrice Murray, and Katerina Murray; his former wife, Sarah Murray, all of Chadds Ford, PA; his sister Pamela Murray of Seattle, WA, his cousin Ruth Robbins of Washington, D.C. and his best friend, Sol Robles of Claymont, DE.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby express their deepest condolences to the family and friends of Peter W. Murray.

Adopted by County Council
of New Castle County

_____
Karen Hartley-Nagle
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 resolutio

Prime Sponsor(s): Ms. Kilpatrick Mr. Bell,
Mr. Cartier, Ms. Durham,
Ms. George, Ms. Hartley-Nagle,
Mr. Hollins, Mr. Sheldon,
Mr. Smiley, Mr. Street,
Mr. Tackett, Mr. Toole

Date of introduction: May 14, 2024

RESOLUTION NO. 24-108

RECOGNIZING AND CELEBRATING THE LIFE OF SANDRA "SANDI" MAY CARTER

WHEREAS, Sandra "Sandi" Carter was born in Wilmington on May 27, 1940; and

WHEREAS, Sandi graduated from Media High School, and realized her dream of becoming a Registered Nurse while still raising school-aged children. She then graduated from Nursing School at Delaware Technical Community College and had a 21 year career at Christiana Hospital**;** and

WHEREAS, Sandi was best known for her love of family and devotion to her community**.** She and her husband Jack were married for 47 years until his death in 2005. Together, they raised four children: Candace, John, David, and Carol. She maintained close relationships with her siblings and loved large family gatherings; and

WHEREAS, Sandi was also known for her generosity and unwavering community service. She was a long-time and active member of the Asbury United Methodist Church in New Castle, a guiding force in the annual Strawberry Festival and Christmas Bazaar. She additionally volunteered for 40 years delivering Meals on Wheels, and for a few years, she cooked meals for Emmanuel Dining Hall; and

WHEREAS, Sandi is survived by her children, eight grandchildren, and seven great-grandchildren, and her two sisters and brother. Sandi will be missed by all who had the privilege to know her.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby celebrates and recognizes the life and legacy of Sandra May Carter and extends its deepest sympathy to her family and friends.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
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.

Prime Sponsor(s): Mr. Smiley, Mr. Sheldon
Date of introduction: May 14, 2024

RESOLUTION NO. 24-109

REAPPOINTING DELORES MCLAMB TO THE NEW CASTLE COUNTY DIVERSITY COMMISSION

WHEREAS, pursuant to *New Castle County Code* Section 2.05.509, the Diversity Commission is vested with responsibility of monitoring the County's policies to promote and encourage opportunities for minority and women-owned businesses, to ensure that all human resources activities are conducted in a manner to provide opportunity for all and ensure that the workforce is representative of the community which it serves; and

WHEREAS, *New Castle County Code* Section 2.05.509, provides that the Diversity Commission shall consist of (7) members, of which County Council shall appoint four (4) members with the advise and consent of the County Executive, who shall serve for terms of two (2) years, except that members shall continue to serve until their successors are appointed and qualified; provided, however, that no member shall hold over more than six (6) months after the end of his or her term; and

WHEREAS, the term of Ms. McLamb's appointment to the Diversity Commission has expired and it has been recommended that she be reappointed for another 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 approves the reappointment of Delores McLamb as a member of the New Castle County Diversity Commission for a term to begin immediately upon the adoption of this resolution and to expire March 8, 2026.

Adopted by County Council
of New Castle County on: 5/14/2024

_____
Karen Hartley-Nagle
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.

Prime Sponsor(s): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of Introduction: May 14, 2024

RESOLUTION NO. 24-110

AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FINANCING AGREEMENT WITH THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, IN AN AMOUNT NOT TO EXCEED $33,000,000 TO FUND THE INSTALLATION OF APPROXIMATELY (A) 2,000 LINEAR FEET ("LF") OF NEW 84-INCH FORCE MAIN PIPING TO SERVE AS PERMANENT BYPASS PIPING AROUND THE HEALD STREET BRIDGE, (B) 5,700 LF OF 84-INCH FORCE MAIN PIPING TO SERVE AS PERMANENT BYPASS PIPING AROUND THE MARKET STREET BRIDGE AND (C) 2,000 LF OF A NEW 36-INCH FORCE MAIN EXTENDING FROM THE MARKET STREET PUMP STATION, ALL PART OF THE CHRISTINA RIVER FORCE MAIN REHABILITATION PROJECT; PROVIDING FOR THE PURCHASE OF THE BOND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, the County Council (the "Council") of New Castle County (the "County") has, by the enactment of Ordinance No. 24-xxx (the "Bond Ordinance"), authorized the issuance of its negotiable general obligation bond for public purposes, including the installation of approximately (i) 2,000 linear feet ("LF") of new 84-inch force main piping to serve as permanent bypass piping around the Heald Street Bridge, (ii) 5,700 LF of 84-inch force main piping to serve as permanent bypass piping around the Market Street Bridge, and (iii) 2,000 LF of a new 36-inch force main extending from the Market Street Pump Station as part of the Christina River Force Main Rehabilitation Project (collectively, the "Project"); and

WHEREAS, pursuant to and in accordance with 9 *Del. C.* § 1163, as amended, the Bond Ordinance and this Resolution, the County desires to (i) issue its General Obligation Bond for the Project, Series 2024A-WPCRF, or such other designation as the County shall determine at the time of issuance, in the maximum principal amount not to exceed $33,000,000 (the "Bond") and (ii) authorize the County Executive to determine the final terms and conditions of the Bond and to sell the Bond in a negotiated sale to the Delaware Water Pollution Control Revolving Fund (the "Fund"), acting by and through Delaware Department of Natural Resources and Environmental Control ("DNREC"); and

WHEREAS, the Bond will be issued under, and subject to, the terms and conditions contained in that certain financing agreement dated as of the date of closing, by and between the County and the Fund (the "Financing Agreement") and pursuant to a binding commitment letter dated March 26, 2024, from DNREC to the County; and

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

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

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

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

Section 1. The Bond. The County hereby authorizes the issuance of its General Obligation Bond, Series 2024A-WPCRF, or such other designation as the County shall determine at the time of issuance, for the Project, in a principal amount not to exceed $33,000,000, pursuant to and in accordance with Title 9 *Del. C.* § 1163 for the purpose of financing (i) the Project and (ii) the costs associated with issuing the Bond. The Bond shall be in such principal amount (not to exceed $33,000,000), shall bear such rate or rates of interest, shall mature in such principal amounts and on such dates, shall be subject to redemption, shall be sold at such price and in such manner, and shall be in such form and contain or be subject to such other terms and conditions as shall be determined by the County Executive.

Section 2. Purpose. The Bond shall be issued for the purpose of financing the Project, which consists of two 84-inch force mains to serve as permanent bypass piping, one at 2,000 LF around the Heald Street Bridge and one at 5,700 LF around the Market Street Bridge and a third 36-inch force main at 2,000 LF to extend from the Market Street Pump Station, pursuant to and in accordance with Title 9 *Del. C.* § 1163, and the Bond Ordinance.

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

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

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

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

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

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

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: This Resolution authorizes the County Executive to execute a financing agreement with the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, in an amount not to exceed $33,000,000 to include the installation of approximately (i) 2,000 LF of new 84-inch force main piping to serve as permanent bypass piping around the Heald Street Bridge, (ii) 5,700 LF of 84-inch force main piping to serve as permanent bypass piping around the Market Street Bridge, and (iii) 2,000 LF of a new 36-inch force main extending from the Market Street Pump Station, all as part of the Christina River Force Main Rehabilitation Project. This Resolution allows the Bond to be sold to the Delaware Water Pollution Control Revolving Fund and authorizes the County Executive to execute various documents in connection with the issuance of the Bond and implementation of the financing agreement.

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

Prime Sponsor(s): Mr. Smiley
Date of introduction: May 14, 2024

RESOLUTION NO. 24-111

TO AMEND NEW CASTLE COUNTY COUNCIL PROCEDURAL RULE NO. 8.1.9 ("VIRTUAL PARTICIPATION BY ELECTRONIC MEANS") RELATING TO ATTENDANCE AT COUNCIL MEETINGS

WHEREAS, from time to time, it becomes necessary to update and revise New Castle County Council's Procedural Rules; and

WHEREAS, each Member of County Council is entitled to an accurate record of their attendance at Council meetings; and

WHEREAS, a clearly defined procedure will lead to a structured and deliberate process, which is to the benefit of New Castle County and its residents; and

WHEREAS, due to the unique nature and related challenges that stem from virtual attendance at a meeting and the challenges for a chair to "see" and, therefore, be able to recognize each Member attending virtually, it is incumbent upon each Council member to make an affirmative effort to assist each Chair in their ability to identify each Member participating in a meeting; and

WHEREAS, it is important to the productivity and continuity of each meeting that Members make their best efforts to timely join Council meetings.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby amends County Council Procedural Rule No. 8.1.9 ("Virtual Participation by Electronic Means") by adding the material that is underscored and deleting the material that is stricken, as set forth below.

8.1.9 ("Virtual participation by electronic means").

Consistent with 29 *Del. C*. Section 10006A, any member of Council may participate virtually by electronic means in a Council meeting from a remote location that is not open to the public. A Council member~~s~~ who is virtually participating by electronic means, in any meeting of Council, shall ~~present~~ establish a visual and/or audio presence as a requirement to be recognized as "present".

Furthermore, to the extent a Council Member is not promptly recognized by the Chair of the meeting, it remains the responsibility of each Council Member to bring their presence to the Chair's attention. Additionally, if not present for roll call at the commencement of a meeting, each Council Member who subsequently joins a meeting after it has begun must do so in such a manner as to be recognized within the first 30 minutes of each meeting. If a Member is not present and recognized as such within this time period, the Council Member shall be marked as "present," with the time at which the Council Member was recognized as "present" reflected in the meeting minutes.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: This proposed revision to New Castle County Council Procedural Rule 8.1.9 provides for an orderly and predictable process for recognizing the attendance of Council Members at a Council Meeting.

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

Prime Sponsor(s): Mr. Carter
Requested by: Land Use Department
Date of introduction: November 28, 2023

RESOLUTION NO. 23-220

PLAN OF LOGISTICENTER AT NEW CASTLE COUNTY; ST. GEORGES HUNDRED; SOUTHWESTERLY CORNER OF ROUTE 301 AND JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 1,409,850 SF WAREHOUSE AND A 962,000 SF WAREHOUSE WITH ASSOCIATED SITE IMPROVEMENTS; BP ZONING; APPLICATION NO. 2021-0470; COUNCIL DISTRICT 6

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby approves the following major land development plan, Plan of Logisticenter at New Castle County (Application No. 2021-0470), as heretofore approved by the Land Use Department, and the President of County Council is hereby authorized to endorse her approval upon the following plan.

PLAN OF LOGISTICENTER AT NEW CASTLE COUNTY
St. Georges Hundred

Adopted by County Council of
New Castle County on:

_____
President of County Council
of New Castle County

SYNOPSIS: Same as title

FISCAL IMPACT: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

MEMORANDUM

To: Council President
Members of County Council
Council to Council
Clerk of County Council

From: Charuni Patibanda

Re: Application No. 2021-0470
Logisticenter at New Castle County
Record Major Land Development Plan

Date: November 9, 2023

Enclosed for Council's review and consideration of approval are paper prints of the above-referenced plan. The Department has determined that this proposal complies with all applicable requirements of the New Castle County Code.

A suggested title, synopsis, and fiscal note are attached.

cc: Matthew Meyer, County Executive
Vanessa Phillips, Chief Administrative Officer
Brian Boyle, Senior Policy Director

Plan of Logisticenter at New Castle County; St. Georges Hundred; Southwesterly corner of Route 301 and Jamison Corner Road; Major Land Development Plan that proposes a 1,409,850 SF warehouse and a 962,000 SF warehouse with associated site improvements; BP zoning.

Synopsis: Same as title

Fiscal Note: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

LEGEND

PROPERTY LINE
SET BACK LINE
LIMIT OF DISTURBANCE
ZONING BOUNDARY LINE
BUILDING LINE
CURB
CONCRETE PAVEMENT
30 PARKING SUBTOTAL
(10) PARKING COUNT
DOORWAY
SIGN
BOLLARD
PROPOSED FIRE HYDRANT
TREE LINE
FHA 100 YEAR FLOODPLAIN
RIPARIAN BUFFER
WETLAND
EXISTING CONCRETE MONUMENT
MON PROPOSED CONCRETE MONUMENT
EXISTING TREE

NOTES:

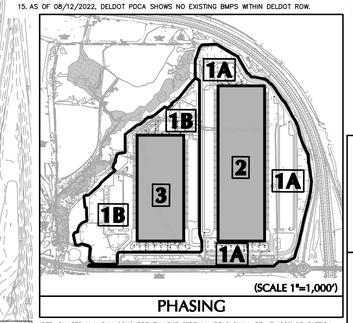
1. THIS PLAN SUPERSEDES, IN ENTIRETY, THE RECORD MINOR LAND DEVELOPMENT PLAN FOR DELMARVA POWER & LIGHT CO, SUMMIT POWER STATION, DATED 4/17/1975 AND RECORDED IN SEPTEMBER OF 1975 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM NO. 3011.
2. SURVEY INFORMATION IS BASED ON A PLAN ENTITLED ALTA–NSPS LAND TITLE SURVEY FOR LANDS TO BE CONVEYED TO DPML JAMISON CORNER, LLC PREPARED BY APEX ENGINEERING INCORPORATED, DATED 4/22/2021, AND LAST REVISED 6/7/2021.
3. A WETLAND INVESTIGATION WAS PERFORMED FOR THIS SITE BY WATERSHED ECO ON FEBRUARY 2, 2021 AND CONFIRMED BY TEN BEARS ENVIRONMENTAL LLC. WETLANDS WERE FOUND TO EXIST ON A PORTION OF THE PARCEL.
4. THE SITE IS NOT WITHIN A CRITICAL NATURAL AREA ACCORDING TO THE STATE INVENTORY OF NATURAL AREAS.
5. THE SITE IS NOT LOCATED WITHIN ANY WATER RESOURCE PROTECTION AREA (WRPA) ACCORDING TO THE WATER RESOURCE PROTECTION AREA FOR CITY OF NEWARK, CITY OF WILMINGTON, NEW CASTLE COUNTY, DELAWARE MAP 2 OF 3, LAST REVISED MARCH 2022.
6. FLOOD LINE DELINEATION AS PER REVISION TO FLOOD RATE MAP FOR NEW CASTLE COUNTY DELAWARE AND INCORPORATED AREAS, FEMA CASE NO. 23-03-0452P.
7. ANY AREAS DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE, EXCLUSIVE OF ANY REFORESTATION REQUIRED BY THE COUNTY.
8. NO DEBRIS IS TO BE BURIED ON THIS SITE.
9. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PROTECTION REGULATIONS.
10. STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) DELAWARE SEDIMENT AND STORMWATER REGULATIONS EFFECTIVE DATE JANUARY 23, 1991, AMENDED FEBRUARY 11, 2019 (OR AS LATER AMENDED), THE DELAWARE STORMWATER RUNOFF MANAGEMENT MODEL (SUDRM) VERSION v2.51 – 220414 (OR AS THEY AMENDED) AND NEW CASTLE COUNTY DRAINAGE CODE EFFECTIVE APRIL 23, 2023 (OR LATER AS AMENDED).
11. UNLESS OTHERWISE SPECIFIED ON THE PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
12. THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE, AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
13. ALL COMMON FACILITIES, INCLUDING, BUT NOT LIMITED TO PAVED AREAS, SIDEWALKS, CURBING, LANDSCAPING, OPEN SPACE, STORMWATER MANAGEMENT AREAS AND/OR DRAINAGE FACILITIES SHALL BE KEPT IN GOOD REPAIR AND MAINTAINED IN A SAFE AND SANITARY CONDITION IN ACCORDANCE WITH THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.
14. A STORMWATER MANAGEMENT ACCESS EASEMENT IN FAVOR OF NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS IS HEREBY CREATED ON, OVER AND ACROSS THE ENTIRE AREA OF ALL STORMWATER MANAGEMENT FACILITIES INCLUDING, STORMWATER CONVEYANCE SYSTEMS, BASINS, AND ALL COMPONENTS THEREOF, IDENTIFIED ON THIS PLAN AND ALL WATERCOURSES FOR THE PURPOSES OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH SUCH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE AND AUTHORITY TO ENTER UPON AND TRAVEL ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENT HEREIN CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT MAINTENANCE IS REQUIRED TO A STORMWATER MANAGEMENT FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER MANAGEMENT FACILITIES, ALL EXPENSES SHALL BE JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.
15. PROPOSED LANDSCAPING SHALL NOT INTERFERE WITH SIGHT DISTANCE LINES.
16. PROTECTED RESOURCE AREAS PER NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE SECTION 40.10.000 ARE TO REMAIN IN THEIR NATURAL STATE WITHIN THE CONSERVATION EASEMENT.
17. (A) A 40–FOOT SANITARY EASEMENT OR A 20–FOOT STORM DRAINAGE EASEMENT, 20–FOOT OR 10–FOOT RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER A STORM OR SANITARY SEWER IS DESIGNED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT–OF–WAY. A 20–FOOT WIDE EASEMENT ONE FOOT (1') ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED WHERE A SANITARY SEWER PIPE IS DESIGNED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SEWER PIPE IS MORE THAN 5' DEEP OR MORE THAN 5' FEET FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE RELOCATION AS DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES.
(B) NEW CASTLE COUNTY HAS THE RIGHT OF ACCESS TO THE SITE FOR THE PURPOSES OF OPERATING, MAINTAINING AND REPAIRING THE SANITARY SEWER LINES CONTAINED WITHIN THE SEWER EASEMENTS SHOWN ON THIS PLAN.
18. ADDRESSES ARE AS ASSIGNED BY THE NEW CASTLE COUNTY GIS SERVICES.
19. THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, SHALL HAVE THE RIGHT AND AUTHORITY TO IMPLEMENT SUCH RESTRICTIONS AND SAFEGUARDS ON THE PREMISES AS MAY BE REASONABLE NECESSARY TO PROTECT THE SAFETY AND WELFARE OF THE PUBLIC.
20. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT STANDARDS AND REGULATIONS FOR SUBDIVISIONS STREETS AND STATE HIGHWAY ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.
21. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED WITHIN THE CONSTRUCTION PLAN SET. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT–OF–WAY OF THE PROJECTS ON TO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
22. THE SIDEWALK ALONG THE FRONTAGE OF THE SUBJECT PARCEL SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE FOR THE SIDEWALK.
23. THE DEVELOPER SHALL BE RESPONSIBLE TO FURNISH AND PLACE RIGHT–OF–WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE–ESTABLISHING THE RIGHT–OF–WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT–OF–WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT–OF–WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT–OF–WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
24. THE DEVELOPER SHALL PRESERVE ALL TREES ON THIS SITE EXCEPT WHERE NECESSARY TO CONSTRUCT BUILDINGS, PARKING ACCESS WAYS, RECREATIONAL FACILITIES AND DRAINAGE FACILITIES AS APPROVED. EXISTING PLANT MATERIALS DESIGNATED TO REMAIN ON THIS PLAN OR THE LANDSCAPE PLAN SHALL BE PRESERVED AND PROPERLY PROTECTED DURING CONSTRUCTION. IN THE CASE OF UTILITY RIGHTS–OF–WAY AND EASEMENTS, ANY DISTURBED AREA SHALL BE REPLANTED SO AS TO ACHIEVE A EQUIRRENCE OF NATURAL VEGETATION COVER.
25. NEW CASTLE COUNTY AND THE STATE OF DELAWARE ARE GRANTED BLANKET EASEMENTS ACROSS AISLEWAYS, PARKING AREAS, PRIVATE ACCESSWAYS AND ALL COMMON AREAS CREATED BY THIS FOR THE INSPECTION OF STORMWATER MANAGEMENT AREAS AND STORMWATER FACILITIES LOCATED ON THIS SITE.
26. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN, THE LDIA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON FEBRUARY 7, 2023, AT INSTRUMENT NO. 20230207–0007985.
27. PLAN IS SUBJECT TO THE FOLLOWING GENERAL EXCEPTIONS (PER TITLE COMMITMENT #31607–13 BY FIRST AMERICAN TITLE INSURANCE DATED MARCH 8, 2021):
   a. DECLARATION RECORDED MARCH 6, 1974 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD X, VOLUME 86, PAGE 607. (APPLICABLE)
   b. DECLARATION RECORDED MARCH 9, 1983 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD K, VOLUME 121, PAGE 258. (APPLICABLE)
   c. DECLARATION RECORDED MARCH 9, 1983 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD K, VOLUME 121, PAGE 263. (APPLICABLE)
   d. DECLARATION RECORDED JUNE 18, 1995 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 247, PAGE 200. (APPLICABLE)
   e. AGREEMENT RECORDED DECEMBER 1, 1972 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD B, VOLUME 87, PAGE 778. (APPLICABLE)
   f. RIGHT OF WAY TO DELMARVA POWER & LIGHT COMPANY RECORDED MAY 28, 1963 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD E, VOLUME 71, PAGE 34. (NOT APPLICABLE)
   g. RIGHT OF WAY TO DELMARVA POWER & LIGHT COMPANY AND THE DIAMOND STATE TELEPHONE COMPANY RECORDED AUGUST 23, 1977 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD V, VOLUME 97, PAGE 557.(NOT APPLICABLE)
   h. EASEMENT TO DELMARVA POWER & LIGHT COMPANY RECORDED MARCH 2, 1990 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 1002, PAGE 66. (NOT APPLICABLE)
   i. UTILITY EASEMENT AGREEMENT TO DELMARVA POWER & LIGHT COMPANY RECORDED FEBRUARY 21, 1991 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 1143, PAGE 0031. (NOT APPLICABLE)
   j. EASEMENT AGREEMENT RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD G, VOLUME 74, PAGE 326. (NOT APPLICABLE)
   k. PERMANENT EASEMENT AGREEMENT RECORDED JUNE 10, 1980 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 1045, PAGE 186. (NOT APPLICABLE)
   l. AGREEMENT WAIVE, TERMINATE AND EXTINGUISH RIGHT OF FIRST REFUSAL RECORDED MARCH 2, 2000 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 2792, PAGE 7. (APPLICABLE)
   m. RIGHT OF WAY CONTAINED IN DEED RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD W, VOLUME 90, PAGE 217. (NOT APPLICABLE)
   n. RIGHT OF WAY CONTAINED IN DEED RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 189, PAGE 140. (NOT APPLICABLE)
   o. PROPOSED FUTURE RIGHT–OF–WAY & DEVELOPMENT AGREEMENT RECORDED DECEMBER 11, 2018 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN INSTRUMENT NO. 20181211–0067903. (NOT APPLICABLE)
   p. CERTIFIED ABSTRACT OF CONDEMNATION PROCEEDINGS RECORDED MARCH 14, 2013 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN INSTRUMENT NO. 20130314–0016702. (APPLICABLE)
   q. CERTIFIED ABSTRACT OF CONDEMNATION PROCEEDINGS RECORDED FEBRUARY 4, 2014 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN INSTRUMENT NO. 20140204–0004649. (APPLICABLE)
   r. MATTERS AS SET FORTH IN SUBDIVISION PLAT RECORDS D IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN MICROFILM NO. 3011. (APPLICABLE)
28. A LANDSCAPE PLAN, PREPARED BY LANGAN ENGINEERING, LAST DATED 11/4/2022 OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED PAT OF THE RECORD PLAN.
29. THE DEVELOPER SHALL MAINTAIN THE RIGHT TO TRESPASS ON THE PROPERTY FOR A TIME PERIOD OF AT LEAST ONE YEAR AFTER THE LOT IS SOLD FOR PURPOSES OF COMPLETING THE OVERALL REQUIRED SITE DRAINAGE AND LANDSCAPING IMPROVEMENTS.
30. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR LONG TERM STORMWATER MAINTENANCE AND INSPECTION FUND PURSUANT TO SECTION 40.27.240 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS. AN AMOUNT OF $16,000 SHALL BE FUNDED PRIOR TO RECEIVING THE FIRST CERTIFICATE OF OCCUPANCY. THE DEPARTMENT OF LAND USES SHALL WITHHOLD THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY UNTIL SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IS FURNISHED IN ACCORDANCE WITH THE REQUIREMENTS.
31. BUILDING PERMITS SHALL BE REVIEWED IN ACCORDANCE WITH THE STANDARDS OF SECTION 40.26.260 OF THE NEW CASTLE COUNTY CODE (NCCC). REFER TO THE ARCHITECTURAL NARRATIVE FROM MORRIS JAMES, LLP DATED SEPTEMBER 28, 2022 AND THE PROPOSED BUILDING RENDERINGS CONTAINED THEREIN.

NATURAL RESOURCE AREA IMPACT TABLE:

NATURAL RESOURCE	REQUIRED PROTECTION LEVEL	TOTAL AREA OF RESOURCE (AC)	REQUIRED PROTECTED LAND	PROPOSED DISTURBANCE	PROPOSED PROTECTED LAND
WETLAND	1.00	17.13 AC.	17.13 AC.	0.000 AC.	17.13 AC
RIPARIAN BUFFER	1.00	10.97 AC.	10.97 AC.	0.00AC.	10.97 AC
FLOODPLAIN	1.00	10.60 AC.	10.60 A.C	0.00 AC.	10.60 AC
FORESTS (YOUNG)	0.20	42.82 AC.	8.56 AC	8.79 AC.	34.03 AC
DRAINAGEWAY	0.0	4.92 AC.	0 AC.	4.92 AC.	0 AC.

DELDOT NOTES (REV. 03/21/2019):

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.
2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT–OF–WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT–OF–WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED–USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH (DEPENDING ON THE TIMING OF THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE–IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT DEVELOPMENT COORDINATION MANUAL.
5. PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
6. THE SIDEWALK AND SHARED–USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED–USE PATH.
7. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
8. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON–STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT–OF–WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
9. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT–OF–WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
10. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT–OF–WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE–ESTABLISHING THE RIGHT–OF–WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT–OF–WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT–OF–WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT–OF–WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
11. CONSTRUCTION WILL NOT BE PERMITTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED, SURETY HAS BEEN RECEIVED AND THE TRAFFIC SIGNAL AGREEMENT IS COMPLETE AT DELDOT'S DISCRETION. A TEMPORARY CONSTRUCTION ENTRANCE PERMIT MAY BE ISSUED FOR CLEARING, GRUBBING, TEMPORARY ENTRANCE CONSTRUCTION, BULK GRADING AND PERIMETER EROSION AND SEDIMENT CONTROLS UP TO THIRTY (30) DAYS PRIOR TO PLAN APPROVAL NO BUILDING CONSTRUCTION WILL BE PERMITTED UNDER A TEMPORARY ENTRANCE CONSTRUCTION PERMIT. IF PLAN APPROVAL IS NOT RECEIVED WITHIN THIRTY (30) CALENDAR DAYS, ALL CONSTRUCTION ACTIVITIES SHALL BE STOPPED. DELDOT WILL NOT PROVIDE A C/O APPROVAL FOR A COMMERCIAL ENTRANCE TO NCC UNTIL THE ENTRANCE(S) ARE COMPLETED TO THE SATISFACTION OF THE DEPARTMENT.
12. THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG O JAMISON CORNER ROAD, WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPAL ARTERIAL/FREEWAY/INTERSTATE AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM): IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT, FOR PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION. ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE, SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS. A DETAILED NOISE ANALYSIS PER DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND–USES (SUCH AS THOSE DESCRIBED IN DCM FIGURE 3.6.3–A: NOISE ABATEMENT CRITERIA). WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON–RESIDENTIAL USES AS SHOWN IN DCM FIGURE 3.6.3–A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE INFEASIBILITY OF APPLYING NOISE MITIGATION MEASURES, BASED ON ENGINEERING CONSIDERATIONS AND FACTORS THAT WOULD LIMIT THE ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION, RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS. THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR SOME CURRENT OR FUTURE PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS OR MITIGATION MEASURES. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR BOTH.
13. THE OWNER/DEVELOPER SHALL ENTER INTO THE SNCC TID INFRASTRUCTURE RECOUPMENT AGREEMENT, AND PAY THE TID FEE PRIOR TO ISSUANCE OF THE BUILDING PERMITS. CREDIT AGAINST TID FEES OWED FOR REQUIRED FRONTAGE IMPROVEMENTS WILL BE DETERMINED, DOCUMENTED, AND GRANTED, IN ACCORDANCE WITH THE TERMS OF THIS INFRASTRUCTURE RECOUPMENT AGREEMENT DATED 10/19/21 AND THE TRANSPORTATION IMPROVEMENT DISTRICT AND OFFSITE IMPROVEMENTS MEMORANDUM DATED 4/20/22. THIS DOCUMENT HAS BEEN RECORDED WITH NEW CASTLE COUNTY AND THE INSTRUMENT NUMBER IS 20211104–0127815.
   13.1. THE DEVELOPER SHALL IMPROVE THE STATE–MAINTAINED ROAD(S) ON WHICH THEY FRONT, WITHIN THE LIMITS OF THEIR FRONTAGE, TO MEET DELDOT'S STANDARDS FOR THEIR FUNCTIONAL CLASSIFICATION AS FOUND IN SECTION 1.1 OF THE DEVELOPMENT COORDINATION MANUAL AND ELSEWHERE THEREIN. THE IMPROVEMENTS SHALL INCLUDE BOTH DIRECTIONS OF TRAVEL, REGARDLESS OF WHETHER THE DEVELOPER'S LANDS ARE ON ONE OR BOTH SIDES OF THE ROAD. FRONTAGE IS DEFINED IN SECTION 1 OF THE DEVELOPMENT COORDINATION MANUAL, WHICH STATES THIS LENGTH INCLUDES THE LENGTH OF ROADWAY PERPENDICULAR TO LINES CREATED BY THE PROJECTION OF THE OUTSIDE PARCEL CORNERS TO THE ROADWAY. QUESTIONS OR APPEALS OF THIS REQUIREMENT SHOULD BE DIRECTED TO THE DELDOT SUBDIVISION REVIEW COORDINATOR IN WHOSE AREA THE DEVELOPMENT IS LOCATED.
   13.2. THE DEVELOPER SHALL ENTER INTO A SIGNAL AGREEMENT WITH DELDOT FOR THE INTERSECTION OF THE NORTH MOST SITE ENTRANCE/SCOTT RUN COMMERCE CENTER NORTH ENTRANCE AND JAMISON CORNER ROAD (NEW CASTLE ROAD 413). THE DEVELOPER SHOULD DISCUSS THE DETAILS OF THIS AGREEMENT WITH DELDOT'S TRAFFIC SECTION.
   13.3. THE DEVELOPER SHALL ENTER INTO A SIGNAL AGREEMENT WITH DELDOT FOR THE INTERSECTION OF THE SOUTH MOST SITE ENTRANCE/SCOTT RUN COMMERCE CENTER SOUTH ENTRANCE AND JAMISON CORNER ROAD (NEW CASTLE ROAD 413). THE DEVELOPER SHOULD DISCUSS THE DETAILS OF THIS AGREEMENT WITH DELDOT'S TRAFFIC SECTION.
14. DATUM/BENCHMARK: NAVD88 BENCHMARK IS CONCRETE MONUMENT SET IN THE RIGHT OF WAY FOR JAMISON CORNER ROAD ON THE NORTH EAST SIDE OF THE SUBJECT PROPERTY AT ELEVATION 68.87.
15. AS OF 08/12/2022, DELDOT PDCA SHOWS NO EXISTING BMPS WITHIN DELDOT ROW.

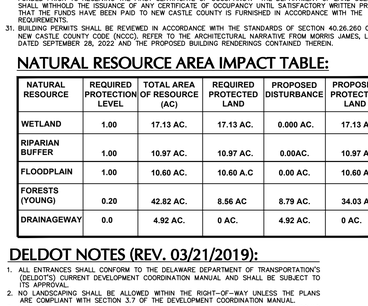


(SCALE 1"=1,000')

PHASING

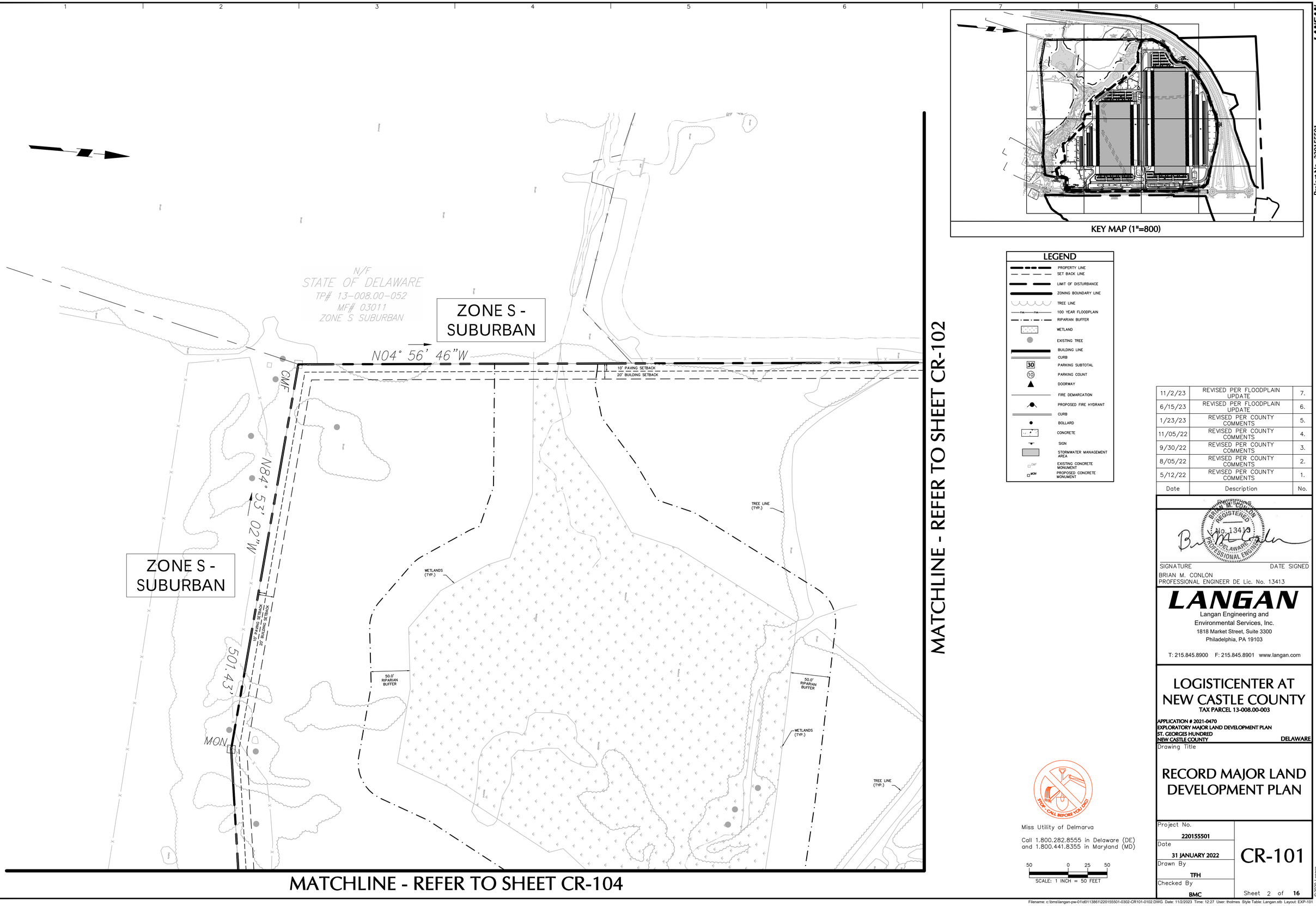
NOTE: PHASES MAY RUN CONCURRENTLY BUT CERTAIN AREAS SHALL BE AT 100% COMPLETION PRIOR TO CERTIFICATE OF OCCUPANCIES AS DESCRIBED BELOW.

1. PHASE 1 INCLUDES THE COMMENCEMENT OF CONSTRUCTION OF ALL ON–SITE IMPROVEMENTS INCLUDING THE PROPOSED STORMWATER MANAGEMENT FACILITIES, SITEWORK, UTILITIES, LANDSCAPING AND LIGHTING. PORTIONS OF THE SITE AROUND THE PERIMETERS OF THE BUILDINGS WILL BE USED FOR BUILDING CONSTRUCTION STAGING AND WILL BE BROUGHT TO SUBGRADE ELEVATION, STONED AND STABILIZED. THESE AREAS MAY NOT BE FULLY COMPLETED (FINAL PAVING, LANDSCAPING, AND STRIPING) UNTIL NEAR THE END OF BUILDING CONSTRUCTION. ALL FINAL PAVING, LANDSCAPING AND STRIPING WILL BE COMPLETED PRIOR TO CERTIFICATE OF OCCUPANCY AND THE AREA FOR EACH BUILDING IS SHOWN IN SUBSET PHASE 1A AND 1B.
2. PHASE 1A REPRESENTS THE AREAS THAT WILL BE AT FINAL COMPLETION PRIOR TO CERTIFICATE OF OCCUPANCY FOR BUILDING 1.
3. PHASE 1B REPRESENTS THE AREAS THAT WILL BE AT FINAL COMPLETION PRIOR TO CERTIFICATE OF OCCUPANCY FOR BUILDING 2.
4. PHASE 2 INCLUDES THE CONSTRUCTION OF THE PROPOSED BUILDING 1. ALL PHASE 1A SITEWORK SHALL BE COMPLETED PRIOR TO CERTIFICATE OF OCCUPANCY.
5. PHASE 3 INCLUDES THE CONSTRUCTION OF THE PROPOSED BUILDING 2. ALL PHASE 1B SITEWORK SHALL BE COMPLETED PRIOR TO CERTIFICATE OF OCCUPANCY.



LOCATION MAP SCALE 1"=800'

STOP – CALL BEFORE YOU DIG
Miss Utility of Delmarva
1.800.282.8555 in Delaware
1.800.441.8355



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- 30 PARKING SUBTOTAL
- (10) PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- MON PROPOSED CONCRETE MONUMENT

Date	Description	No.
11/2/23	REVISED PER FLOODPLAIN UPDATE	7.
6/15/23	REVISED PER FLOODPLAIN UPDATE	6.
1/23/23	REVISED PER COUNTY COMMENTS	5.
11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

LANGAN
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LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

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SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

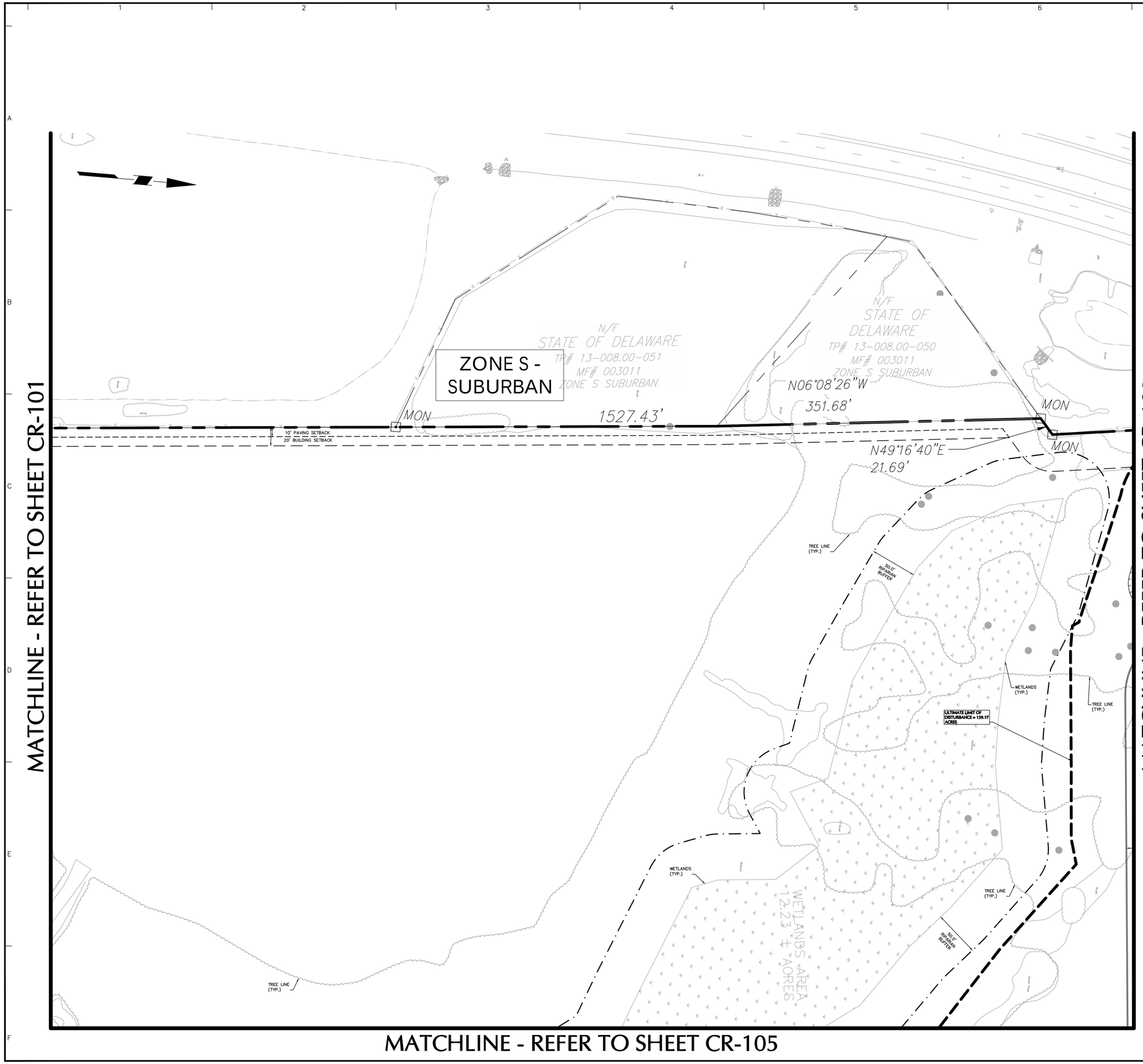
CR-101

Sheet 2 of 16

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LANGAN Project No. 220155501





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- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT (CMF)
- PROPOSED CONCRETE MONUMENT (MON)

No.	Date	Description
7.	11/2/23	REVISED PER FLOODPLAIN UPDATE
6.	6/15/23	REVISED PER FLOODPLAIN UPDATE
5.	1/23/23	REVISED PER COUNTY COMMENTS
4.	11/05/22	REVISED PER COUNTY COMMENTS
3.	9/30/22	REVISED PER COUNTY COMMENTS
2.	8/05/22	REVISED PER COUNTY COMMENTS
1.	5/12/22	REVISED PER COUNTY COMMENTS

REVISIONS

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER DELAWARE

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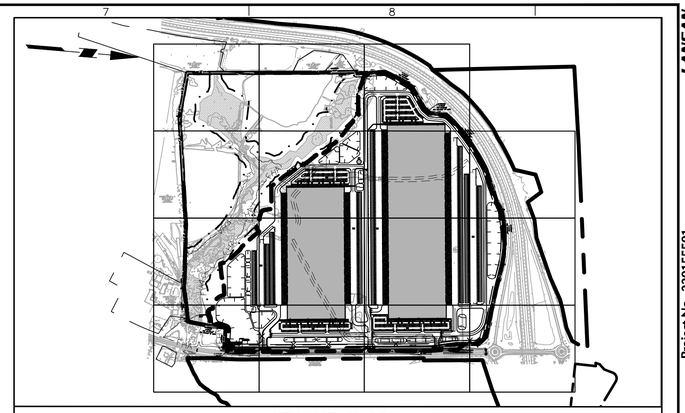
CR-102

Sheet 3 of 16

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Project No. 220155501

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KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
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- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT

MATCHLINE - REFER TO SHEET CR-102

ZONE S - SUBURBAN

STORMWATER MANAGEMENT AREA 8 (1.4 ACRES)

ZONE BP - BUSINESS PARK

ULTIMATE LIMIT OF DISTURBANCE = 159.17 ACRES

N07°52'28"W 322.40'

R=2350.00'
L=344.01'
Chd L9=343.70'
Chd Bng=N24° 19' 02"E

40.0' BUILDING SETBACK
40.0' PARKING SETBACK

N54°59'40"E 277.69'

R=2240.00'
L=84.38'
Chd L9=84.38'
Chd Bng=N35° 57' 38"E

N00°08'17"E 183.67'

N38°52'27"E 297.74'

304

ASPHALT PAVEMENT

9' X 18' VEHICLE PARKING STALLS (TYP.)

FIRE LANE

6" CONCRETE CURB (TYP.)

DOUBLE YELLOW STRIPING (TYP.)

TREE LINE (TYP.)

PROPOSED 6" CURB (TYP.)

ADA RAMP (TYP.)

5' WIDE CONCRETE SIDEWALK (TYP.)

PAINTED CROSSWALK

BIKE RACKS

15' WIDE CONCRETE SIDEWALK (TYP.)

BOLLARD (TYP.)
FIRE HYDRANT (TYP.)

650.0'

MON

CMF

MATCHLINE - REFER TO SHEET CR-106

Date	Description	No.
11/2/23	REVISED PER FLOODPLAIN UPDATE	7.
6/15/23	REVISED PER FLOODPLAIN UPDATE	6.
1/23/23	REVISED PER COUNTY COMMENTS	5.
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5/12/22	REVISED PER COUNTY COMMENTS	1.

REVISIONS

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DELAWARE

SIGNATURE DATE SIGNED

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Checked By	BMC

CR-103

Sheet 4 of 16

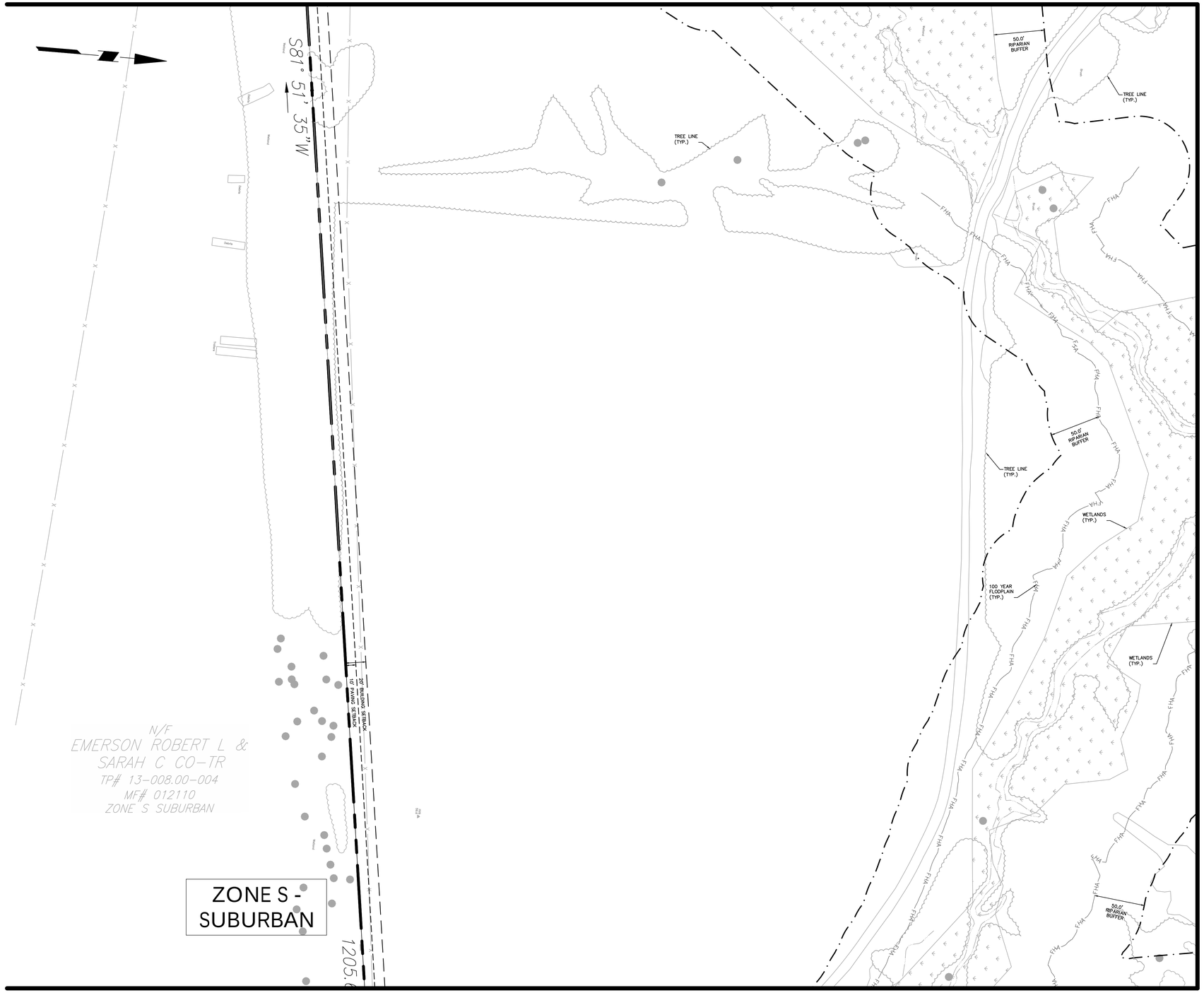
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Project No. 220155501

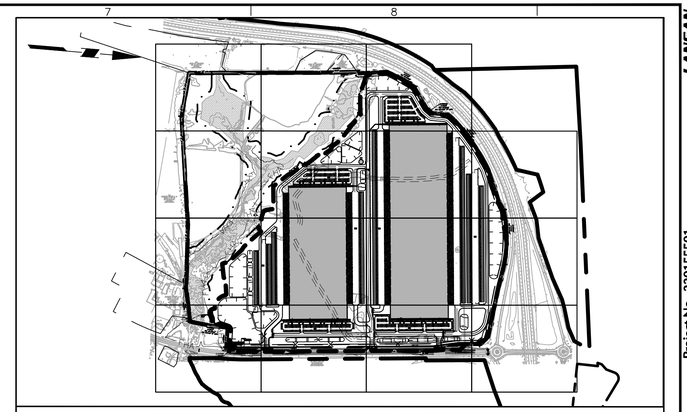
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MATCHLINE - REFER TO SHEET CR-101



MATCHLINE - REFER TO SHEET CR-105

MATCHLINE - REFER TO SHEET CR-108



KEY MAP (1"=800)

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5/12/22	REVISED PER COUNTY COMMENTS	1.

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SIGNATURE DATE SIGNED

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Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

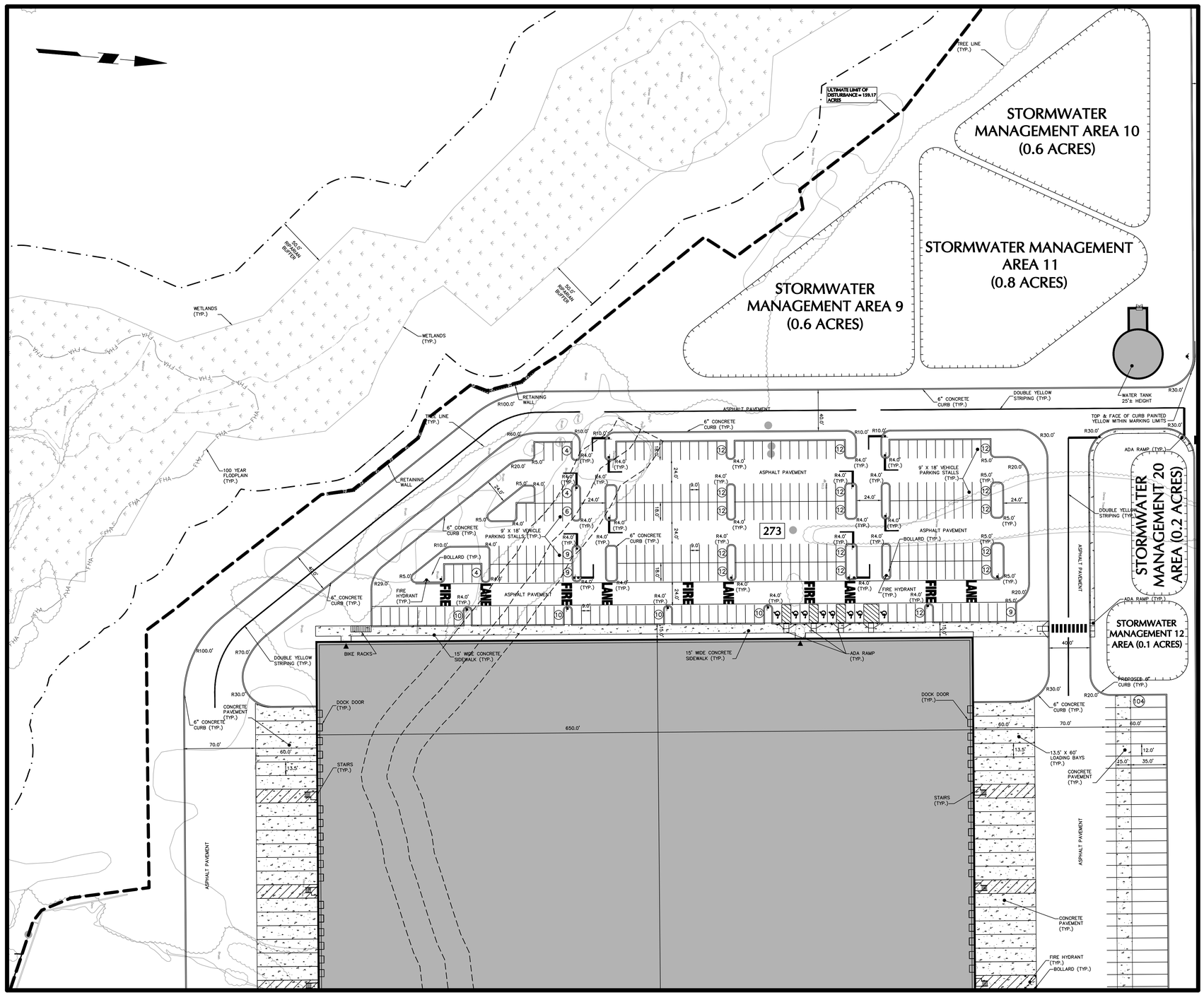
CR-104

Sheet 5 of 16

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Project No. 220155501

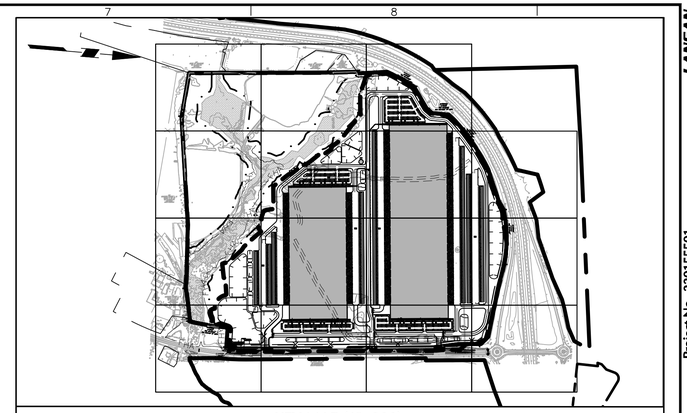
MATCHLINE - REFER TO SHEET CR-102



MATCHLINE - REFER TO SHEET CR-104

MATCHLINE - REFER TO SHEET CR-106

MATCHLINE - REFER TO SHEET CR-109



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT

No.	Date	Description
7.	11/2/23	REVISED PER FLOODPLAIN UPDATE
6.	6/15/23	REVISED PER FLOODPLAIN UPDATE
5.	1/23/23	REVISED PER COUNTY COMMENTS
4.	11/05/22	REVISED PER COUNTY COMMENTS
3.	9/30/22	REVISED PER COUNTY COMMENTS
2.	8/05/22	REVISED PER COUNTY COMMENTS
1.	5/12/22	REVISED PER COUNTY COMMENTS

REVISIONS

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER STATE OF DELAWARE

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

LANGAN
Langan Engineering and Environmental Services, Inc.
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T: 215.845.8900 F: 215.845.8901 www.langan.com

LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

STOP! CALL BEFORE YOU DIG!

50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-105

Sheet 6 of 16

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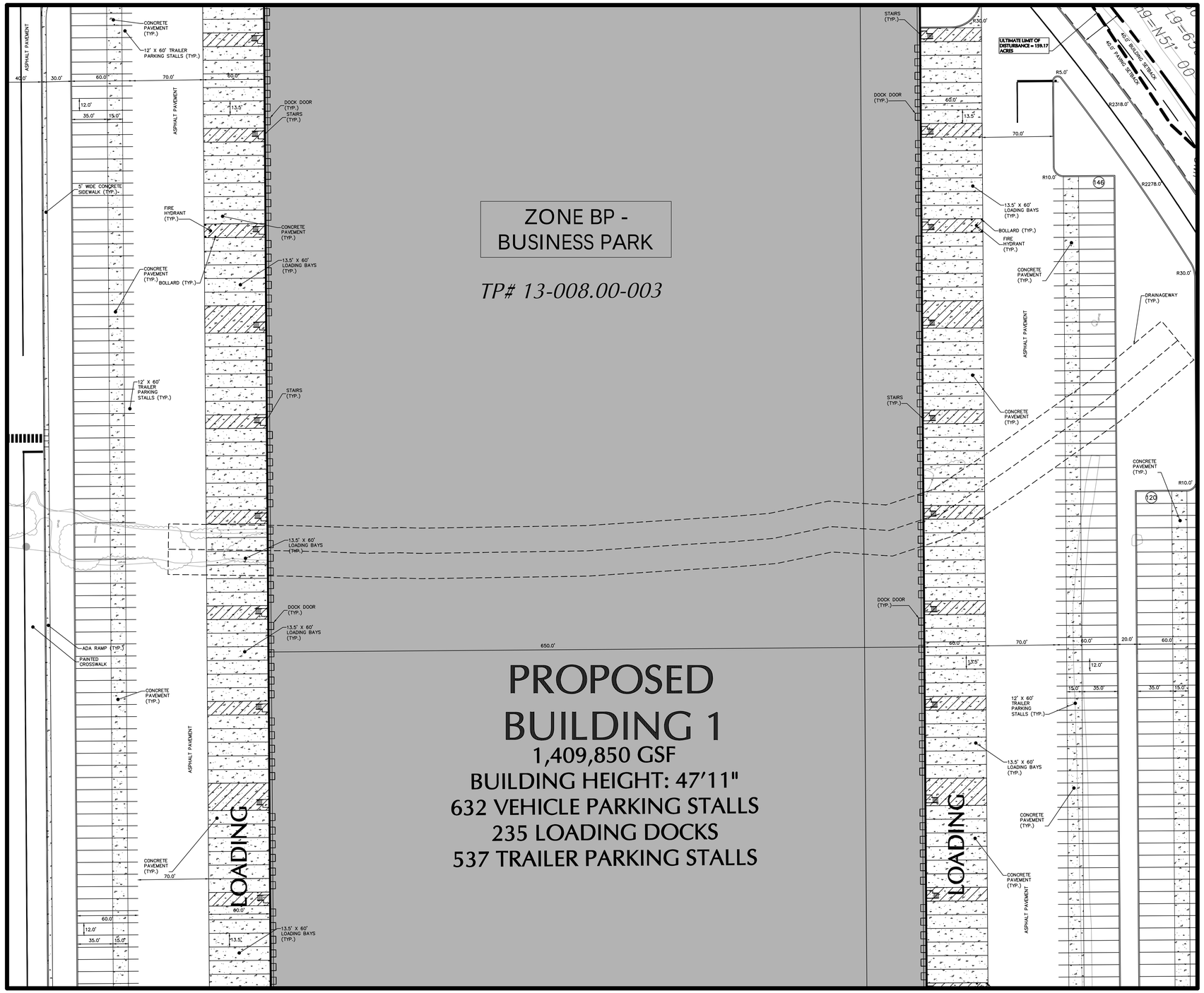
Project No. 220155501

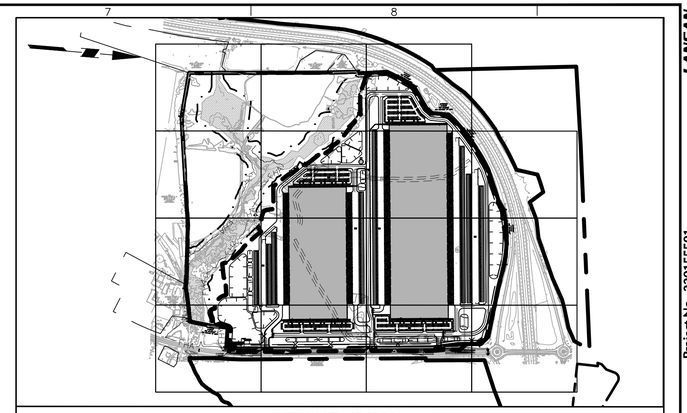
MATCHLINE - REFER TO SHEET CR-103

MATCHLINE - REFER TO SHEET CR-105

MATCHLINE - REFER TO SHEET CR-107

MATCHLINE - REFER TO SHEET CR-110





KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
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- STORMWATER MANAGEMENT AREA
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Date	Description	No.
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6/15/23	REVISED PER FLOODPLAIN UPDATE	6.
1/23/23	REVISED PER COUNTY COMMENTS	5.
11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER DELAWARE

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

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LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

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SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-106

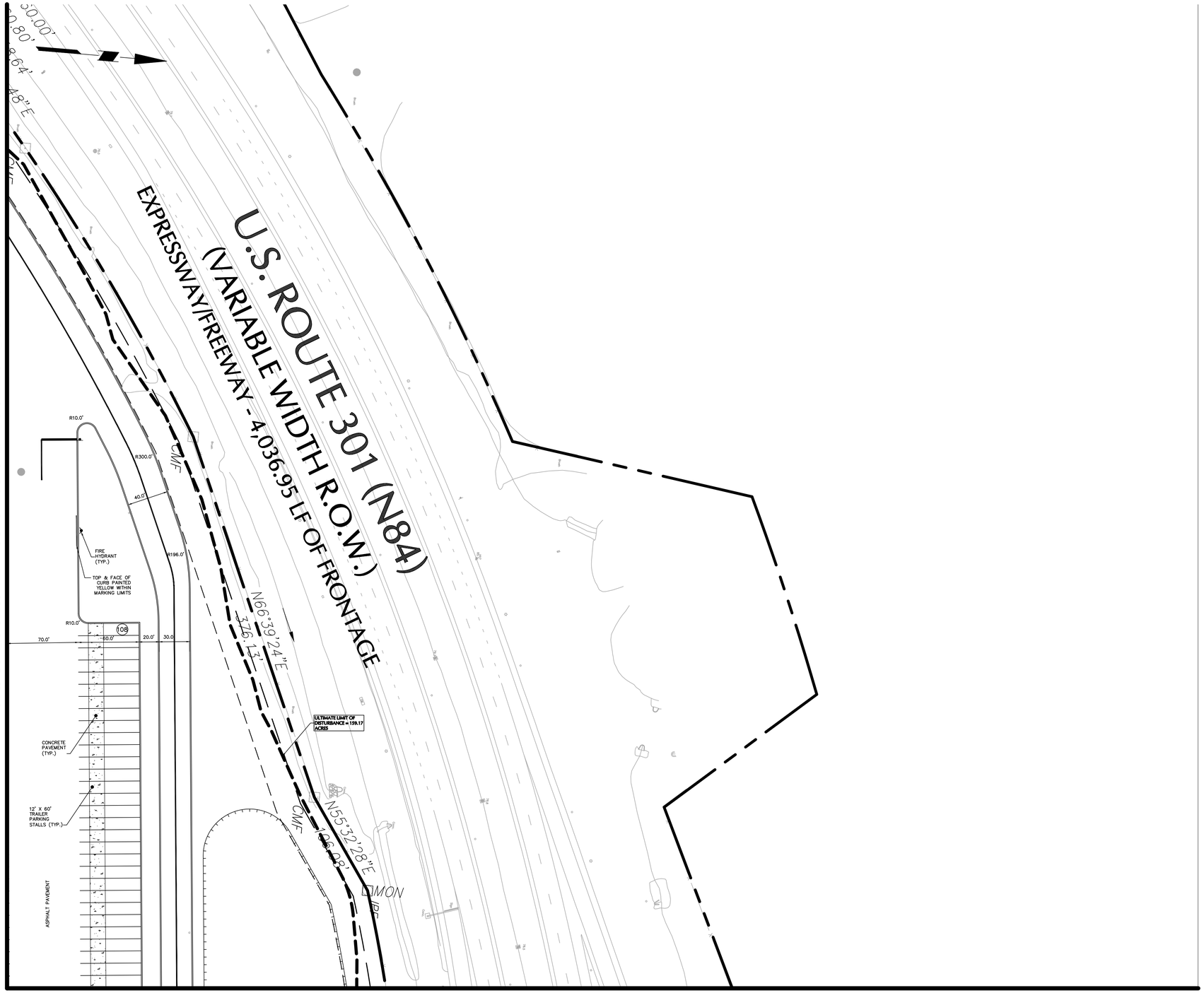
Sheet 7 of 16

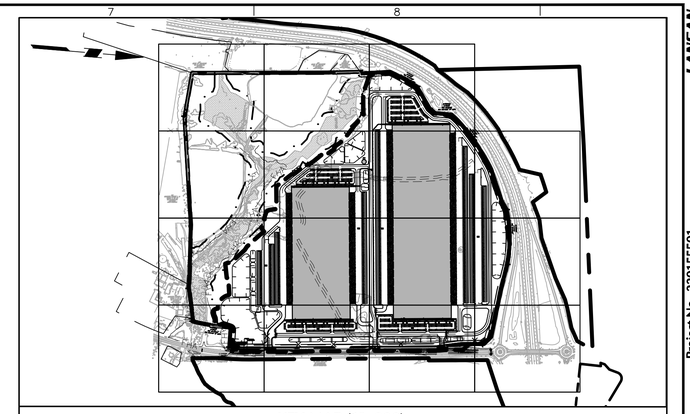
Project No. 220155501

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KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
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- STORMWATER MANAGEMENT AREA
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- PROPOSED CONCRETE MONUMENT

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4.	REVISED PER COUNTY COMMENTS	11/05/22
3.	REVISED PER COUNTY COMMENTS	9/30/22
2.	REVISED PER COUNTY COMMENTS	8/05/22
1.	REVISED PER COUNTY COMMENTS	5/12/22

REVISIONS

BRIAN M. CONLON
REGISTERED
No. 13413
PROFESSIONAL ENGINEER
DELAWARE

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

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EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

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Miss Utility of Delmarva

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50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-107

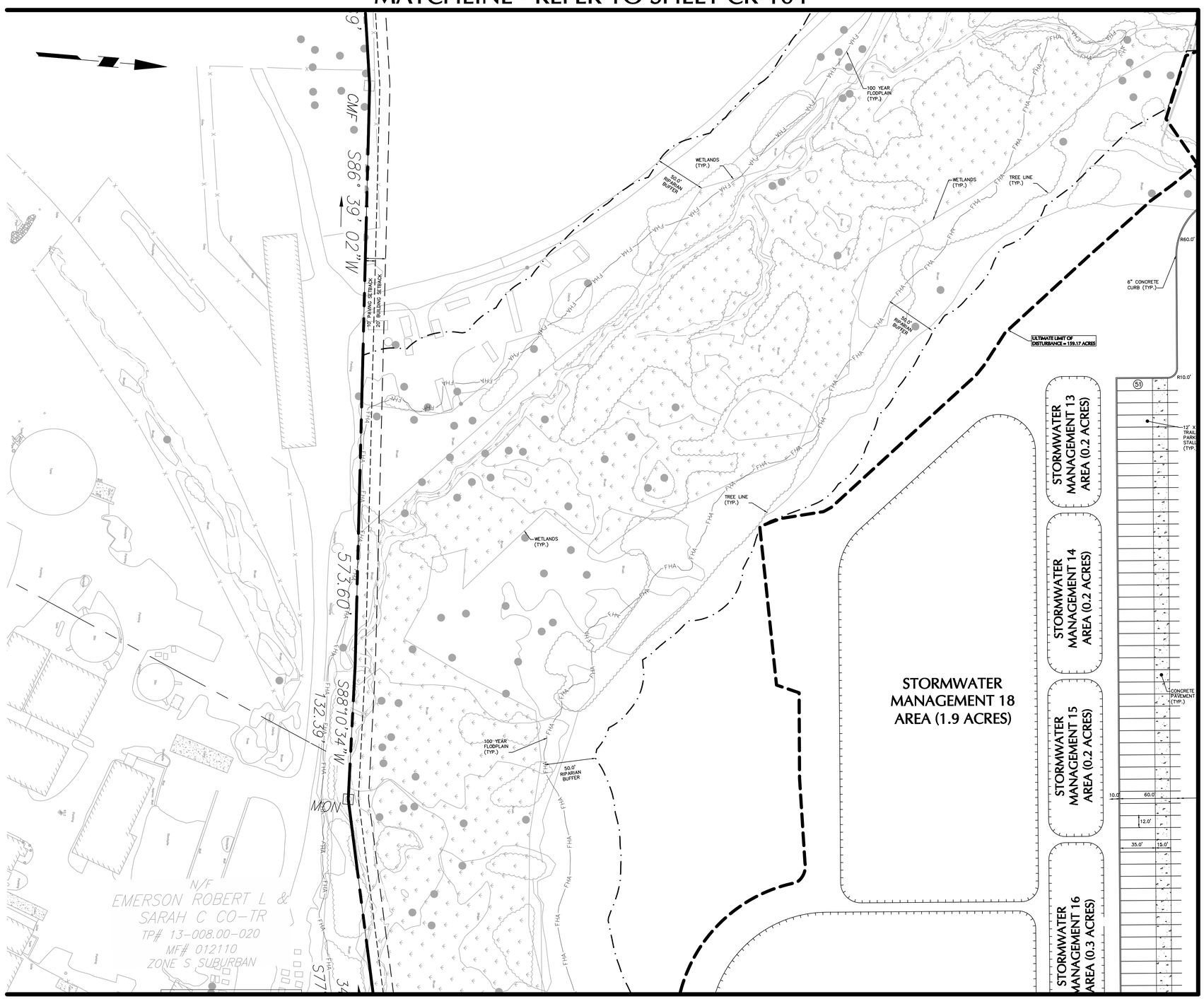
Sheet 8 of 16

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Project No. 220155501

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MATCHLINE - REFER TO SHEET CR-104



MATCHLINE - REFER TO SHEET CR-109

MATCHLINE - REFER TO SHEET CR-112



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- FHA FHA 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- 30 PARKING SUBTOTAL
- (10) PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- MON PROPOSED CONCRETE MONUMENT

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4.	REVISED PER COUNTY COMMENTS	11/05/22
3.	REVISED PER COUNTY COMMENTS	9/30/22
2.	REVISED PER COUNTY COMMENTS	8/05/22
1.	REVISED PER COUNTY COMMENTS	5/12/22

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

BRIAN M. CONLON
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TAX PARCEL 13-008.00-003

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ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

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SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-108

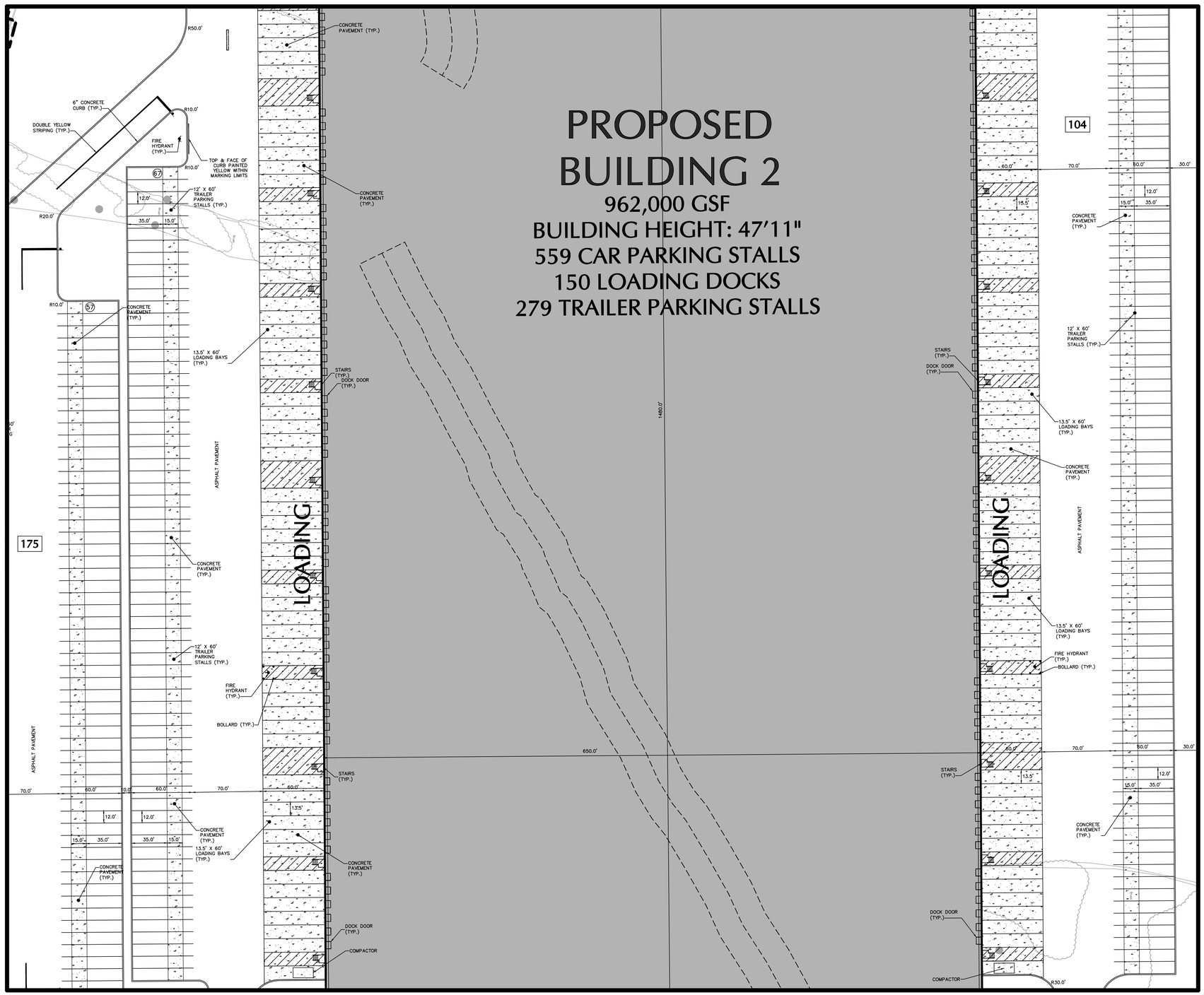
Sheet 9 of 16

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Project No. 220155501

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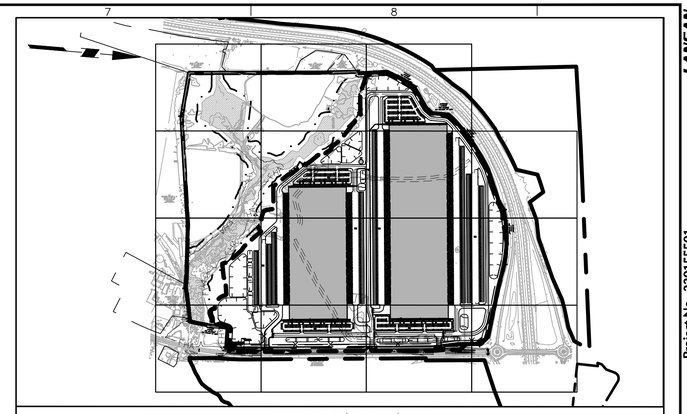
MATCHLINE - REFER TO SHEET CR-105



MATCHLINE - REFER TO SHEET CR-108

MATCHLINE - REFER TO SHEET CR-110

MATCHLINE - REFER TO SHEET CR-113



LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
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5/12/22	REVISED PER COUNTY COMMENTS	1.

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

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LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

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EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	**220155501**
Date	**31 JANUARY 2022**
Drawn By	**TFH**
Checked By	**BMC**

CR-109

Sheet 10 of **16**

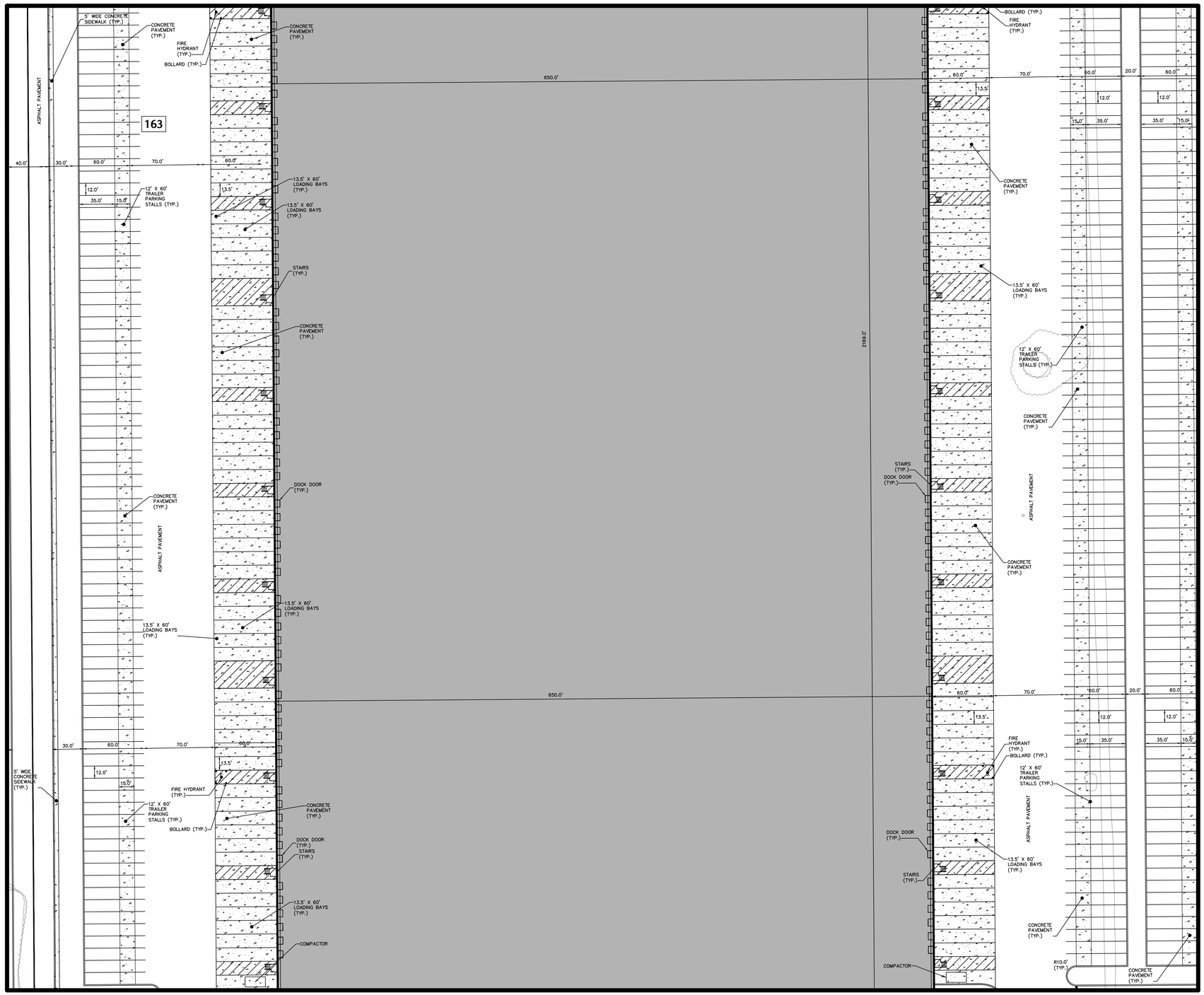
Project No. 220155501

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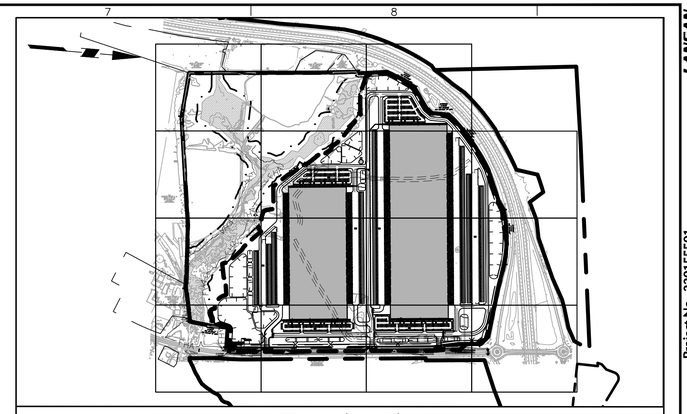
MATCHLINE - REFER TO SHEET CR-109

MATCHLINE - REFER TO SHEET CR-111

MATCHLINE - REFER TO SHEET CR-106



MATCHLINE - REFER TO SHEET CR-114



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
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- STORMWATER MANAGEMENT AREA
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- PROPOSED CONCRETE MONUMENT

No.	Description	Date
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6.	REVISED PER FLOODPLAIN UPDATE	6/15/23
5.	REVISED PER COUNTY COMMENTS	1/23/23
4.	REVISED PER COUNTY COMMENTS	11/05/22
3.	REVISED PER COUNTY COMMENTS	9/30/22
2.	REVISED PER COUNTY COMMENTS	8/05/22
1.	REVISED PER COUNTY COMMENTS	5/12/22

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

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TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
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ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

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Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

SCALE: 1 INCH = 50 FEET

Project No.	**220155501**
Date	**31 JANUARY 2022**
Drawn By	**TFH**
Checked By	**BMC**

CR-110

Sheet 11 of **16**

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MATCHLINE - REFER TO SHEET CR-107

MATCHLINE - REFER TO SHEET CR-110

MATCHLINE - REFER TO SHEET CR-115

STORMWATER MANAGEMENT 7 AREA
(2.6 ACRES)

ULTIMATE LIMIT OF DISTURBANCE = 159.17 ACRES

R=1495.00'
L=618.84'
Chd LG=614.43'
Chd Brg=N84° 34' 23"E

S80°40'01"E 296.25'

S83°34'06"E 207.10'

40.0' BUILDING SETBACK

40.0' PARKING SETBACK

CMF

IPF

MON

374

70.0' 60.0' 20.0' 30.0'
12.0'
15.5' 35.0'

ASPHALT PAVEMENT

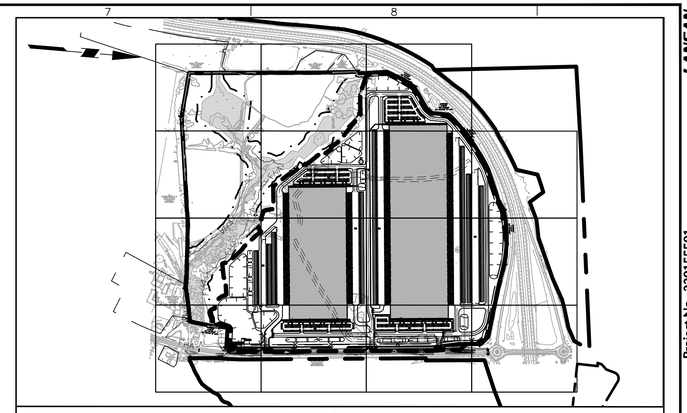
12' X 60' TRAILER PARKING STALLS (TYP.)

CONCRETE PAVEMENT (TYP.)

R10.0' (TYP.)

FIRE HYDRANT (TYP.)

R30.0'



KEY MAP (1"=800)

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- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL (30)
- PARKING COUNT (10)
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT (CMF)
- PROPOSED CONCRETE MONUMENT (MON)

Date	Description	No.
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50 0 25 50
SCALE: 1 INCH = 50 FEET

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Drawn By	TFH
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CR-111

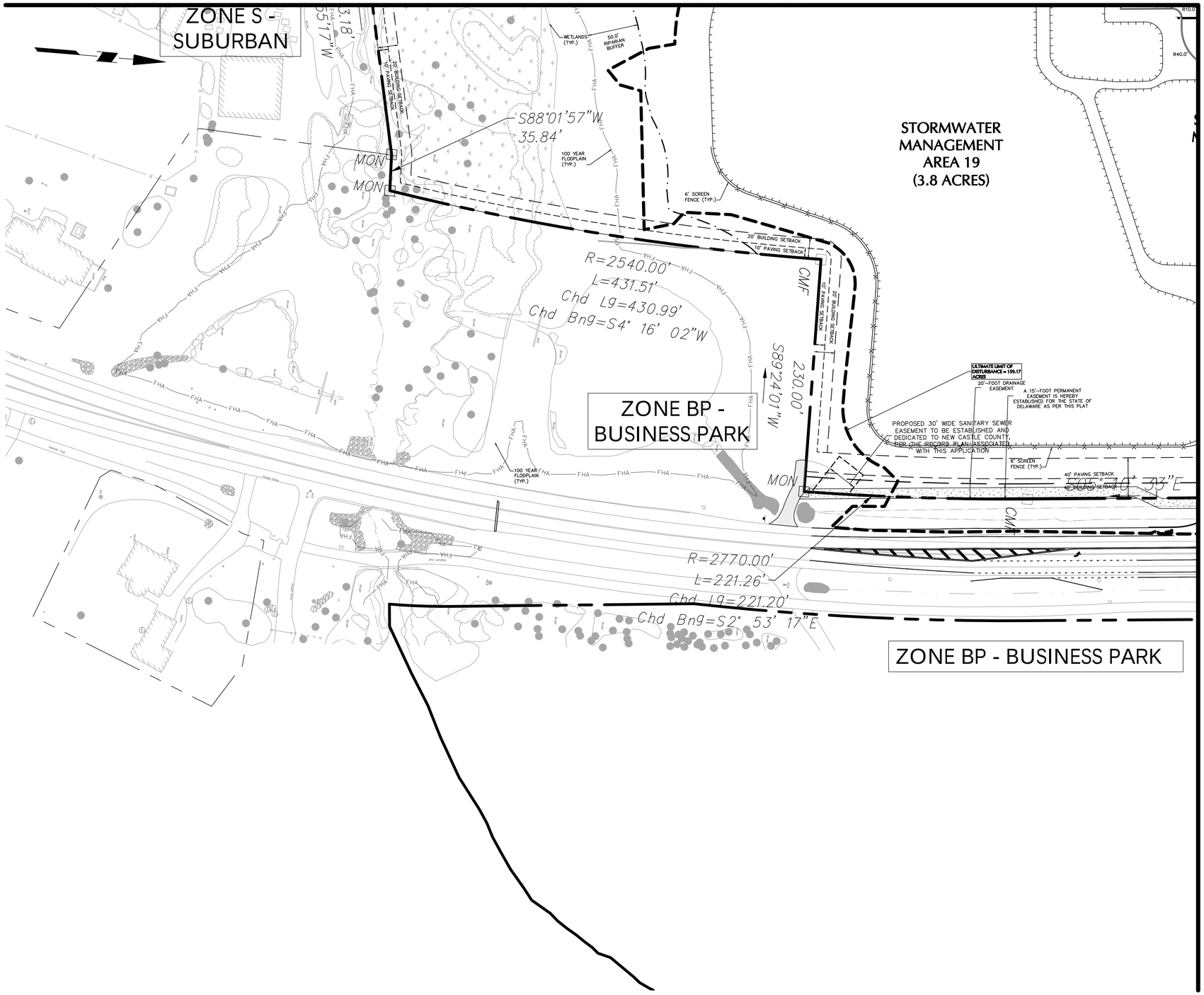
Sheet 12 of 16

LANGAN
Project No. 220155501

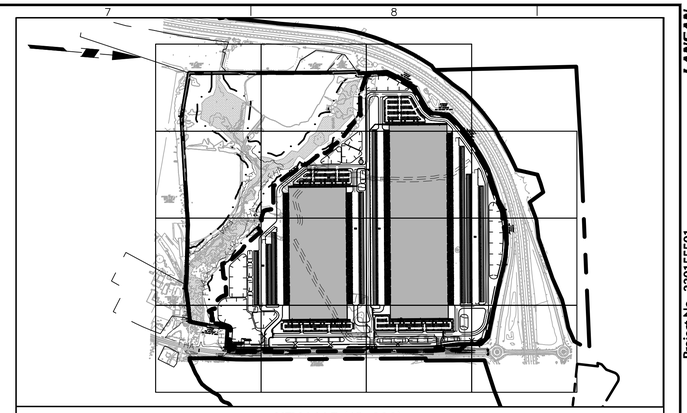
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MATCHLINE - REFER TO SHEET CR-108



MATCHLINE - REFER TO SHEET CR-113



KEY MAP (1"=800)

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50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-112

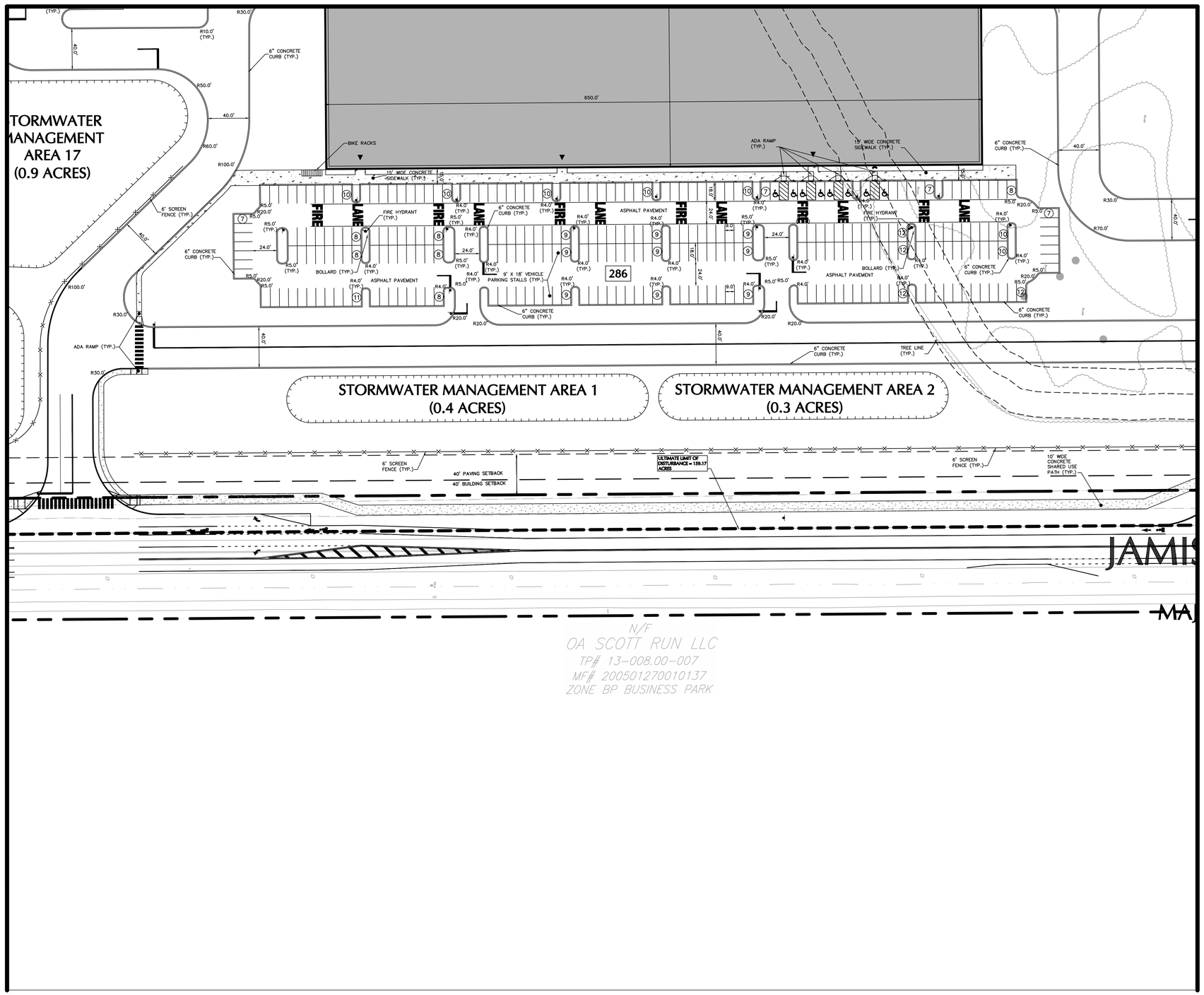
Sheet 13 of 16

LANGAN Project No. 220155501

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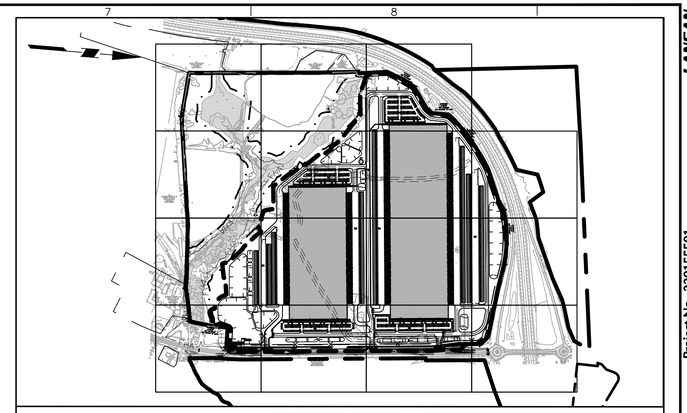
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MATCHLINE - REFER TO SHEET CR-109



MATCHLINE - REFER TO SHEET CR-112

MATCHLINE - REFER TO SHEET CR-114



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT

Date	Description	No.
11/2/23	REVISED PER FLOODPLAIN UPDATE	7.
6/15/23	REVISED PER FLOODPLAIN UPDATE	6.
1/23/23	REVISED PER COUNTY COMMENTS	5.
11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

REVISIONS

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER STATE OF DELAWARE

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

LANGAN
Langan Engineering and Environmental Services, Inc.
1818 Market Street, Suite 3300
Philadelphia, PA 19103
T: 215.845.8900 F: 215.845.8901 www.langan.com

LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

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SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
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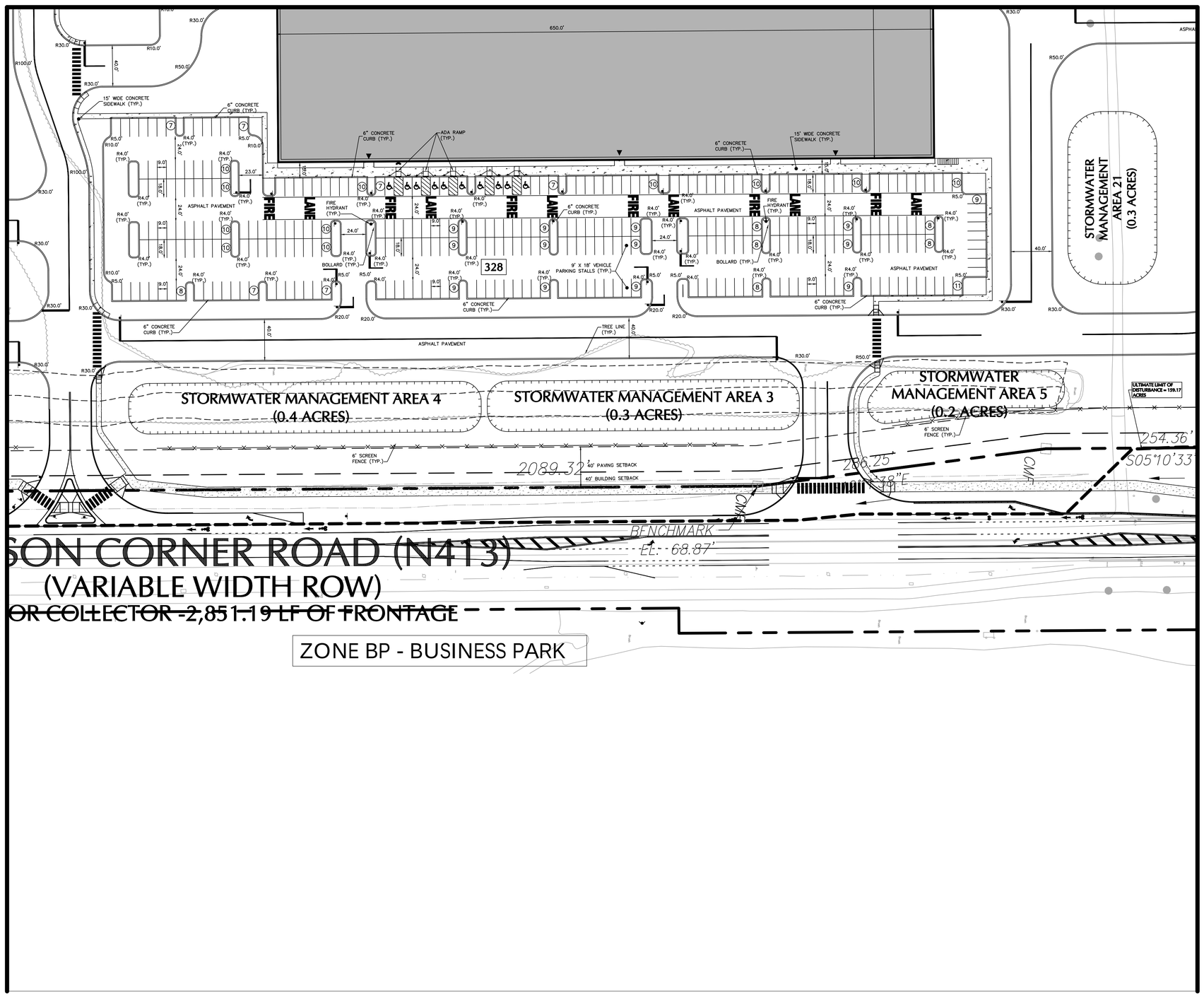
CR-113

Sheet 14 of 16

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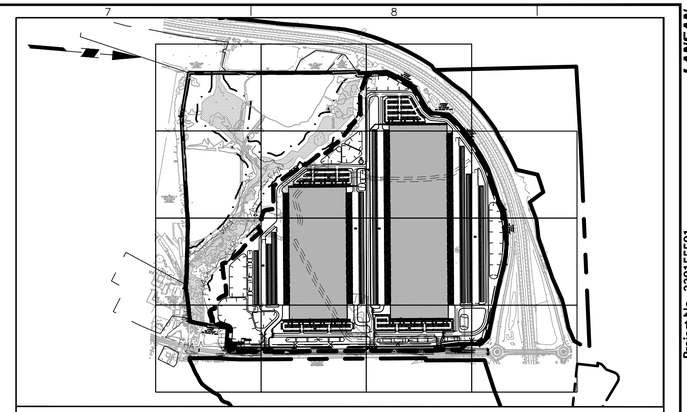
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MATCHLINE - REFER TO SHEET CR-110



MATCHLINE - REFER TO SHEET CR-113

MATCHLINE - REFER TO SHEET CR-115



KEY MAP (1"=800)

LEGEND

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- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- 30 PARKING SUBTOTAL
- 10 PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- CMF EXISTING CONCRETE MONUMENT
- MON PROPOSED CONCRETE MONUMENT

Date	Description	No.
11/2/23	REVISED PER FLOODPLAIN UPDATE	7.
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1/23/23	REVISED PER COUNTY COMMENTS	5.
11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

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LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-114

Sheet 15 of 16

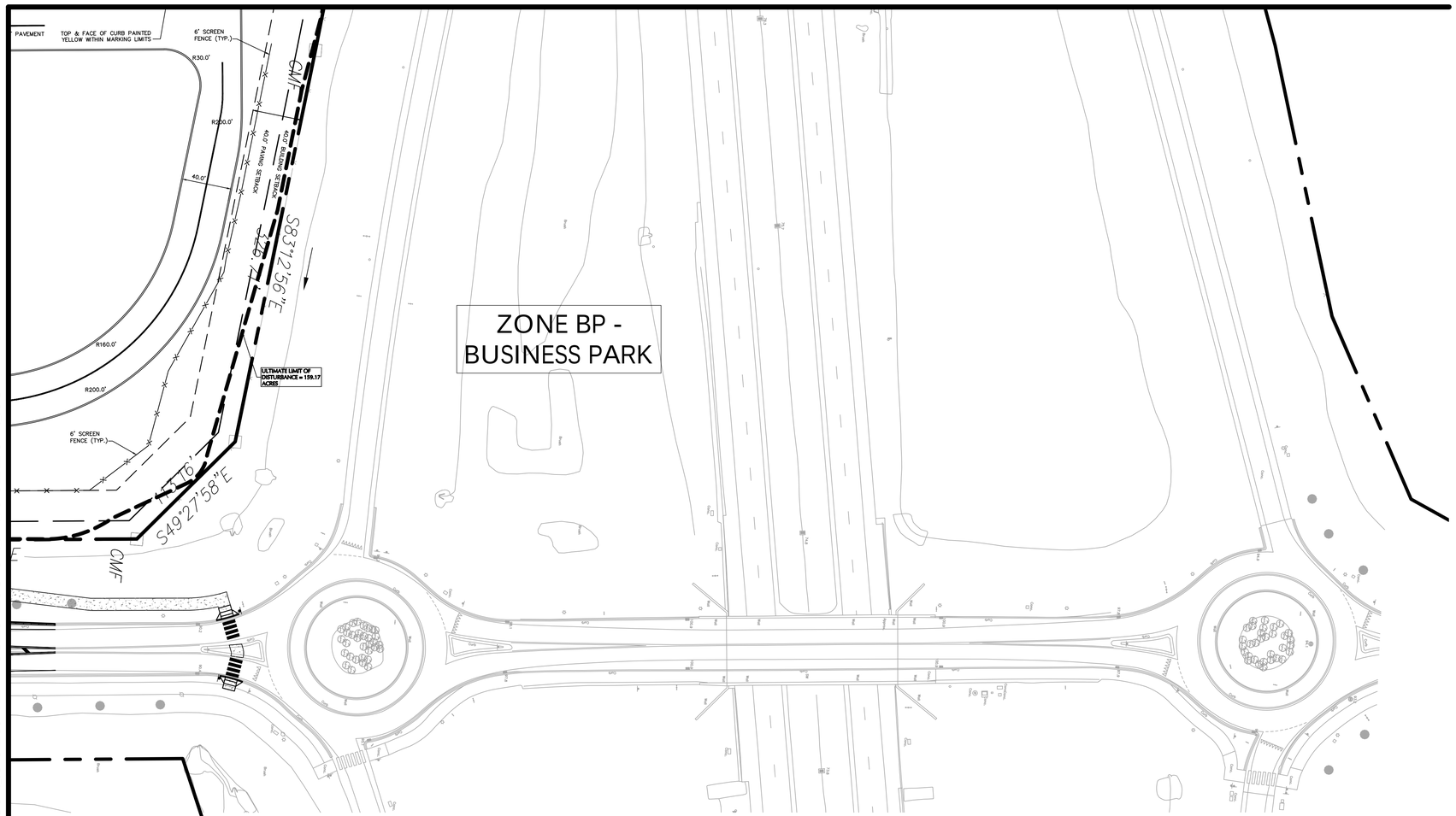
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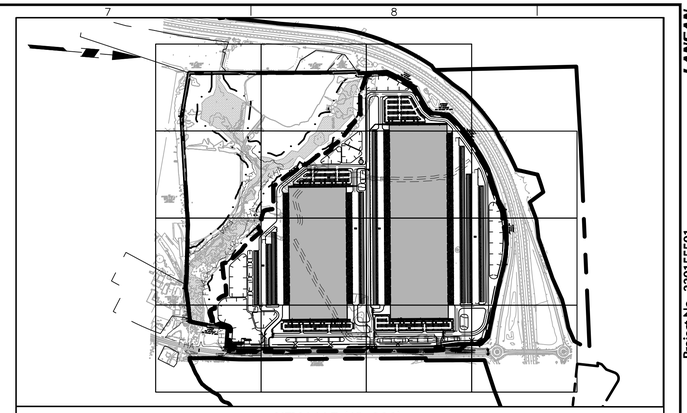
Project No. 220155501

LANGAN

MATCHLINE - REFER TO SHEET CR-111



MATCHLINE - REFER TO SHEET CR-114



KEY MAP (1"=800)

LEGEND

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- EXISTING CONCRETE MONUMENT (CMF)
- PROPOSED CONCRETE MONUMENT (MON)

No.	Description	Date
7.	REVISED PER FLOODPLAIN UPDATE	11/2/23
6.	REVISED PER FLOODPLAIN UPDATE	6/15/23
5.	REVISED PER COUNTY COMMENTS	1/23/23
4.	REVISED PER COUNTY COMMENTS	11/05/22
3.	REVISED PER COUNTY COMMENTS	9/30/22
2.	REVISED PER COUNTY COMMENTS	8/05/22
1.	REVISED PER COUNTY COMMENTS	5/12/22

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

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LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

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SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-115

Sheet 16 of 16

Project No. 220155501

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Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: April 23, 2024

ORDINANCE NO. 24-060

AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $1,800,000 IN ROOM RENTAL FEES AND $626,115 FROM THE GENERAL FUND HOPE CENTER SUB-FUND TO THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING TO FUND HOPE CENTER OPERATIONS

WHEREAS, the Department of Community Services hired Hersha Management "the vendor" to provide property management and operational services for the Hope Center in 2021; and

WHEREAS, the vendor has been receiving revenue and paying for the operational costs from a checking account opened on behalf of New Castle County by the vendor; and

WHEREAS, the revenue received and expended from the checking account must be recorded in the County's annual financial statements and the County's financial system; and

WHEREAS, appropriations in the amount of $2,426,115 are necessary to record the revenues and reflect the expenditures for the operations of the Hope Center for FY2024 to comply with County Code; and

WHEREAS, funding in the amount of $1,800,000 will come from room rental fees and $626,115 will come from the General Fund Hope Center Sub-fund; and

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

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

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

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

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

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2024 Approved Operating Budget by appropriating $1,800,000 from room rental fees and $626,115 from the General Fund Hope Center Sub-fund to the Department of Community Services, Division of Community Development and Housing. These funds are needed to fund the operations at the Hope Center.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by appropriating $1,800,000 from room rental fees and $626,115 from the General Fund Hope Center Sub-fund to the Department of Community Services, Division of Community Development and Housing. These funds are needed to fund the operations at the Hope Center.

The revised FY2024 Approved Operating Budget will be $335,719,473. Fiscal impact for future years will be determined on an as needed basis. The General Fund Hope Center Sub-fund upon passage of this Ordinance will be $1,380,860.

COUNTY COUNCIL			
Salaries and Wages		$	2,428,665
Benefits			1,428,590
Training and Civic Affairs			75,776
Communication and Utilities			17,849
Materials and Supplies			61,406
Contractual Services			253,148
Equipment			1,600
Grants and Fixed Charges			415,880
Operating Transfer Charges			162,309
Total		***$***	***4,845,223***
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			18,399
Materials and Supplies			19,535
Contractual Services			526,540
Equipment			1,000
Grants and Fixed Charges			1,140,525
Contingency			9,500
Operating Transfer Charges			82,016
Total		***$***	***4,652,521***
Total Authorized Full-Time Positions	***16***		

DEPARTMENT OF ADMINISTRATION			
Salaries and Wages		$	12,203,612
Benefits			8,338,475
Training and Civic Affairs			132,625
Communication and Utilities			8,309,564
Materials and Supplies			157,505
Contractual Services			6,843,162
Equipment			387,056
Grants and Fixed Charges			3,925,350
Operating Transfer Charges			1,163,553
Operating Transfer Credits			(12,098,321)
Total		***$***	***27,445,578***
Total Authorized Full-Time Positions	***172***		

DEPARTMENT OF PUBLIC WORKS			
Salaries and Wages		$	24,597,539
Benefits			14,348,323
Training and Civic Affairs			52,527
Communication and Utilities			24,784,106
Materials and Supplies			4,972,810
Contractual Services			10,598,055
Equipment			475,133
Grants and Fixed Charges			1,193,757
Land and Structures			35,000
Operating Transfer Charges			4,845,206
Operating Transfer Credits			(7,438,785)
Total		***$***	***78,463,671***
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			111,337
Materials and Supplies			112,807
Contractual Services			1,586,618
Equipment			48,540
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,136,835
Operating Transfer Credits			(803,217)
Total		***$***	***15,593,142***
Total Authorized Full-Time Positions	***118***		
DEPARTMENT OF COMMUNITY SERVICES			
Salaries and Wages		$	11,772,687
Benefits			5,320,582
Training and Civic Affairs	~~27,392~~		27,692
Communication and Utilities	~~1,012,976~~		1,181,476
Materials and Supplies	~~1,398,563~~		1,539,563
Contractual Services	~~2,283,206~~		4,399,521
Equipment			24,317
Grants and Fixed Charges			3,110,149
Operating Transfer Charges			1,232,337
Operating Transfer Credits			(190,829)
Total	***~~25,991,380~~***	***$***	***28,417,495***
Total Authorized Full-Time Positions	***160***		

DEPARTMENT OF PUBLIC SAFETY		
Salaries and Wages	$	67,203,955
Benefits		39,141,888
Training and Civic Affairs		178,869
Communication and Utilities		1,032,202
Materials and Supplies		1,020,497
Contractual Services		2,194,206
Equipment		1,471,072
Grants and Fixed Charges		6,492,175
Operating Transfer Charges		7,298,634
Total	***$***	***126,033,498***
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		9,925
Contractual Services		61,175
Equipment		4,143
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			40,170
Communication and Utilities			30,977
Materials and Supplies			9,315
Contractual Services			93,801
Equipment			1,150
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		$	0
Total		***$***	***0***
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		$	1,212,003
Total		***$***	***1,212,003***

NEW CASTLE COUNTY			
Salaries and Wages			$ 128,183,264
Benefits			74,365,553
Training and Civic Affairs		~~697,285~~	697,585
Communication and Utilities		~~35,353,063~~	35,521,563
Materials and Supplies		~~7,791,496~~	7,932,496
Contractual Services		~~24,816,595~~	26,932,910
Equipment			2,425,511
Grants and Fixed Charges			16,352,686
Debt Service			45,540,069
Land and Structures			35,000
Contingency			1,926,503
Operating Transfer Charges			16,337,485
Operating Transfer Credits			(20,531,152)
Sub-Total New Castle County		***~~333,293,358~~***	***$ 335,719,473***
Total Authorized Full-Time Positions	***1,667***		

RESERVE ACCOUNTS AS OF MARCH 12, 2024	
Tax Stabilization Reserve Account (Unaudited)	72,358,702
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:	**144,307,584**

Prime Sponsor(s): Mr. Hollins, Mr. Street, Mr. Sheldon, Ms. Kilpatrick, Mr. Smiley
Requested by: County Council
Date of introduction: April 23, 2024

ORDINANCE NO. 24-061

**AMEND THE GRANTS BUDGET:
APPROPRIATE FUNDING FROM NEW CASTLE COUNTY COUNCIL FY2024 APPROVED OPERATING BUDGET TO THE 2023 NEW CASTLE COUNTY YOUTH EMPLOYMENT GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES**

WHEREAS, New Castle County Council received funds from the State of Delaware Department of Labor – Delaware Workforce Investment Board to fund the 2023 New Castle County Summer Youth Employment Grants; and

WHEREAS, the New Castle County Youth Employment Program provides employment experiences for youths between the ages of 14 and 20 that will promote responsibility, teamwork, and a work ethic; and

WHEREAS, New Castle County Council has previously contributed funds to the 2023 New Castle County Youth Employment Grant in the amount of $100,000 via Ordinance 23-035 and $5,110 via Ordinance 23-065; and

WHEREAS, New Castle County Council has determined that there will be unspent funding available in the Grants and Fixed Charges Budget Line Item at the end of FY2024; and

WHEREAS, New Castle County Council wishes to provide $110,020 to the 2023 New Castle County Youth Employment Grant from their Grants and Fixed Charges Budget Line Item within the FY2024 Approved Operating Budget; 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 Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by deleting the material stricken and adding the material underscored on the attached Exhibit “A.”

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

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 13, 2023.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $110,020 from the County Council – Grants and Fixed Charges Budget Line Item within the FY2024 Approved Operating Budget to the 2023 New Castle County Youth Employment Grant. **Ordinance No. 24-062 must be passed by County Council to complete this transaction.**

The New Castle County Youth Employment Program provides employment experiences for youths between the ages of 14 and 20 that will promote responsibility, teamwork, and a work ethic.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating $110,020 in funding to the 2023 New Castle County Youth Employment Program Grant, which is administered by the Department of Community Services, Division of Community Resources. Funding for this program will be provided from the County Council – Grants and Fixed Charges Budget Line Item within the FY2024 Approved Operating Budget.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by $110,020. There is no discernible fiscal impact on the current operating budget.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: NCC Youth Employment 2023 **Ordinance No. 24-061**

PROGRAM TITLE: NCC Youth Employment 2023

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ -	$ -	$ -
County	~~$ 105,110.00~~	$ 110,020.00	$ 215,130.00
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	~~$ 105,110.00~~	$ 110,020.00	$ 215,130.00

Expense	Current	Change	Revised
Salaries and Wages	~~$ 92,187.65~~	$ 101,023.00	$ 193,210.65
Benefits	~~$ 12,922.35~~	$ 8,997.00	$ 21,919.35
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ -	$ -	$ -
Equipment	\	$ -	$ -
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 105,110.00~~	$ 110,020.00	$ 215,130.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 6/13/2023

Estimated Program Completion: 6/7/2024

The Local Match:

Found in (ORG):

Ordinance Passed:
23-035
23-065

Date Revised:
4/14/2023
6/16/2023

PROGRAM DESCRIPTION:

The New Castle County Youth Employment Program provides employment experiences for youths between the ages of 14 and 20 that will promote responsibility, teamwork and a work ethic.

~~5/23/2023~~ 4/23/2024

Prime Sponsor(s): Mr. Hollins, Mr. Street, Mr. Sheldon, Ms. Kilpatrick, Mr. Smiley
Requested by: County Council
Date of introduction: April 23, 2024

ORDINANCE NO. 24-062

AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE 2023 NEW CASTLE COUNTY YOUTH EMPLOYMENT PROGRAM GRANT

WHEREAS, New Castle County Council received funds from the State of Delaware Department of Labor – Delaware Workforce Investment Board to fund the 2023 New Castle County Youth Employment Program Grant; and

WHEREAS, the New Castle County Youth Employment Program provides employment experiences for youths between the ages of 14 and 20 that will promote responsibility, teamwork and work ethic; and

WHEREAS, New Castle County Council has determined that there will be unspent funding available in the Grants and Fixed Charges Budget Line Item at the end of FY2024; and

WHEREAS, New Castle County Council would like to contribute $110,020 to the 2023 New Castle County Youth Employment Program Grant from their Grants and Fixed Charges Budget Line Item within the FY2024 Approved Operating Budget; 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 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 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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $110,020 from the County Council – Grants and Fixed Charges Budget Line Item within the FY2024 Approved Operating Budget to the 2023 New Castle County Youth Employment Program Grant. **Ordinance No. 24-061 must first be passed by County Council in order to establish the grant.**

FISCAL NOTE: This Ordinance, if approved, will appropriate $110,020 from the County Council – Grants and Fixed Charges Budget Line Item within the FY2024 Approved Operating Budget to the 2023 New Castle County Youth Employment Program Grant.

There will be no net fiscal impact if this Ordinance and its companion Ordinance are approved as the legislation affects a transfer of already-appropriated funds. The resulting effect will be the transfer of $110,020 of FY2024 Approved Operating Budget spending authority to the Grants Budget. There is no fiscal impact beyond FY2024.

COUNTY COUNCIL			
Salaries and Wages			$ 2,428,665
Benefits			1,428,590
Training and Civic Affairs			75,776
Communication and Utilities			17,849
Materials and Supplies			60,606
Contractual Services			253,148
Equipment			1,600
Grants and Fixed Charges		~~416,680~~	306,660
Operating Transfer Charges			162,309
Total		***~~4,845,223~~***	***$ 4,735,203***
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			18,399
Materials and Supplies			19,535
Contractual Services			526,540
Equipment			1,000
Grants and Fixed Charges			1,140,525
Contingency			9,500
Operating Transfer Charges			82,016
Total			***$ 4,652,521***
Total Authorized Full-Time Positions	***16***		

DEPARTMENT OF ADMINISTRATION			
Salaries and Wages			$ 12,203,612
Benefits			8,338,475
Training and Civic Affairs			132,625
Communication and Utilities			8,314,086
Materials and Supplies			147,505
Contractual Services			6,858,162
Equipment			377,534
Grants and Fixed Charges			3,925,350
Operating Transfer Charges			1,163,553
Operating Transfer Credits			(12,098,321)
Total			***$ 27,445,578***
Total Authorized Full-Time Positions	***172***		

DEPARTMENT OF PUBLIC WORKS		
Salaries and Wages	$	24,597,539
Benefits		14,348,323
Training and Civic Affairs		52,527
Communication and Utilities		24,784,106
Materials and Supplies		4,982,810
Contractual Services		10,588,055
Equipment		475,133
Grants and Fixed Charges		1,193,757
Land and Structures		35,000
Operating Transfer Charges		4,845,206
Operating Transfer Credits		(7,438,785)
Total	***$***	***78,463,671***
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		111,337
Materials and Supplies		112,807
Contractual Services		1,586,618
Equipment		48,540
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,136,835
Operating Transfer Credits		(803,217)
Total	***$***	***15,593,142***
Total Authorized Full-Time Positions 118		

DEPARTMENT OF COMMUNITY SERVICES		
Salaries and Wages	$	11,772,687
Benefits		5,320,582
Training and Civic Affairs		27,392
Communication and Utilities		1,035,676
Materials and Supplies		1,408,563
Contractual Services		2,249,156
Equipment		25,667
Grants and Fixed Charges		3,110,149
Operating Transfer Charges		1,232,337
Operating Transfer Credits		(190,829)
Total	***$***	***25,991,380***
Total Authorized Full-Time Positions 160		

DEPARTMENT OF PUBLIC SAFETY		
Salaries and Wages		$ 67,203,955
Benefits		39,141,888
Training and Civic Affairs		178,869
Communication and Utilities		1,032,702
Materials and Supplies		1,020,997
Contractual Services		2,193,206
Equipment		1,471,072
Grants and Fixed Charges		6,492,175
Operating Transfer Charges		7,298,634
Total		***$ 126,033,498***
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		9,925
Contractual Services		61,175
Equipment		4,143
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			40,170
Communication and Utilities			30,977
Materials and Supplies			9,315
Contractual Services			93,801
Equipment			1,150
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		$	0
Total		***$***	***0***
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		$	1,212,003
Total		***$***	***1,212,003***

NEW CASTLE COUNTY		
Salaries and Wages		$ 128,183,264
Benefits		74,365,553
Training and Civic Affairs		697,285
Communication and Utilities		35,380,785
Materials and Supplies		7,801,196
Contractual Services		24,786,545
Equipment		2,417,339
Grants and Fixed Charges	~~*16,353,486*~~	16,243,466
Debt Service		45,540,069
Land and Structures		35,000
Contingency		1,926,503
Operating Transfer Charges		16,337,485
Operating Transfer Credits		(20,531,152)
Sub-Total New Castle County	~~***333,293,358***~~	***$*** **333,183,338**
Total Authorized Full-Time Positions ***1,667***		

RESERVE ACCOUNTS AS OF MARCH 26, 2024	
Tax Stabilization Reserve Account (Unaudited)	72,358,702
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:	**144,307,584**

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Requested by: Public Safety
Date of introduction: April 23, 2024

ORDINANCE NO. 24-063

AUTHORIZING THE ISSUANCE OF $1,850,000 IN GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE DEPARTMENT OF PUBLIC SAFETY, POLICE RANGE / EVOC CAPITAL PROJECT

WHEREAS, Subchapter II, Chapter 13 of Title 9 of the *Delaware Code*, as amended, authorizes New Castle County to plan, supervise, and make provisions for law enforcement, fire protection, ambulance rescue services within New Castle County, and the County Council of New Castle County has deemed it necessary to implement such plans for development; and

WHEREAS, it has been determined that it is necessary to appropriate $1,850,000 to assist with the design and construction of the Emergency Vehicle Operations Course (EVOC) facility in New Castle County for use by various agencies; and

WHEREAS, this corresponds with Ordinance No. 24-xxx to amend the Capital Program and Budget by increasing appropriations and bond authorizations $1,850,000 for the Department of Public Safety, Police Range / EVOC Capital Project.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS: (10/13th of all 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 $1,850,000 for the Police Range / EVOC Capital Project.

Section 2. The monies 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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: Authorize the issuance of $1,850,000 of general obligation bond funds of New Castle County for the Department of Public Safety, Police Range / EVOC Capital Project to assist with the design and construction of the Emergency Vehicle Operations Course (EVOC) facility in New Castle County for use by various agencies.

FISCAL NOTE: This Ordinance, if approved, will authorize the issuance of $1,850,000 of general obligation bond funds of New Castle County for the Department of Public Safety, Police Range / EVOC Capital Project to assist with the design and construction of the Emergency Vehicle Operations Course (EVOC) facility in New Castle County for use by various agencies.

The fiscal impact of issuing County Bonds in the maximum aggregate principal amount of $1,850,000 assuming a term of twenty (20) years with a constant principal, is demonstrated on the attached Exhibit “A.”

EXHIBIT "A"

FISCAL NOTE: This Ordinance will authorize County Bonds in the maximum aggregate principal amount of $1,850,000.

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

Previous Authorizations	Principal	Interest	Total
Authorized and Issued Bonds [1] (2/28/2024)	$504,120,000	$150,805,997	$654,925,997
Authorized and Unissued Bonds (2/28/2024)	131,383,970	55,181,267 [2]	186,565,237
Total Previous Authorizations	635,503,970	205,987,264	841,491,234
Proposed Net Authorizations [3] by the Ordinance	1,850,000	777,000 [2]	2,627,000
Total Previous Authorizations and Proposed Net Authorizations	$637,353,970	$206,764,263	$844,118,234

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

Authorized and Issued Bonds (2/28/2024)	$24,418,970	$4,242,573 [4]	$28,661,543
Authorized and Unissued Bonds (2/28/2024)	31,084,630	10,504,253 [4]	41,588,883
Total Previous Authorizations	$55,503,600	$14,746,826	$70,250,426

[1] These amounts have been adjusted to reflect retired principal and interest through 4/30/24.
[2] Interest is computed at 4.0 percent.
[3] Assuming a constant principal amount of $92,500 over a term of twenty years, total debt service for the $1,850,000 would be $2,627,000.
[4] Interest is based on estimated future repayment schedules. Interest rates for various loans are 2.00, 2.394 and 2.601 percent.

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Requested by: Public Safety
Date of introduction: April 23, 2024

ORDINANCE NO. 24-064

AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: INCREASE BOND AUTHORIZATIONS IN THE AMOUNT OF $1,850,000 TO THE DEPARTMENT OF PUBLIC SAFETY, POLICE RANGE / EVOC CAPITAL PROJECT

WHEREAS, this legislation will increase the FY2024 Capital Budget by $1,850,000 in General Obligation Bond Authorizations; and

WHEREAS, the additional funding is for the design and construction of the Emergency Vehicle Operations Course (EVOC) facility in New Castle County for use by various agencies.

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. Bond funding in the amount of $1,850,000 is appropriated to the Department of Public Safety, Police Range / EVOC Capital Project for the design and construction of the Emergency Vehicle Operations Course (EVOC) facility in New Castle County for use by various agencies.

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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $1,850,000 in General Obligation Bond funding to the Police Range / EVOC Capital Project for the design and construction of the Emergency Vehicle Operations Course (EVOC) facility in New Castle County for use by various agencies.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Capital Budget by appropriating $1,850,000 in General Obligation Bond funding to the Police Range / EVOC Capital Project for the design and construction of the Emergency Vehicle Operations Course (EVOC) facility in New Castle County for use by various agencies.

The revised FY2024 Capital Budget amount for the Police Range / EVOC Capital Project will be $2,350,000.

The revised FY2024 New Castle County Capital Budget grand total will be $80,477,396.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

DEPARTMENT OF ADMINISTRATION

Land Use Information System		$ 3,000,000
Recorder of Deeds HOA Portal		$ 129,000
Register of Wills System		$ 250,000
Subtotal		$ 3,379,000

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
EMS Stations		500,000
Police Range / EVOC	~~500,000~~	2,350,000
Public Safety Building Renovations		300,000
Public Safety Equipment		291,000
Public Safety Vest Protection Program		201,840
Subtotal	~~4,237,988~~	$ 6,087,988

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		-
Subtotal		$ 14,225,932

DEPARTMENT OF PUBLIC WORKS *(Continued)*

Parks		
Agricultural Preservation		$ 1,500,000
Banning Park Improvements		500,000
Bechtel Park Improvements		2,000,000
Brandywine Springs Park Rehabilitation		440,000
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		2,950,000
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		$ 18,166,120
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
Water Quality Improvement Plan		230,233
White Clay System Rehabilitation		2,800,000
Subtotal		$ 18,451,356
CAPITAL BUDGET TOTAL	~~**78,627,396**~~	**$ 80,477,396**

EXHIBIT B

PROJECT PROFILES
PUBLIC SAFETY (continued)

Project Name (Number): Police Range / EVOC (C201306)

Description: Design and construction of an emergency vehicle operations course (EVOC).

Council Districts: All

Funding Schedule

	Bonds	Federal	State	Other	Total
Prior Authorizations	$ 1,800,000	$ -	$ 3,649,670	$ 300,000	$ 5,749,670
FY2024	~~-~~	-	500,000	-	~~500,000~~
	1,850,000		-		2,350,000
FY2025	-	-	-	-	-
FY2026	7,000,000	-	-	-	7,000,000
FY2027	-	-	-	-	-
FY2028	-	-	-	-	-
FY2029	-	-	-	-	-
Future Years	-	-	-	-	-
Total	**~~$ 8,800,000~~**	**$ -**	**$ 4,149,670**	**$ 300,000**	**~~$ 13,249,670~~**
	$ 10,650,000				**$ 15,099,670**
Available Authorizations:		**~~$ 4,585,366~~**	**$ 9,510,471**		
Available Funding:		**~~$ 3,385,366~~**			
		$ 8,720,699			
Operating Budget Impact:		**$ 4,070**			

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

FY2024 Activity:

Complete design and construction of the driving pad. The EVOC will be used by the New Castle County Public Safety Department, as well as by public safety departments and volunteer fire companies from throughout the State. Phase I is anticipated to be completed in ~~Fall 2023~~ Spring 2025.

Future Activity:

Design and construction of Phase II which includes a recovery facility and classrooms.

Prime Sponsor(s): Ms. George
Requested by: County Council
Date of introduction: April 23, 2024

ORDINANCE NO. 24-065

AMEND THE FY2024 APPROVED OPERATING BUDGET: TRANSFER FUNDS FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE EQUIPMENT BUDGET LINE ITEM FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF PARKS

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

WHEREAS, County Council would like to contribute $269.96 to the Department of Public Works, Division of Parks to assist with the purchase of park maintenance equipment specifically designed to collect sweet gum seed pods; 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 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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will transfer $269.96 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Public Works – Equipment Budget Line Item to assist with the purchase of park maintenance equipment specifically designed to collect sweet gum seed pods. 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 $269.96 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Public Works – Equipment Budget Line Item.

This legislation will reduce the FY2024 Approved Operating Budget for County Council by $269.96 and increase the Department of Public Works by $269.96. 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.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Admin/Technology
Date of introduction: April 23, 2024

ORDINANCE NO. 24-066

AMEND THE FY2024 CAPITAL PROGRAM AND BUDGET: APPROPRIATE $67,900 FROM THE RECORDER OF DEEDS TECHNOLOGY FEE ACCOUNT AND $67,900 FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF ADMINISTRATION, HUMAN RESOURCES SCANNING CAPITAL PROJECT

WHEREAS, this legislation will amend the FY2024 Capital Budget by appropriating $67,900 in funds received from the Recorder of Deeds Technology Fee Account and $67,900 in funds received from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds to the Department of Administration, Human Resources Scanning Capital Project; and

WHEREAS, funding will be used to help convert old Human Resources files into digital images; and

WHEREAS, this request will include a partnership with Hodgson Vo-Tech High school students to allow student resources to fulfill the project needs of prepping, scanning, indexing, auditing, and ensuring the New Castle County record retention schedule is met; and

WHEREAS, the current team has eight total resources, five women and 3 men, with six having a variety of cultural and ethnic backgrounds and the vendor is in the process of interviewing for two additional part-time students.

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 $67,900 from the Recorder of Deeds Technology Fee Account and $67,900 from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds is appropriated to the Department of Administration, Human Resources Scanning Capital Project, to help convert old Human Resources files into digital images.

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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $67,900 from the Recorder of Deeds Technology Fee Account and $67,900 from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds to the Department of Administration, Human Resources Scanning Capital Project to help convert old Human Resources files into digital images.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Capital Budget by appropriating $67,900 from the Recorder of Deeds Technology Fee Account and $67,900 from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds to the Department of Administration, Human Resources Scanning Capital Project to help convert old Human Resources files into digital images. If additional time is needed the project will be reevaluated for additional funding.

The revised FY2024 Capital Budget amount for the Human Resources Scanning Capital Project will be $135,800.

The revised FY2024 New Castle County Capital Budget grand total will be $78,763,196.

The balance in the Recorder of Deeds Technology Fee Account as of April 9, 2024 is $264,296.68. The revised balance after this appropriation of funding will be $196,396.68.

The balance in the New Castle County Technology Fee Account as of April 9, 2024 is $374,359.25. The revised balance after this appropriation of funding will be $306,459.25.

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

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2024

DEPARTMENT OF ADMINISTRATION

Human Resources Scanning	~~-~~	$ 135,800
Land Use Information System		3,000,000
Recorder of Deeds HOA Portal		129,000
Register of Wills System		250,000
Subtotal	~~3,379,000~~	$ 3,514,800

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
EMS Stations	500,000
Police Range / EVOC	500,000
Public Safety Building Renovations	300,000
Public Safety Equipment	291,000
Public Safety Vest Protection Program	201,840
Subtotal	$ 4,237,988

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	-
Subtotal	$ 14,225,932

DEPARTMENT OF PUBLIC WORKS *(Continued)*

Parks		
Agricultural Preservation		$ 1,500,000
Banning Park Improvements		500,000
Bechtel Park Improvements		2,000,000
Brandywine Springs Park Rehabilitation		440,000
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		2,950,000
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		$ 18,166,120
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
Water Quality Improvement Plan		230,233
White Clay System Rehabilitation		2,800,000
Subtotal		$ 18,451,356
CAPITAL BUDGET TOTAL	~~**78,627,396**~~	**$ 78,763,196**

EXHIBIT B

PROJECT PROFILES
ADMINISTRATION (continued)

Project Name (Number): Human Resources Scanning (C122205)

Description: Convert stored paper human resource files into digital images.

Council Districts: All

Funding Schedule

	Bonds	Federal	State	Other	Total
Prior Authorizations	$ -	$ -	$ -	$ 375,000	$ 375,000
FY2024	-	-	-	~~-~~	~~-~~
			-	135,800	135,800
FY2025	-	-	-	-	-
FY2026	-	-	-	-	-
FY2027	-	-	-	-	-
FY2028	-	-	-	-	-
FY2029	-	-	-	-	-
Future Years	-	-	-	-	-
Total	**$ -**	**$ -**	**$ -**	**~~$ 375,000~~**	**~~$ 375,000~~**
				$ 510,800	**$ 510,800**
Available Authorizations:		**$ 200,000**			
Available Funding:		**$ 200,000**			
Operating Budget Impact:		**$ -**			

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

FY2024 Activity:

Continue scanning of stored paper human resource files into digital images which will be stored and accessible in the new Human Capital Management system. The project is estimated to be completed in December ~~2023~~ 2024.

Future Activity:

Sunset project as of July 1, ~~2024~~ 2025.

Prime Sponsor(s): Ms. Durham, Ms. George
Date of introduction: August 29, 2023

SUBSTITUTE NO. 4 TO ORDINANCE NO. 23-122

AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 40 (THE "UNIFIED DEVELOPMENT CODE"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING") AND ARTICLE 33 ("DEFINITIONS") RELATING TO LIGHT POLLUTION IN NEW CASTLE COUNTY

WHEREAS, New Castle County recognizes the importance of energy conservation as a means of achieving energy independence, reducing unnecessary expenses, and reducing any negative environmental impact of energy generation; and

WHEREAS, this Ordinance applies to nonresidential land development applications only; and

WHEREAS, the use of artificial outdoor lighting has proliferated in New Castle County, resulting in a disruption to the natural patterns of wildlife and substantial negative environmental impacts, increases in health implications, and wasted energy; and

WHEREAS, night skies are considered an air quality-related value under the *Clean Air Act Amendments of 1977*, and air quality, in turn, affects the quality of the night sky; and

WHEREAS, light trespass from night lighting fixtures has increased dramatically, negatively impacting the natural environment and the quality of life of people in the County by, among other things, reducing night sky visibility and enjoyment for citizens and visitors alike; and

WHEREAS, exposure to artificially extended daytime light is resulting in numerous problems to our citizens, including sleep deprivation, fatigue, anxiety, stress, and other health problems; and

WHEREAS, vast amounts of money have been and continue to be wasted on outdoor lighting; importantly, in contrast, proper and more efficient outdoor lighting provides an appropriate amount of light… not too little and not too much; and

WHEREAS, limiting energy use and redirecting lighting to point downward, or in a manner that substantially reduces disturbance to surrounding properties and/or night sky light pollution will reduce energy costs, and provide a more natural environment for wildlife and the residents of the County; and

WHEREAS, light pollution has been documented as a leading cause of insect decline, through exhaustion, collision, incineration or increased predation, and which cascades then into ecosystem decline, as well as negative impacts to birds, wildlife and even fish as described by the *National Wildlife Federation*; and

WHEREAS, inexpensive night lighting fixtures are readily available and are designed to direct light only where it is needed, distribute light more efficiently and effectively, and thereby reduce glare, light trespass, power consumption, and cost; and

WHEREAS, although artificial light at night has revolutionized the way we live and work outdoors, it has come at a price, and as *DarkSky International* has documented, when used indiscriminately, outdoor lighting can disrupt wildlife, impact human health, waste money and energy, contribute to climate change, and block our view of the universe; and

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

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

Section 1. *New Castle County Code* Ch. 40 (the "Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.720 ("Lighting Standards") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

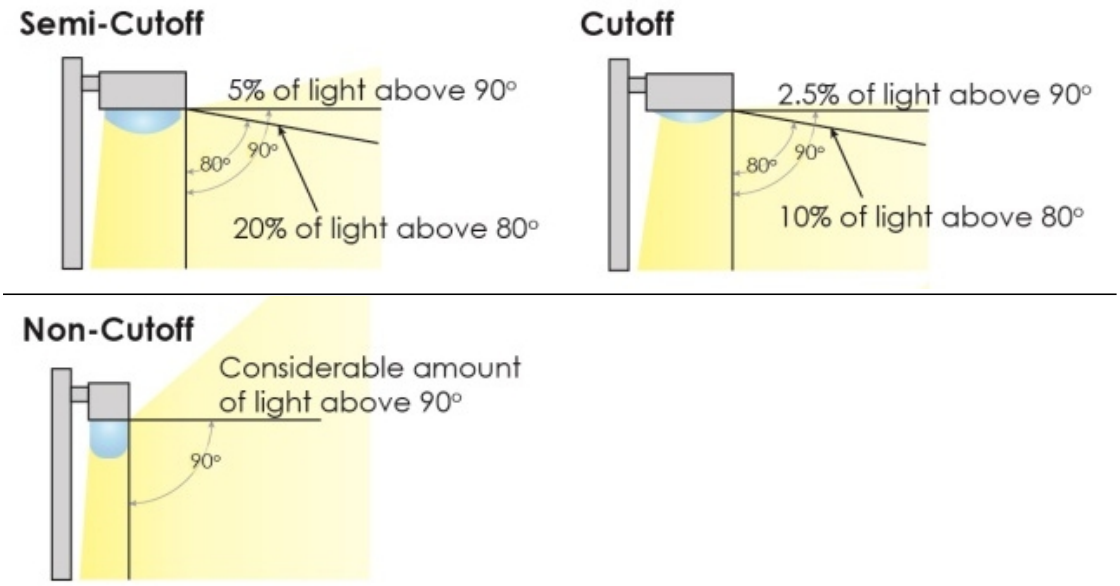
Sec. 40.22.720. – Lighting standards~~Standards~~.

A. ~~Two (2) types of light~~ Light fixtures ~~sources~~, or luminaires, ~~luminaries~~ are available in different types including (*See* Figure 40.22.720)~~.~~:

1. ~~One (1) is a~~ Non-cutoff fixtures, which are prohibited,
2. Semi~~semi~~-cutoff ~~fixture, directing~~ fixtures, which direct the light to partially limit view of the light source~~, or luminaire. The second is a~~ and
3. Full cutoff fixtures which shield~~fixture, shielding~~ the light source from view and prevent upward light. "Full cutoff" is the condition where the light emitted from a fixture does not extend upward beyond its bottom.

The maximum permitted illumination and ~~the maximum permitted~~ luminaire height are set forth in Table 40.04.111.

Figure 40.22.720
TYPES OF LUMINAIRE ~~LUMINARIE~~
~~40-22-720~~



~~Luminaire with cut-off less than 90 deg.~~

B. All luminaire output is to be aimed downward and shall meet Illuminating Engineering Society ("IES") full-cutoff/fully shielded criteria where possible, and have no direct uplight.

C. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, *e.g.*, the rated output of a standard non-directional 40-watt incandescent, 10-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

D. When a non-residential use is adjacent to a residential zoning district or use, the maximum illumination from the non-residential use shall not exceed one-tenth (0.1) foot candle as measured at the residential property line. ~~Non-cutoff street lights shall only be permitted if required by DelDOT. All light sources or luminaries that are installed pursuant to a plan submitted after January 1, 2022 shall utilize LEDs or other luminaire technologies that meet or exceed the energy efficiency of LEDs.~~

Section 2. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.741 ("Sign lighting, shielded spotlights") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

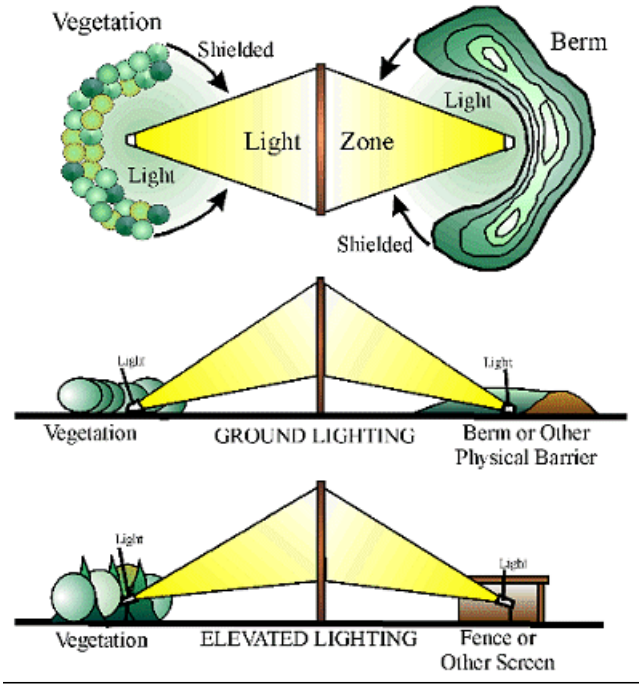
Sec. 40.22.741. - Sign lighting, ~~shielded~~ spotlights and floodlights.

A. Spotlights and floodlights ~~Shielded spots~~ shall be screened by ~~evergreen landscaping,~~ walls, berms, and/or cutoff shielding so the light source is not visible off site. ~~All shielded spots in plans submitted after January 1, 2022 shall utilize LED or other luminaire technologies that are at least as energy efficient as LED.~~ In most cases, a combination of cutoff shielding and a landscape or other feature will be

needed to provide the necessary screening. Figure 40.22.741 provides an example of how this objective is to be accomplished.

B. Spotlights and floodlights are to be installed and aimed so that they do not project their output onto neighboring residential properties, past the object being illuminated, skyward, or onto a public roadway. Spotlights and floodlights installed above grade shall not be aimed out more than 45% from straight down. When a spotlight or floodlight creates glare, as viewed from a neighboring residential property, it shall be re-aimed and/or fitted with a shielding device, if not already in place, to block the direct view of the glare from neighboring residences.

Figure 40.22.741
~~SHIELDED~~ SPOTLIGHTS FOR SIGNS



C. Vegetation screens must not be the primary means for shielding. Rather, glare control shall be achieved primarily through the use of full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.

D. Spotlights and floodlights with an aggregate rated lamp output not exceeding 500 lumens, *e.g.*, the rated output of a standard nondirectional 40-watt incandescent, 6-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

Section 3. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.750 ("Lighting, generally") is hereby amended by adding the material that is

underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.750. Lighting, generally.

~~A. Exterior lights for nonresidential uses shall be shielded, shaded or directed so that light intensity and glare shall not adversely affect neighboring residential property owners or passing motorists, and emit no upward light. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

AB. Exterior lights ~~in residential areas~~ shall be shielded, shaded, or directed, as best as is reasonably possible, so that light intensity and glare shall not adversely affect neighboring property owners, pedestrians, or passing motorists, consistent with Sec. 40.22.720, and emit no upward light. Such lighting shall be considered to adversely affect someone when the lighting would disturb a person of normal sensibilities. ~~All exterior lights in residential areas in plans submitted after January 1, 2022 shall utilize LED or other luminaire technologies that are at least as energy efficient as LED. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

BC. All exterior lights depicted in lighting plans ~~for nonresidential uses in plans submitted after January 1, 2022~~ shall utilize LED or other ~~luminaire~~ light emitting technologies that are at least as energy efficient as LEDs, having a light source efficacy of no less than 90 lumens per watt, and utilize “warm-white” or filtered LEDs (Correlated Color Temperature (CCT)) ≤ 3000K; S/P (Scotopic/Photopic) ratio ≤ 1.2) to minimize blue light emission.

CD. Because of the higher luminous efficiency of LEDs and potential environmental and ecological impacts and cost savings, plans for exterior lighting should strive to avoid over-lighting.

Section 4. *New Castle County Code* Ch. 40 (“Unified Development Code”), Article 33 (“Definitions”), Division 40.33.300 (“General Definitions”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

…

~~Cutoff-type luminaire. An outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than ninety (90) degrees. See Figure 40.22.720.~~

Cutoff fixture. An outdoor lighting fixture or luminaire with intensity at or above 90° (horizontal), where no more than 2.5% of the luminaire’s light intensity is emitted at or above horizontal, and no more than 10% of the luminaire’s light intensity is emitted at or above 80°. *See* Figure 40.22.720.

~~*Luminaire, cutoff-type*. See *Cutoff-type luminaire*.~~

~~*Cutoff angle.* The angle, formed by a line drawn from the light source to the ground, and a line perpendicular to the ground from the light source, above which no light is emitted.~~

Cutoff angle of a luminaire. The angle of an outdoor light fixture or luminaire, measured up from the nadir (*i.e*., straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

~~*Semi cut-off.* A luminaire light distribution is designated as semi cut-off when the candlepower per one thousand (1,000) lamp lumens does not numerically exceed fifty-five (55) percent at an angle of ninety (90) degrees above nadir and two hundred twenty (220) percent at an angle of eighty (80) degrees above nadir. This applies to any lateral angle around the luminaire.~~ An outdoor lighting fixture or luminaire with intensity at or above 90° (horizontal), where no more than 5% of the luminaire's light intensity is emitted at or above horizontal, and no more than 20% of the luminaire's light intensity is emitted at or above 80°. *See* Figure 40.22.720.

Section 5. This Ordinance shall become effective on September 1, 2024, following passage by New Castle 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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: The original Ordinance proposed changes which include revising *New Castle County Code* Chapter 40, Article 22 to provide more strategic and intentional light direction, instead of, for example, use of vegetative screens as the primary source of light shielding. The Ordinance also proposed supporting changes to definitions in Chapter 40, Article 33.

Improving energy usage and directing lighting only to where needed will limit light pollution, disruption of natural environmental patterns, negative health implications, and

the cost of energy in New Castle County. Furthermore, vegetative screens can easily die or be damaged or seasonal in nature, and, when this occurs, are not always replaced in a timely manner and/or adequately meet their needs.

Furthermore, vegetative screens can be part of the solution, but, for the reasons noted above, are not to be the primary means of shielding light. This Ordinance shall become effective on September 1, 2024.

The preceding Substitute (No. 3) amended the proposed Ordinance with clarifications regarding LED bulbs and other technologies and their efficacy and energy efficiency.

This Substitute, Substitute No. 4 to Ordinance No. 23-122, amends the proposed original Ordinance by further clarifying lighting standards, including application to spotlights and floodlights, and narrowed the application of the new standards.

FISCAL NOTE: There is no discernible fiscal impact.

Prime Sponsor(s): Ms. Durham, Ms. George
Date of introduction: August 29, 2023

SUBSTITUTE NO. 3 TO ORDINANCE NO. 23-122

AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 40 (THE "UNIFIED DEVELOPMENT CODE"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING") AND ARTICLE 33 ("DEFINITIONS") RELATING TO LIGHT POLLUTION IN NEW CASTLE COUNTY

WHEREAS, New Castle County recognizes the importance of energy conservation as a means of achieving energy independence, reducing unnecessary expenses, and reducing any negative environmental impact of energy generation; and

WHEREAS, the use of artificial outdoor lighting has proliferated in New Castle County, resulting in a disruption to the natural patterns of wildlife and substantial negative environmental impacts, increases in health implications, and wasted energy; and

WHEREAS, night skies are considered an air quality-related value under the *Clean Air Act Amendments of 1977*, and air quality, in turn, affects the quality of the night sky; and

WHEREAS, light trespass from night lighting fixtures has increased dramatically, negatively impacting the natural environment and the quality of life of people in the County by, among other things, reducing night sky visibility and enjoyment for citizens and visitors alike; and

WHEREAS, exposure to artificially extended daytime light is resulting in numerous problems to our citizens, including sleep deprivation, fatigue, anxiety, stress, and other health problems; and

WHEREAS, vast amounts of money have been and continue to be wasted on outdoor lighting; importantly, in contrast, proper and more efficient outdoor lighting provides an appropriate amount of light… not too little and not too much; and

WHEREAS, limiting energy use and redirecting lighting to point downward, or in a manner that substantially reduces disturbance to surrounding properties and/or night sky light pollution will reduce energy costs, and provide a more natural environment for wildlife and the residents of the County; and

WHEREAS, light pollution has been documented as a leading cause of insect decline, through exhaustion, collision, incineration or increased predation, and which cascades then into ecosystem decline, as well as negative impacts to birds, wildlife and even fish as described by the National Wildlife Federation; and

WHEREAS, inexpensive night lighting fixtures are readily available and are designed to direct light only where it ~~is~~ needed, distribute light more efficiently and effectively, and thereby reduce glare, light trespass, power consumption, and cost; and

WHEREAS, although artificial light at night has revolutionized the way we live and work outdoors, it has come at a price, and as DarkSky International has documented, when used indiscriminately, outdoor lighting can disrupt wildlife, impact human health, waste money and energy, contribute to climate change, and block our view of the universe; and

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

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

Section 1. *New Castle County Code* Ch. 40 (the "Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.720 ("Lighting Standards") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.720. – Lighting standards~~Standards~~.

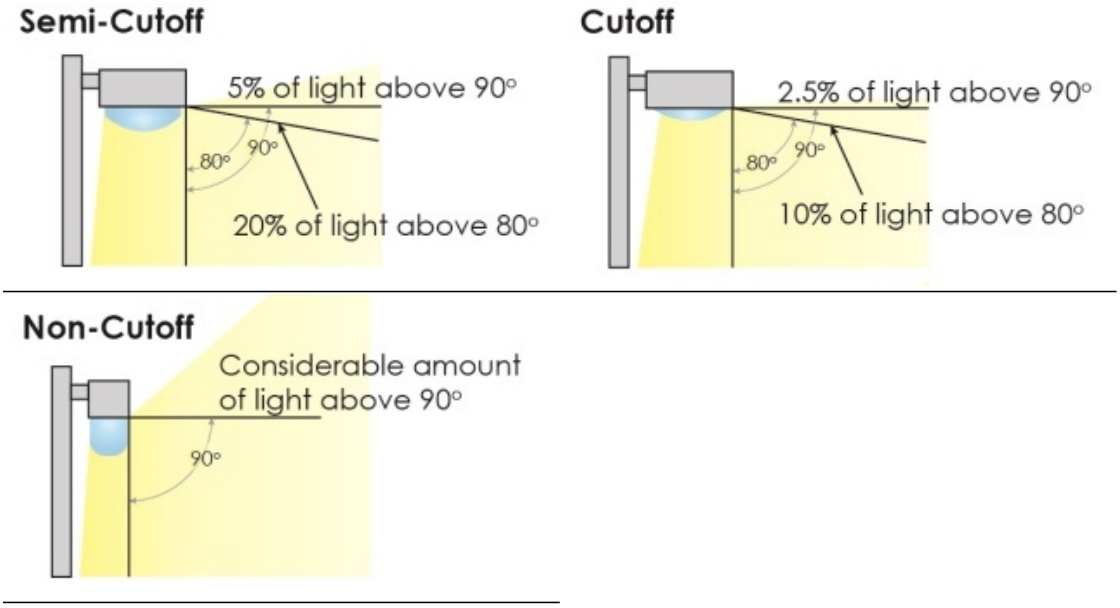
A. ~~Two (2) types of light~~ Light fixtures ~~sources~~, or luminaires, ~~luminaries~~ are available in different types including (*See* Figure 40.22.720):~~.~~

1. ~~One (1) is a~~ Non-cutoff fixtures
2. Semi~~semi~~-cutoff ~~fixture, directing~~ fixtures which direct the light to partially limit view of the light source~~, or luminaire. The second is a~~ and
3. Full cutoff fixtures which shield~~fixture, shielding~~ the light source from view and prevent any upward light. Full cut-off is the condition where the light emitted from the fixture does not extend upward beyond its bottom.

Non-cutoff fixtures are prohibited. The maximum permitted illumination and ~~the maximum permitted~~ luminaire height are set forth in Table 40.04.111.

Figure 40.22.720
TYPES OF LUMINAIRE ~~LUMINARIE~~

~~40-22-720~~



~~Luminaire with cut-off less than 90 deg.~~

B. Regardless of whether the surface to be lit is primarily horizontal or non-horizontal, all luminaire output is to be aimed downward where possible, have no direct uplight, and shall meet Illuminating Engineering Society ("IES") full-cutoff/fully shielded criteria. In addition, luminaires shall have an IES Backlight Uplight Glare ("BUG") rating of at least B2-U0-G2, but a luminaire with a rating of B1-U0-G1 is preferred

C. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, *e.g.*, the rated output of a standard non-directional 40-watt incandescent, 10-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

D. When a nonresidential use is adjacent to a residential zoning district or use, the maximum illumination from the non-residential use shall not exceed one-tenth (0.1) foot candle as measured at the residential property line. ~~Non-cutoff street lights shall only be permitted if required by DelDOT. All light sources or luminaires that are installed pursuant to a plan submitted after January 1, 2022 shall utilize LEDs or other luminaire technologies that meet or exceed the energy efficiency of LEDs.~~

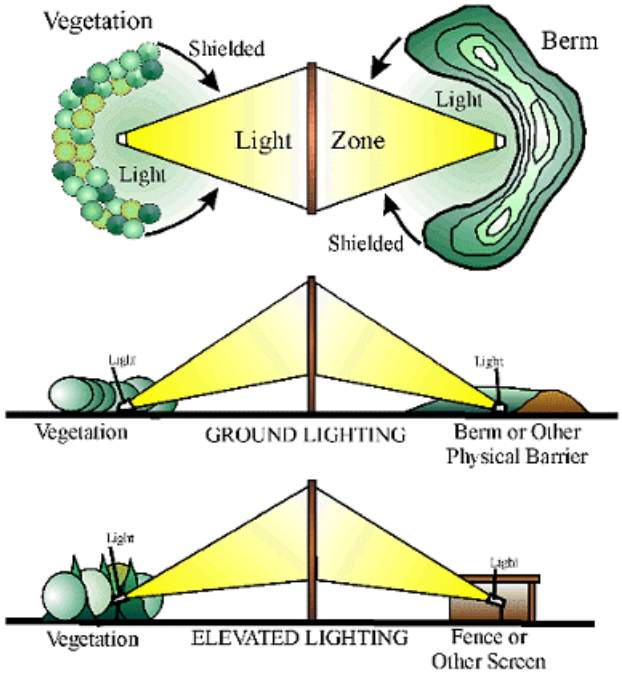
Section 2. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.741 ("Sign lighting, shielded spotlights") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.741. - Sign lighting, ~~shielded~~ spotlights and floodlights.

A. Spotlights and floodlights ~~Shielded~~ spots shall be screened by ~~evergreen landscaping,~~ walls, berms, and/or cutoff shielding so the light source is not visible off site. ~~All shielded spots in plans submitted after January 1, 2022 shall utilize LED or other luminaire technologies that are at least as energy efficient as LED.~~ In most cases, a combination of cutoff shielding and a landscape or other feature will be needed to provide the necessary screening. Figure 40.22.741 provides an example of how this objective is to be accomplished.

B. Spotlights and floodlights are to be installed and aimed so that they do not project their output onto neighboring residential properties, past the object being illuminated, skyward, or onto a public roadway. Spotlights and floodlights installed above grade on residential properties shall not be aimed out more than 45 degrees from straight down. When a spotlight or floodlight creates glare, as viewed from a neighboring residential property, it shall be re-aimed and/or fitted with a shielding device, if not already in place, to block the direct view of the glare from neighboring residences.

Figure 40.22.741
SHIELDED SPOTLIGHTS FOR SIGNS



C. Vegetation screens must not be the primary means for shielding. Rather, glare control shall be achieved primarily through the use of means such as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.

D. Spotlights and floodlights with an aggregate rated lamp output not exceeding 500 lumens, *e.g.*, the rated output of a standard nondirectional 40-watt incandescent, 6-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

E. *Flag poles*. It is preferred that flag poles not be illuminated at dark and, instead, that the traditional raising of the flag after dawn and lowering of the flag before sunset be followed. However, if a flag is illuminated during the hours of darkness, it is preferred that it be done so from above, and in such case the luminaire should shine down at 90 degrees and be fully shielded. The total number of lumens output from any luminaire mounted on top of a flag pole is limited to 2500 lumens.

Section 3. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.750 ("Lighting, Generally") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.750. Lighting, generally.

~~A. Exterior lights for nonresidential uses shall be shielded, shaded, or directed so that light intensity and glare shall not adversely affect neighboring residential property owners or passing motorists, and emit no upward light. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

AB. Exterior lights ~~in residential areas~~ shall be shielded, shaded, or directed, as best as is reasonably possible, so that light intensity and glare shall not adversely affect neighboring property owners, pedestrians, or passing motorists, consistent with Sec. 40.22.720., and emit no upward light. Such lighting shall be considered to adversely affect someone when the lighting would disturb a person of normal sensibilities. ~~All exterior lights in residential areas in plans submitted after January 1, 2022 shall utilize LED or other luminaire light emitting technologies that are at least as energy efficient as LED. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

B~~C~~. All exterior lights ~~for nonresidential uses in plans submitted after January 1, 2022~~ shall utilize LED or other ~~luminaire~~ light emitting technologies that are at least as energy efficient as LEDs, having a light source efficacy of no less than 90 lumens per watt, and utilize "warm-white" or filtered LEDs (Correlated Color Temperature (CCT) ≤ 3000K; S/P (Scotopic/Photopic) ratio ≤ 1.2) to minimize blue light emission.

C~~D~~. Because of the higher luminous efficiency of LEDs and potential environmental and ecological impacts and cost savings, plans for exterior lighting should strive to avoid over-lighting.

Section 4. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 33 ("Definitions"), Division 40.33.300 ("General Definitions") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

…

~~Cutoff-type luminaire. An outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than ninety (90) degrees.~~

Cutoff fixture. An outdoor lighting fixture or luminaire with intensity at or above 90 degrees above nadir (horizontal) no more than two and one-half (2.5) percent of lamp lumens and no more than ten (10) percent of lamp lumens at or above eighty degrees. *See* Figure 40.22.720.

~~*Luminaire, cutoff-type.* See *Cutoff-type luminaire*.~~

~~*Cutoff angle.* The angle, formed by a line drawn from the light source to the ground, and a line perpendicular to the ground from the light source, above which no light is emitted.~~

Cutoff angle of a luminaire. The angle of an outdoor light fixture or luminaire, measured up from the nadir (*i.e.*, straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

Semi cut-off. ~~A luminaire light distribution is designated as semi cut-off when the candlepower per one thousand (1,000) lamp lumens does not numerically exceed fifty-five (55)~~ (50) lumens or five (5) ~~percent at an angle of ninety (90) degrees above nadir and two hundred twenty (220)~~ (200) ~~lumens or twenty (20) percent at an angle of eighty (80) degrees above nadir. This applies to any lateral angle around the luminaire.~~An outdoor lighting fixture or luminaire with intensity at or above ninety (90) degrees above nadir (horizontal) no more than five (5) percent of lamp lumens, and no more than twenty (20) percent of lamp lumens at or above eighty (80) degrees above nadir. *See* Figure 40.22.720.

Section 5. This Ordinance shall become effective on September 1, 2024, following passage by New Castle 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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: The original Ordinance proposes changes which include revising *New Castle County Code* Chapter 40, Article 22 to provide more strategic and intentional light direction, instead of, for example, use of vegetative screens as the primary source of light shielding. The Ordinance also proposes supporting changes to definitions in Chapter 40, Article 33.

Improving energy usage and directing lighting only to where needed will limit light pollution, disruption of natural environmental patterns, negative health implications, and the cost of energy in New Castle County. Furthermore, vegetative screens can easily die or be damaged or seasonal in nature, and, when this occurs, are not always replaced in a timely manner and/or adequately meet their needs.

Finally, vegetative screens can be part of the solution, but, for the reasons noted above, shall not be the primary means of shielding light. This Ordinance shall become effective on September 1, 2024.

Substitute No. 3 to Ordinance No. 23-122 amends the proposed ordinance with clarifications regarding LED bulbs and other technologies and their efficacy and energy efficiency.

FISCAL NOTE: There is no discernible fiscal impact.

Prime Sponsor(s): Ms. Durham, Ms. George
Date of introduction: August 29, 2023

SUBSTITUTE NO. 2 TO ORDINANCE NO. 23-122

AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 40 (THE "UNIFIED DEVELOPMENT CODE"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING") AND ARTICLE 33 ("DEFINITIONS") RELATING TO LIGHT POLLUTION IN NEW CASTLE COUNTY

WHEREAS, New Castle County recognizes the importance of energy conservation as a means of achieving energy independence, reducing unnecessary expenses, and reducing any negative environmental impact of energy generation; and

WHEREAS, the use of artificial outdoor lighting has proliferated in New Castle County, resulting in a disruption to the natural patterns of wildlife and substantial negative environmental impacts, increases in health implications, and wasted energy; and

WHEREAS, night skies are considered an air quality-related value under the *Clean Air Act Amendments of 1977*, and air quality, in turn, affects the quality of the night sky; and

WHEREAS, light trespass from night lighting fixtures has increased dramatically, negatively impacting the natural environment and the quality of life of people in the County by, among other things, reducing night sky visibility and enjoyment for citizens and visitors alike; and

WHEREAS, exposure to artificially extended daytime light is resulting in numerous problems to our citizens, including sleep deprivation, fatigue, anxiety, stress, and other health problems; and

WHEREAS, vast amounts of money have been and continue to be wasted on outdoor lighting; importantly, in contrast, proper and more efficient outdoor lighting provides an appropriate amount of light… not too little and not too much; and

WHEREAS, limiting energy use and redirecting lighting to point downward, or in a manner that substantially reduces disturbance to surrounding properties and/or night sky light pollution will reduce energy costs, and provide a more natural environment for wildlife and the residents of the County; and

WHEREAS, light pollution has been documented as a leading cause of insect decline, through exhaustion, collision, incineration or increased predation, and which cascades then into ecosystem decline, as well as negative impacts to birds, wildlife and even fish as described by the National Wildlife Federation; and

WHEREAS, inexpensive night lighting fixtures are readily available and are designed to direct light only where it is needed, distribute light more efficiently and effectively, and thereby reduce glare, power consumption, and cost; and

WHEREAS, although artificial light at night has revolutionized the way we live and work outdoors, it has come at a price, and as the International Dark-Sky Association has documented, when used indiscriminately, outdoor lighting can disrupt wildlife, impact human health, waste money and energy, contribute to climate change, and block our view of the universe; and

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

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

Section 1. *New Castle County Code* Ch. 40 (the "Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.720 ("Lighting Standards") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.720. – Lighting standards~~Standards~~.

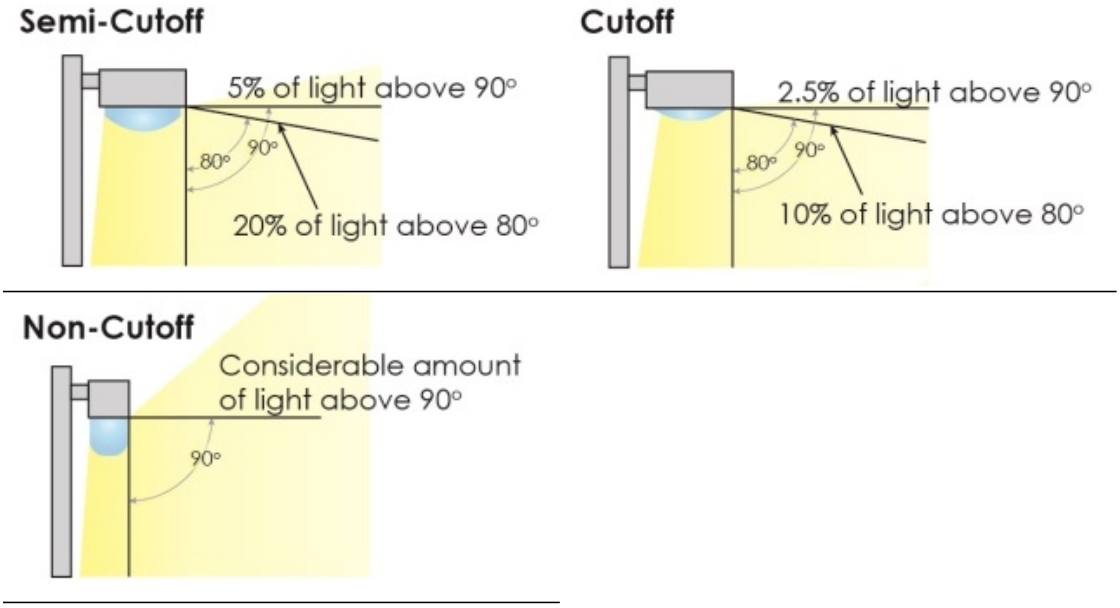
A. ~~Two (2) types of light~~ Light fixtures ~~sources~~, or luminaires, ~~luminaries~~ are available in different types including (*See* Figure 40.22.720):~~.~~

1. ~~One (1) is a~~ Non-cutoff fixtures
2. Semi~~semi~~-cutoff ~~fixture, directing~~ fixtures which direct the light to partially limit view of the light source~~, or luminaire. The second is a~~ and
3. Full cutoff fixtures which shield~~fixture, shielding~~ the light source from view and prevent any upward light. Full cut-off is the condition where the light emitted from the fixture does not extend upward beyond its bottom.

Non-cutoff fixtures are prohibited. The maximum permitted illumination and ~~the maximum permitted~~ luminaire height are set forth in Table 40.04.111.

Figure 40.22.720
TYPES OF LUMINAIRE ~~LUMINARIE~~

~~40-22-720~~



~~Luminaire with cut-off less than 90 deg.~~

B. Regardless of whether the surface to be lit is primarily horizontal or non-horizontal, all luminaire output is to be aimed downward where possible, have no direct uplight, and shall meet Illuminating Engineering Society ("IES") full-cutoff/fully shielded criteria. In addition, luminaires shall have an IES Backlight Uplight Glare ("BUG") rating of at least B2-U0-G2, but a luminaire with a rating of B1-U0-G1 is preferred

C. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, *e.g.*, the rated output of a standard non-directional 40-watt incandescent, 10-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

D. When a nonresidential use is adjacent to a residential zoning district or use, the maximum illumination shall not exceed one-tenth (0.1) foot candle as measured at the residential property line. ~~Non-cutoff street lights shall only be permitted if required by DelDOT.~~ All light sources ~~or luminaires that are installed pursuant to a plan submitted after January 1, 2022~~ shall utilize LEDs ~~or other luminaire~~ light emitting technologies that meet or exceed the energy efficiency of LEDs.

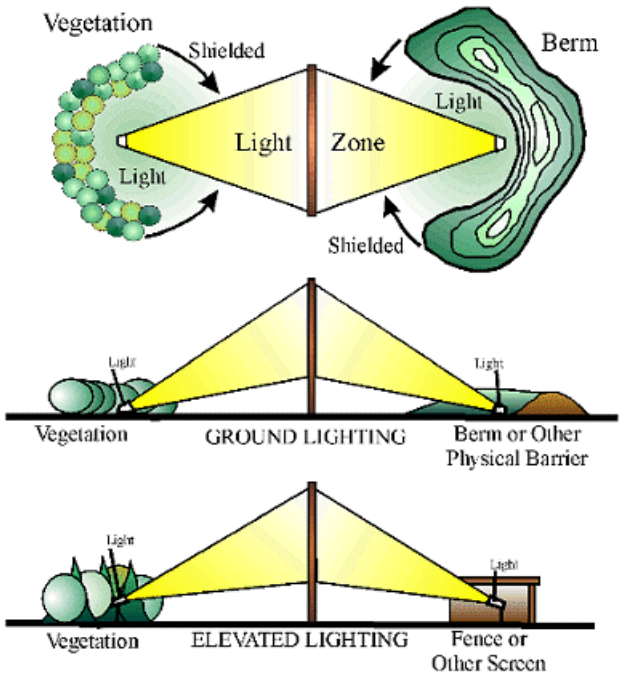
Section 2. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.741 ("Sign lighting, shielded spotlights") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.741. - Sign lighting, ~~shielded~~ spotlights and floodlights.

A. Spotlights and floodlights ~~Shielded~~ spots shall be screened by ~~evergreen landscaping,~~ walls, berms, and/or cutoff shielding so the light source is not visible off site. All ~~shielded~~ ~~spots~~ spotlights and floodlights ~~in plans submitted after January 1, 2022~~ shall utilize LED or other ~~luminaire~~ light emitting technologies that are at least as energy efficient as LED. In most cases, a combination of cutoff shielding and a landscape or other feature will be needed to provide the necessary screening. Figure 40.22.741 provides an example of how this objective is to be accomplished.

B. Spotlights and floodlights are to be installed and aimed so that they do not project their output onto neighboring residential properties, past the object being illuminated, skyward, or onto a public roadway. Spotlights and floodlights installed above grade on residential properties shall not be aimed out more than 45 degrees from straight down. When a spotlight or floodlight creates glare, as viewed from a neighboring residential property, it shall be re-aimed and/or fitted with a shielding device, if not already in place, to block the direct view of the glare from neighboring residences.

Figure 40.22.741
SHIELDED SPOTLIGHTS FOR SIGNS



C. Vegetation screens must not be the primary means for shielding. Rather, glare control shall be achieved primarily through the use of means such as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.

D. Spotlights and floodlights with an aggregate rated lamp output not exceeding 500 lumens, *e.g.*, the rated output of a standard nondirectional 40-watt incandescent, 6-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

E. *Flag poles*. It is preferred that flag poles not be illuminated at dark and, instead, that the traditional raising of the flag after dawn and lowering of the flag before sunset be followed. However, if a flag is illuminated during the hours of darkness, it is preferred that it be done so from above, and in such case the luminaire should shine down at 90 degrees and be fully shielded. The total number of lumens output from any luminaire mounted on top of a flag pole is limited to 2500 lumens.

Section 3. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.750 ("Lighting, Generally") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.750. Lighting, generally.

~~A. Exterior lights for nonresidential uses shall be shielded, shaded, or directed so that light intensity and glare shall not adversely affect neighboring residential property owners or passing motorists, and emit no upward light. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

A~~B~~. Exterior lights ~~in residential areas~~ shall be shielded, shaded, or directed, as best as is reasonably possible, so that light intensity and glare shall not adversely affect neighboring property owners, pedestrians, or passing motorists, consistent with Sec. 40.22.720., and emit no upward light. Such lighting shall be considered to adversely affect someone when the lighting would disturb a person of normal sensibilities. ~~All exterior lights in residential areas in plans submitted after January 1, 2022 shall utilize LED or other luminaire light emitting technologies that are at least as energy efficient as LED. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

B~~C~~. All exterior lights ~~for nonresidential uses in plans submitted after January 1, 2022~~ shall utilize LED or other ~~luminaire~~ light emitting technologies that are at least as energy efficient as LEDs, having a light source efficacy of no less than 90 lumens per watt, and utilize "warm-white" or filtered LEDs (Correlated Color Temperature (CCT) ≤ 3000K; S/P (Scotopic/Photopic) ratio ≤ 1.2) to minimize blue light emission.

C~~D~~. Because of the higher luminous efficiency of LEDs and potential environmental and ecological impacts and cost savings, plans for exterior lighting should strive to avoid over-lighting.

Section 4. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 33 ("Definitions"), Division 40.33.300 ("General Definitions") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

…

~~Cutoff-type luminaire. An outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than ninety (90) degrees.~~

Cutoff fixture. An outdoor lighting fixture or luminaire with intensity at or above 90 degrees above nadir (horizontal) no more than two and one-half (2.5) percent of lamp lumens and no more than ten (10) percent of lamp lumens at or above eighty degrees. *See* Figure 40.22.720.

~~*Luminaire, cutoff-type.* See *Cutoff-type luminaire*.~~

~~*Cutoff angle.* The angle, formed by a line drawn from the light source to the ground, and a line perpendicular to the ground from the light source, above which no light is emitted.~~

Cutoff angle of a luminaire. The angle of an outdoor light fixture or luminaire, measured up from the nadir (*i.e*., straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

Semi cut-off. ~~A luminaire light distribution is designated as semi cut-off when the candlepower per one thousand (1,000) lamp lumens does not numerically exceed fifty-five (55) (50) lumens or five (5) percent at an angle of ninety (90) degrees above nadir and two hundred twenty (220) (200) lumens or twenty (20) percent at an angle of eighty (80) degrees above nadir. This applies to any lateral angle around the luminaire.~~An outdoor lighting fixture or luminaire with intensity at or above ninety (90) degrees above nadir (horizontal) no more than five (5) percent of lamp lumens, and no more than twenty (20) percent of lamp lumens at or above eighty (80) degrees above nadir. *See* Figure 40.22.720.

Section 5. This Ordinance shall become effective on September 1, 2024, following passage by New Castle 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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: The original Ordinance proposes changes which include revising *New Castle County Code* Chapter 40, Article 22 to provide more strategic and intentional light direction, instead of, for example, use of vegetative screens as the primary source of light shielding. The Ordinance also proposes supporting changes to definitions in Chapter 40, Article 33.

Improving energy usage and directing lighting only to where needed will limit light pollution, disruption of natural environmental patterns, negative health implications, and the cost of energy in New Castle County. Furthermore, vegetative screens can easily die or be damaged or seasonal in nature, and, when this occurs, are not always replaced in a timely manner and/or adequately meet their needs.

Finally, vegetative screens can be part of the solution, but, for the reasons noted above, shall not be the primary means of shielding light. This Ordinance shall become effective on September 1, 2024.

This Substitute No. 2 to Ordinance No. 23-122 amended the original ordinance by: clarifying in Section 40.22.720 the different types of luminaires or lighting fixtures and updating Figure 40.22.720; clarifying the language relating to spotlights and floodlights at Section 40.22.741; and refining the requirements to illuminate a flag and flag pole when dark, among other changes.

FISCAL NOTE: There is no discernible fiscal impact.

Prime Sponsor(s): Ms. Durham, Ms. George
Date of introduction: August 29, 2023

SUBSTITUTE NO. 1 TO ORDINANCE NO. 23-122

AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 40 (THE "UNIFIED DEVELOPMENT CODE"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING") AND ARTICLE 33 ("DEFINITIONS") RELATING TO LIGHT POLLUTION IN NEW CASTLE COUNTY

WHEREAS, New Castle County recognizes the importance of energy conservation as a means of achieving energy independence, reducing unnecessary expenses, and reducing any negative environmental impact of energy generation; and

WHEREAS, the use of artificial outdoor lighting has proliferated in New Castle County, resulting in a disruption to the natural patterns of wildlife and substantial negative environmental impacts, increases in health implications, and wasted energy; and

WHEREAS, night skies are considered an air quality-related value under the *Clean Air Act Amendments of 1977*, and air quality, in turn, affects the quality of the night sky; and

WHEREAS, light trespass from night lighting fixtures has increased dramatically, negatively impacting the natural environment and the quality of life of people in the County by, among other things, reducing night sky visibility and enjoyment for citizens and visitors alike; and

WHEREAS, exposure to artificially extended daytime light is resulting in numerous problems to our citizens, including sleep deprivation, fatigue, anxiety, stress, and other health problems; and

WHEREAS, vast amounts of money have been and continue to be wasted on outdoor lighting; importantly, in contrast, proper and more efficient outdoor lighting provides an appropriate amount of light… not too little and not too much; and

WHEREAS, limiting energy use and redirecting lighting to point downward, or in a manner that substantially reduces disturbance to surrounding properties and/or night sky light pollution will reduce energy costs, and provide a more natural environment for wildlife and the residents of the County; and

WHEREAS, light pollution has been documented as a leading cause of insect decline, through exhaustion, collision, incineration or increased predation, and which cascades then into ecosystem decline, as well as negative impacts to birds, wildlife and even fish as described by the National Wildlife Federation; and

WHEREAS, inexpensive night lighting fixtures are readily available and are designed to direct light only where it is needed, distribute light more efficiently and effectively, and thereby reduce glare, power consumption, and cost; and

WHEREAS, although artificial light at night has revolutionized the way we live and work outdoors, it has come at a price, and as the International Dark-Sky Association has documented, when used indiscriminately, outdoor lighting can disrupt wildlife, impact human health, waste money and energy, contribute to climate change, and block our view of the universe; and

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

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

Section 1. *New Castle County Code* Ch. 40 (the "Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.720 ("Lighting Standards") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

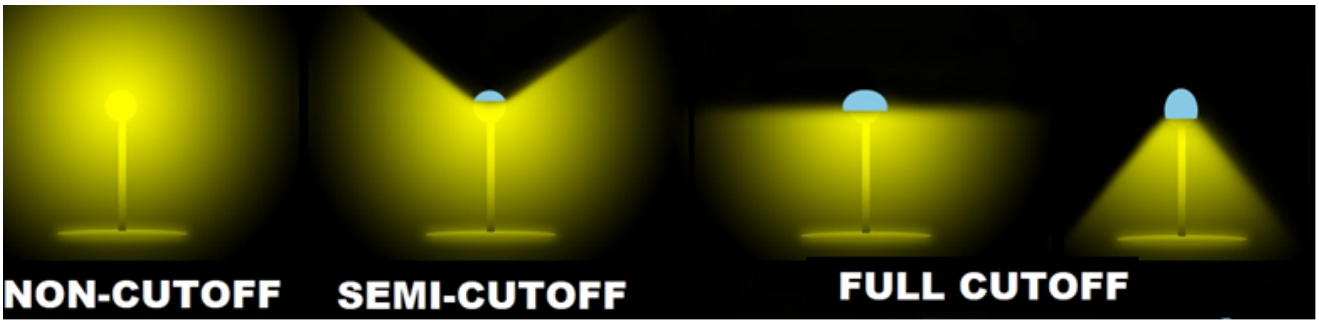
Sec. 40.22.720. – Lighting standards~~Standards~~.

A. ~~Two (2) types of light~~ Light fixtures ~~sources~~, or luminaires, ~~luminaries~~ are available in different types including (*See* Figure 40.22.720):~~.~~

1. ~~One (1) is a~~ Non-cutoff fixtures
2. Semi~~semi~~-cutoff ~~fixture, directing~~ fixtures which direct the light to partially limit view of the light source, ~~or luminaire. The second is a~~ and
3. Full cutoff fixtures which shield~~fixture, shielding~~ the light source from view and prevent any upward light. Full cut-off is the condition where the light emitted from the fixture does not extend upward beyond its bottom.

Non-cutoff fixtures are prohibited. The maximum permitted illumination and ~~the maximum permitted~~ luminaire height are set forth in Table 40.04.111.

Figure 40.22.720
TYPES OF LUMINAIRE ~~LUMINARIE~~



~~40-22-720~~
~~Luminaire with cut-off less than 90 deg.~~

B. Regardless of whether the surface to be lit is primarily horizontal or non-horizontal, all luminaire output is to be aimed downward where possible, have no direct uplight, and shall meet Illuminating Engineering Society ("IES") full-cutoff/fully shielded criteria. In addition, luminaires shall have an IES Backlight Uplight Glare ("BUG") rating of at least B2-U0-G2, but a luminaire with a rating of B1-U0-G1 is preferred

C. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, *e.g.*, the rated output of a standard non-directional 40-watt incandescent, 10-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

D. When a nonresidential use is adjacent to a residential zoning district or use, the maximum illumination shall not exceed one-tenth (0.1) foot candle as measured at the residential property line. ~~Non-cutoff street lights shall only be permitted if required by DelDOT.~~ All light sources ~~or luminaires that are installed pursuant to a plan submitted after January 1, 2022~~ shall utilize LEDs ~~or~~ or other ~~luminaire~~ light emitting technologies that meet or exceed the energy efficiency of LEDs.

Section 2. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.741 ("Sign lighting, shielded spotlights") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

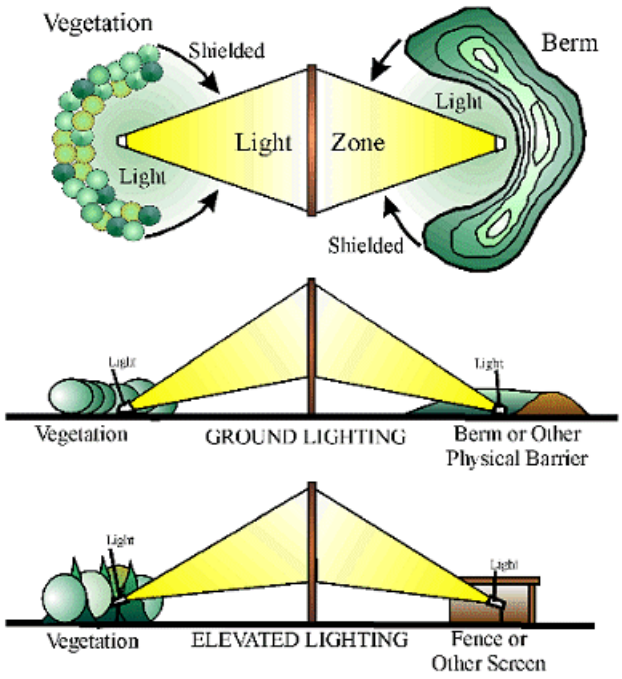
Sec. 40.22.741. - Sign lighting, ~~shielded~~ spotlights and floodlights.

A. Spotlights and floodlights ~~Shielded~~ spots shall be screened by ~~evergreen landscaping,~~ walls, berms, and/or cutoff shielding so the light source is not visible off site. All ~~shielded~~ ~~spots~~ spotlights and floodlights ~~in plans submitted after January 1, 2022~~ shall utilize LED or other ~~luminaire~~ light emitting technologies that are at least as energy efficient as LED. In most cases, a combination of cutoff

shielding and a landscape or other feature will be needed to provide the necessary screening. Figure 40.22.741 provides an example of how this objective is to be accomplished.

B. Spotlights and floodlights are to be installed and aimed so that they do not project their output onto neighboring residential properties, past the object being illuminated, skyward, or onto a public roadway. Spotlights and floodlights installed above grade on residential properties shall not be aimed out more than 45 degrees from straight down. When a spotlight or floodlight creates glare, as viewed from a neighboring residential property, it shall be re-aimed and/or fitted with a shielding device, if not already in place, to block the direct view of the glare from neighboring residences.

Figure 40.22.741
SHIELDED SPOTLIGHTS FOR SIGNS



C. Vegetation screens must not be the primary means for shielding. Rather, glare control shall be achieved primarily through the use of means such as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.

D. Spotlights and floodlights with an aggregate rated lamp output not exceeding 500 lumens, *e.g.*, the rated output of a standard nondirectional 40-watt incandescent, 6-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

E. *Flag poles*. It is preferred that flag poles not be illuminated at dark and, instead, that the traditional raising of the flag after dawn and lowering of the flag before sunset be followed. However, if a flag is illuminated during the hours of darkness, it is preferred that it be done so from above, and in such case the luminaire should shine down at 90 degrees and be fully shielded. The total number of lumens output from any luminaire mounted on top of a flag pole is limited to 2500 lumens.

Section 3. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.750 ("Lighting, Generally") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.750. Lighting, generally.

~~A. Exterior lights for nonresidential uses shall be shielded, shaded, or directed so that light intensity and glare shall not adversely affect neighboring residential property owners or passing motorists, and emit no upward light. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

AB. Exterior lights in residential areas shall be shielded, shaded, or directed, as best as is reasonably possible, so that light intensity and glare shall not adversely affect neighboring property owners, pedestrians, or passing motorists, consistent with Sec. 40.22.720., and emit no upward light. Such lighting shall be considered to adversely affect someone when the lighting would disturb a person of normal sensibilities. All exterior lights in residential areas ~~in plans submitted after January 1, 2022~~ shall utilize LED or other ~~luminaire~~ light emitting technologies that are at least as energy efficient as LED. ~~Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

B~~C~~. All exterior lights for nonresidential uses ~~in plans submitted after January 1, 2022~~ shall utilize LED or other ~~luminaire~~ light emitting technologies that are at least as energy efficient as LEDs, having a light source efficacy of no less than 90 lumens per watt, and utilize "warm-white" or filtered LEDs (Correlated Color Temperature (CCT) ≤ 3000K; S/P (Scotopic/Photopic) ratio ≤ 1.2) to minimize blue light emission.

C~~D~~. Because of the higher luminous efficiency of LEDs and potential environmental and ecological impacts and cost savings, plans for exterior lighting should strive to avoid over-lighting.

Section 4. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 33 ("Definitions"), Division 40.33.300 ("General Definitions") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

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~~Cutoff-type luminaire. An outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than ninety (90) degrees.~~

Cutoff fixture. An outdoor lighting fixture or luminaire with intensity at or above 90 degrees above nadir (horizontal) no more than two and one-half (2.5) percent of lamp lumens and no more than ten (10) percent of lamp lumens at or above eighty degrees. *See* Figure 40.22.720.

~~*Luminaire, cutoff-type*. See *Cutoff-type luminaire*.~~

~~*Cutoff angle*. The angle, formed by a line drawn from the light source to the ground, and a line perpendicular to the ground from the light source, above which no light is emitted.~~

Cutoff angle of a luminaire. The angle of an outdoor light fixture or luminaire, measured up from the nadir (*i.e*., straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

Semi cut-off. ~~A luminaire light distribution is designated as semi cut-off when the candlepower per one thousand (1,000) lamp lumens does not numerically exceed fifty-five (55)~~ (50) lumens or five (5) ~~percent at an angle of ninety (90) degrees above nadir and two hundred twenty (220)~~ (200) ~~lumens or twenty (20) percent at an angle of eighty (80) degrees above nadir. This applies to any lateral angle around the luminaire.~~An outdoor lighting fixture or luminaire with intensity at or above ninety (90) degrees above nadir (horizontal) no more than five (5) percent of lamp lumens, and no more than twenty (20) percent of lamp lumens at or above eighty (80) degrees above nadir. *See* Figure 40.22.720.

Section 5. This Ordinance shall become effective on September 1, 2024, following passage by New Castle 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:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: The original Ordinance proposes changes which include revising *New Castle County Code* Chapter 40, Article 22 to provide more strategic and intentional light direction, instead of, for example, use of vegetative screens as the primary source of light shielding. The Ordinance also proposes supporting changes to definitions in Chapter 40, Article 33.

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Finally, vegetative screens can be part of the solution, but, for the reasons noted above, shall not be the primary means of shielding light. This Ordinance shall become effective on September 1, 2024.

This Substitute No. 1 to Ordinance No. 23-122 amended the original ordinance by: clarifying in Section 40.22.720 the different types of luminaires or lighting fixtures and updating Figure 40.22.720; clarifying the language relating to spotlights and floodlights at Section 40.22.741; and refining the requirements to illuminate a flag and flag pole when dark, among other changes.

FISCAL NOTE: There is no discernible fiscal impact.

Introduced by: Ms. Durham, Ms. George
Date of introduction: August 29, 2023

ORDINANCE NO. 23-122

AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 40 (THE "UNIFIED DEVELOPMENT CODE"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING") AND ARTICLE 33 ("DEFINITIONS") RELATING TO LIGHT POLLUTION IN NEW CASTLE COUNTY

WHEREAS, New Castle County recognizes the importance of energy conservation as a means of achieving energy independence, reducing unnecessary expenses, and reducing any negative environmental impact of energy generation; and

WHEREAS, the use of artificial outdoor lighting has proliferated in New Castle County, resulting in a disruption to the natural patterns of wildlife and substantial negative environmental impacts, increases in health implications, and wasted energy; and

WHEREAS, night skies are considered an air quality-related value under the *Clean Air Act Amendments of 1977*, and air quality, in turn, affects the quality of the night sky; and

WHEREAS light trespass from night lighting fixtures has increased dramatically, negatively impacting the natural environment and the quality of life of people in the County by, among other things, reducing night sky visibility and enjoyment for citizens and visitors alike; and

WHEREAS, exposure to artificially extended daytime light is resulting in numerous problems to our citizens, including sleep deprivation, fatigue, anxiety, stress, and other health problems; and

WHEREAS, vast amounts of money have been and continue to be wasted on outdoor lighting; importantly, in contrast, proper and more efficient outdoor lighting provides an appropriate amount of light… not too little and not too much; and

WHEREAS, limiting energy use and redirecting lighting to point downward, or in a manner that substantially reduces disturbance to surrounding properties and/or night sky light pollution will reduce energy costs, and provide a more natural environment for wildlife and the residents of the County; and

WHEREAS, light pollution is now documented as one of the leading causes of insect decline, through exhaustion, collision, incineration or increased predation, and which cascades then into ecosystem decline, as well as negative impacts to birds, wildlife and even fish as described by the National Wildlife Federation; and

WHEREAS, inexpensive night lighting fixtures are readily available and are designed to direct light only where it is needed, distribute light more efficiently and effectively, and thereby reduce glare, power consumption, and cost; and

WHEREAS, although artificial light at night has revolutionized the way we live and work outdoors, it has come at a price, and as the International Dark-Sky Association has documented, when used indiscriminately, outdoor lighting can disrupt wildlife, impact human health, waste money and energy, contribute to climate change, and block our view of the universe; and

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

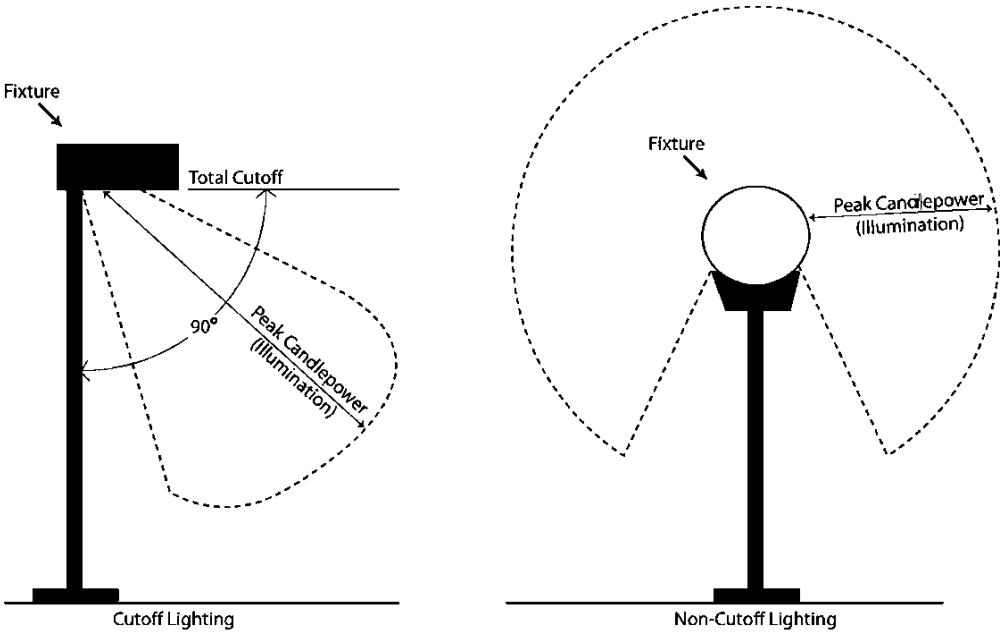
NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Ch. 40 (the "Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.720 ("Lighting Standards") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.720. - Lighting Standards.

A. Various ~~Two (2)~~ types of light fixtures ~~sources~~ or luminaires ~~luminaries~~ are available (*See* Figure 40.22.720). One ~~(1)~~ is a semi-cutoff fixture, directing the light to limit view of the light source or luminaire. Another ~~The second~~ is a cutoff fixture, fully shielding the light source from view. The maximum permitted illumination and the maximum permitted luminaire height are set forth in Table 40.04.111.

Figure 40.22.720
TYPES OF LUMINAIRE ~~LUMINARIE~~



~~40-22-720~~
Luminaire with cut-off less than 90 deg.

B. Regardless of whether the surface to be lit is primarily horizontal or non-horizontal, all luminaire output is to be aimed downward where possible, have no direct uplight, and shall meet Illuminating Engineering Society ("IES") full-cutoff/fully shielded criteria. In addition, luminaires shall have an IES Backlight Uplight Glare ("BUG") rating of at least B2-U0-G2, but a luminaire with a rating of B1-U0-G1 is preferred and shall be utilized if available.

C. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, *e.g.*, the rated output of a standard non-directional 40-watt incandescent, 10-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

D. When a nonresidential use is adjacent or very near to a residential zoning district or use, the maximum illumination shall not exceed one-tenth (0.1) foot candle measured line of sight at the residential property line. ~~Non-cutoff street lights shall only be permitted if required by DelDOT.~~ All light sources ~~or luminaires that are installed pursuant to a plan submitted after January 1, 2022~~ shall utilize LEDs or other ~~luminaire~~ light emitting technologies that meet or exceed the energy efficiency of LEDs.

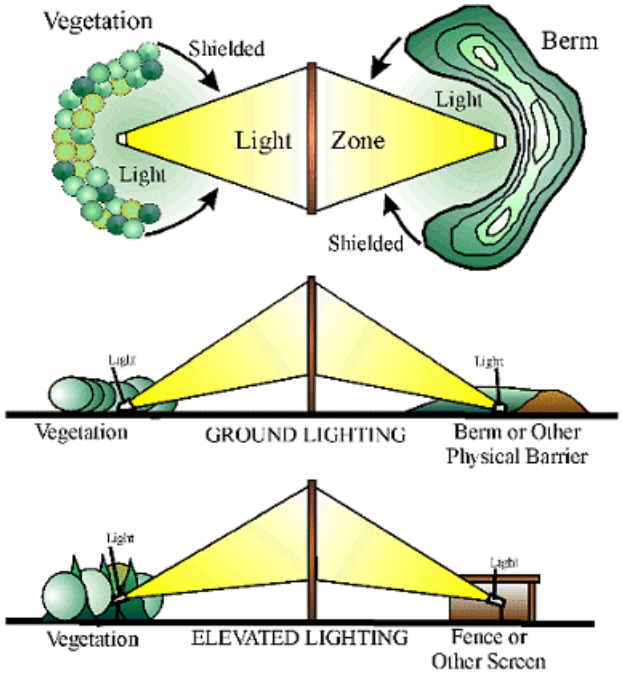
Section 2. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.741 ("Sign lighting, shielded spotlights") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.741. - Sign lighting, ~~shielded~~ spotlights and floodlights.

A. Spotlights and floodlights ~~Shielded spots spotlights~~ shall be screened by ~~evergreen landscaping,~~ walls, berms, and/or cutoff shielding so the light source is not visible off site. All ~~shielded spots~~ spotlights and floodlights ~~in plans submitted after January 1, 2022~~ shall utilize LEDs or other ~~luminaire~~ light emitting technologies that are at least as energy efficient as LEDs. In most cases, a combination of cutoff shielding and a landscape or other feature will be needed to provide the necessary screening. Figure 40.22.741 provides an example of how this objective is to be accomplished.

B. In addition, spotlights and floodlights are to be installed and aimed so that they do not project their output onto neighboring residential properties, past the object being illuminated, skyward, or onto a public roadway, as best as is reasonably possible. Spotlights and floodlights installed above grade on residential properties shall not be aimed out more than 45º from straight down. When a spotlight or floodlight creates glare, as viewed from a neighboring residential property, it shall be re-aimed and/or fitted with a shielding device, if not already in place, to block the direct view of the glare from neighboring residences.

Figure 40.22.741
SHIELDED SPOTLIGHTS FOR SIGNS



C. Vegetation screens must not be the primary means for shielding. Rather, glare control shall be achieved primarily through the use of means such as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.

D. Spotlights and floodlights with an aggregate rated lamp output not exceeding 500 lumens, *e.g.*, the rated output of a standard nondirectional 40-watt incandescent, 6-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

E. Flag poles. It is preferred that flagpoles not be illuminated and that the traditional raising of the flag after dawn and lowering of the flag before sunset be followed. However, a flag may be displayed if properly illuminated from above during the hours of darkness. The luminaire must shine down at 90° and be fully shielded. The total number of lumens output from any luminaire mounted on top of a flagpole is limited to 2500 lumens.

Section 3. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.750 ("Lighting, Generally") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.750. Lighting, generally.

~~A. Exterior lights for nonresidential uses shall be shielded, shaded, or directed so that light intensity and glare shall not adversely affect neighboring residential property owners or passing motorists, and emit no upward light. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

A~~B~~. Exterior lights in residential areas shall be shielded, shaded, or directed, as best as is reasonably possible, so that light intensity and glare shall not adversely affect neighboring property owners, pedestrians, or passing motorists, consistent with Sec. 40.22.720., and emit no upward light. Such lighting shall be considered to adversely affect someone when the lighting would disturb a person of normal sensibilities. All exterior lights in residential areas ~~in plans submitted after January 1, 2022~~ shall utilize LED or other ~~luminaire~~ light emitting technologies that are at least as energy efficient as LEDs. ~~Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

B~~C~~. All exterior lights for nonresidential uses ~~in plans submitted after January 1, 2022~~ shall utilize LED or other ~~luminaire~~ light emitting technologies that are at least as energy efficient as LEDs, having a light source efficacy of no less than 90 lumens per watt, and utilize "warm-white" or filtered LEDs (Correlated Color Temperature (CCT) ≤ 3000K; S/P (Scotopic/Photopic) ratio ≤ 1.2) to minimize blue light emission.

C~~D~~. Because of the higher luminous efficiency of LEDs and potential environmental and ecological impacts and cost savings, plans for exterior lighting should strive to avoid over-lighting.

Section 4. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 33 ("Definitions"), Division 40.33.300 ("General Definitions") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

…

~~Cutoff-type luminaire. An outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than ninety (90) degrees.~~

Cutoff fixture. An outdoor lighting fixture or luminaire with intensity at or above 90° (horizontal) no more than 2.5% of lamp lumens and no more than 10% of lamp lumens at or above 80°. *See* Figure 40.22.720.

~~*Luminaire, cutoff-type.* See *Cutoff-type luminaire*.~~

~~*Cutoff angle.* The angle, formed by a line drawn from the light source to the ground, and a line perpendicular to the ground from the light source, above which no light is emitted.~~

Cutoff angle of a luminaire. The angle of an outdoor light fixture or luminaire, measured up from the nadir (*i.e.*, straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

Section 5. This Ordinance shall become effective on July 1, 2024, following passage by New Castle 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
of New Castle County

SYNOPSIS: This Ordinance proposes changes which include revising *New Castle County Code* Chapter 40, Article 22 to provide more strategic and intentional light direction, instead of, for example, use of vegetative screens as the primary source of light shielding. The Ordinance also proposes supporting changes to definitions in Chapter 40, Article 33.

Improving energy usage and directing lighting only to where needed will limit light pollution, disruption of natural environmental patterns, negative health implications, and the cost of energy in New Castle County. Furthermore, vegetative screens can easily die or be damaged or seasonal in nature, and, when this occurs, are not always replaced in a timely manner and/or adequately meet their needs.

Finally, vegetative screens can be part of the solution, but, for the reasons noted above, should not be the primary means of shielding light. This Ordinance shall become effective on July 1, 2024

FISCAL NOTE: There is no discernible fiscal impact.

Matthew S. Meyer
County Executive

Charuni Patibanda
General Manager

Department of Land Use

**DEPARTMENT OF LAND USE &
PLANNING BOARD DECISION**

**Ordinance 23-122
Application 2023-0467-T
Lighting**

January 30, 2024

Sponsor: Councilwoman Dee Durham, Council District 2

Description: To amend New Castle County Code, Chapter 40 (the "Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), and Article 33 ("Definitions") relating to light pollution in New Castle County

EXECUTIVE SUMMARY

Application 2023-0467-T (Ordinance 23-122) is a text amendment to the Unified Development Code (UDC) that proposes changes to code language that deal with lighting regulations for new land development plans. According to the ordinance's sponsor, the proposed changes are to align the County Code with the goals of the Dark Skies initiative[1]. As noted in the whereas statements of the ordinance, the use of artificial outdoor lighting can result in disruptions to the natural patterns of wildlife as well as potential negative environmental impacts and wasted energy. The ordinance seeks to encourage the strategic use of light fixtures that have appropriate qualities, such as location and directionality, to mitigate impacts of artificial and outdoor lighting proposed for new land development applications.

The Department has considered the Standards for Text Amendment provided in Section 40.31.420 of the UDC and recommends **CONDITIONAL APPROVAL** of the proposed ordinance with the following condition:

1. The ordinance's sponsor continues to coordinate with the Department of Land Use on minor revisions to the proposed language to ensure clarity and conciseness regarding implementation and enforcement.

DESCRIPTION

Ordinance 23-122 proposes to revise language primarily included in Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting") and Division 40.22.700 ("Exterior Lighting Standards") to clarify existing provisions regarding lighting for new land development plans. The modifications require the use of lighting fixtures that are either semi-cutoff or total cut-off to provide enhanced shielding of artificial light with a specific Backlight Uplight Glare ("BUG") rating. Additionally, the

[1] https://www.fws.gov/project/dark-skies-initiative

ordinance establishes requirements for the use and orientation of floodlights. Finally, the ordinance proposes changes to Article 33 ("Definitions") to revise the terminology and definitions for a *cutoff fixture*[2] and *cutoff angle of a luminaire*[3].

BACKGROUND

In May of 2023, Councilwoman Dee Durham expressed interest to the Department of Land Use in reviewing and revising exiting lighting standards provided in the UDC to align with the Dark Skies Initiative. The initiative is run by the US Department of Fish and Wildlife to help preserve and protect the continuation of natural processes that are often impacted by the use of artificial, outdoor lighting. As noted in the testimony provided at the public hearing, Councilwoman Durham consulted with Barry Johnson of the Pennsylvania Outdoor Lighting Council to examine existing language for consistency with goals of the Dark Skies Initiative, and to propose revisions to the UDC for consistency. As part of the ordinance's production, Councilwoman Durham preliminarily consulted with the Department regarding the language of the proposed ordinance and how it would impact the land development process and enforcement of the code provisions.

As currently written, the UDC requires that new land development plans utilize semi-cutoff or total cutoff fixtures and orient lighting on a site in such a manner that illumination at a shared property line between a commercial and residential use does not exceed 0.1 foot-candles. To provide for an enhanced review of lighting conditions proposed on a subject site, Ordinance 23-122 proposes to also require that fixtures utilized provide an IES Backlight Uplight Glare ("BUG")[4] rating of at least B2-U0-G2 (and notes that a luminaire with a rating of B1-U0-G1 is preferred). Ordinance 23-122 also includes the addition of language to ensure that spotlights and floodlights used to illuminate signage are shielded from shining upward or on adjacent properties by requiring cutoff or fully shielded luminaires.

The ordinance clarifies that outdoor light fixtures with an aggregate rated lamp output of 500 lumens are exempt from the provisions. Overall, the goal of the ordinance is to eliminate upward or intrusive artificial lighting that may impact natural patterns as well as neighboring property owners.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The proposed text amendment was reviewed at a PLUS meeting held on September 27, 2023. The PLUS letter, dated October 25, 2023, includes comments from the Office of State Planning and Coordination, who noted that they have no concerns or objections on the proposed ordinance. The letter notes that there are no concerns from DNREC, DelDOT, DEMA, SHPO, or the DE State Fire Marshal.

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[2] *"An outdoor lighting fixture or luminaire with intensity at or above 90° (horizontal) no more than 2.5% of lamp lumens and no more than 10% of lamp lumens at or above 80°."*

[3] *"The angle of an outdoor light fixture or luminaire, measured up from the nadir (i.e., straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible."*

[4] BUG ratings were developed by the Illuminating Engineering Society (IES) to be used as a system to evaluate and specify the optical performance of outdoor light fixtures. The rating is broken into three (3) components:

- Backlight (B) – the amount of light from a luminaire projecting in the rearward direction
- Uplight (U) – the amount of light projected in the upward direction
- Glare (G) – the visual discomfort caused by glare from the luminaire from different vantage points

PLANNING BOARD PUBLIC HEARING – *December 5, 2023*
*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use.

Councilwoman Dee Durham, the ordinance's sponsor, spoke on behalf of the application. Ms. Durham provided a brief background on the Dark Skies Initiative, noting that she had a long interest in helping improve the code to help mitigate impacts of bright lights and their impacts. She stated that she was able to work with the Pennsylvania Outdoor Lighting Council as well as the Department of Land Use on the ordinance. She noted the various ways light pollution impacts humans, animals, and wildlife populations as well as there is a significant amount of wasted energy. She spoke to the existing requirements of the code and stated that the proposed ordinance would expand on those provisions.

The Board had no questions.

Councilwoman Valerie George spoke in favor of the application. She thanked Councilwoman Durham for bringing the legislation forward and noted that lighting is something that the County needs to consider as we continue to grow.

A member of the public over Zoom noted their support for the ordinance, noting that they had just visited Tucson, Arizona which was a low-light city and how exciting it was to see the skies.

ANALYSIS

The Department of Land Use is supportive of enhancing the provisions of the UDC to align with the Dark Skies Initiative, while also ensuring the use of artificial light has limited impact on surrounding neighborhoods and wildlife. Ordinance 23-122 largely modifies existing language and requirements already included in the UDC, expanding on fixture details to meet Dark Skies Initiative goals.

In consult with the ordinance's sponsor, the Department has identified a few minor edits in the ordinance that are recommended for revision to ensure clarity and conciseness. Specifically, the Department has concern regarding the IES BUG rating requirement included in the proposed 40.22.720.B of the ordinance and recommends that it be revised to a simple Uplight rating of U0. Backlight and Glare values are more dependent on the location of a fixture on the site (i.e. along a property line vs. in the middle of a parking area), which are already reviewed through the foot-candle values on lighting plans currently required by the provisions of the UDC. The Department believes that the goals and objectives of the proposed ordinance can still be achieved by regulating the Uplight value of a BUG rating only, while also ensuring developers have an adequate selection of fixtures to utilize.

Standards for Text Amendment – Section 40.31.420 of the New Castle County Code

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all the following factors shall be considered:

A. *Implementation of a new portion of the Comprehensive Development Plan.*

N/A

B. *Implementation and achievement of the Comprehensive Plan's goals and objectives.*

The 2022 Comprehensive Plan calls for the protection and restoration of the environment. The goals of the proposed ordinance work toward mitigating existing and future air, water, land light and sound pollution while continuing to monitor for air, water, land, light, and noise pollution concerns that might trigger protective actions.

C. Consistency with the provisions of this Chapter and the standards for similar uses.

Ordinance 23-122 expands on and clarifies the existing lighting provisions, identifying specific criteria and measures to limit uplighting.

D. *Necessity to respond to State and/or Federal legislation.*
N/A

E. *Flexibility in meeting the objectives of this Chapter.*
N/A

F. Changes to conditions, interpretations, and/or clarifications to existing language for new uses.

Ordinance 23-122 provides enhanced guidance for the use of artificial light in new land development projects.

G. Consideration of specific problems found in this Chapter.
N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department has considered the Standards for Text Amendment provided in Section 40.31.420 *of the New Castle County Code* and comments received from other agencies. Based on this analysis, the Department recommends **CONDITIONAL APPROVAL** of the proposed ordinance with the following condition:

1. The ordinance's sponsor continues to coordinate with the Department of Land Use on minor revisions to the proposed language to ensure clarity and conciseness regarding implementation and enforcement.

PLANNING BOARD RECOMMENDATION

At a business meeting held on January 30, 2024, 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 proposed ordinance with the following condition:

1. The ordinance's sponsor continues to coordinate with the Department of Land Use on minor revisions to the proposed language to ensure clarity and conciseness regarding implementation and enforcement.

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

Prior to the vote the following discussion occurred:

Ms. Hatch read the Department of Land Use into the record. Ms. Gray inquired if the ordinance discussed white light versus blue light. Christoper Jackson, Planner III, noted that the standards for lighting temperature would remain.

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.

02/26/2024

Charuni Patibanda date
General Manager
Department of Land Use

02/23/2024

Karen Peterson date
Chair
Planning Board

Prime Sponsor(s): Ms. Durham
Co-sponsor(s): Mr. Toole, Ms. George, Mr. Bell, Mr. Tackett, Mr. Hollins, Ms. Kilpatrick, Ms. Hartley-Nagle, Mr. Cartier Mr. Carter
Date of introduction: May 14, 2024

RESOLUTION NO. 24-112

RECOGNIZING AND HONORING THE LIFE, WORK, AND CONTRIBUTIONS OF CHARLES LAX

WHEREAS, Charles Lax was born to Martin and Sylvia Lax and raised in Southeast Philadelphia. After graduating from Bartram High School, Chuck enrolled at the University of Pennsylvania, earning a law degree; and,

WHEREAS, Chuck began his career selling plumbing supplies and later restaurant and catering products as a manufacturer's representative at Northstar Sales; and,

WHEREAS, Chuck became a real estate agent not long after moving to Delaware in 2007 and subsequently joined Morehart Wetherby & Associates of Compass Real Estate. He derived great satisfaction finding homes for people, and treasured the connections he made with people; and,

WHEREAS, Chuck served as the 2023 Director at Large for the Delaware Association of Realtors and was the President of the New Castle County Board of Realtors in 2022 after serving on numerous committees for both organizations; and,

WHEREAS, Chuck contributed his time to the National Association of Realtors and found time to serve on the New Castle County Board of Assessment Review; and,

WHEREAS, Chuck was a strong advocate for fair housing and minority ownership. He helped raise money for financially struggling homeowners so that they could afford to pay for needed repairs. Chuck also volunteered to help shelter pets find their forever homes, and worked to address plastic pollution in Delaware; and,

WHEREAS, Chuck was very involved in Delaware politics and served as the Federal Political Coordinator for Senator Tom Carper, attending Mr. Carper’s most recent swearing in; and,

WHEREAS, Chuck was honored with the 2018 New Castle County Board of Realtors (NCCBOR) Realtor Spirit Award and was so well regarded by his fellow real estate professionals that he was NCCBOR Realtor of the Year in 2021; and,

WHEREAS, Chuck was a father to five sons and one daughter, and cherished his three grandsons. He is survived by his wife of 19 years, Lynn; and,

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby remembers and honors Chuck Lax for his many contributions to our community and for the many lives he touched along the way.

Adopted by County Council of
New Castle County on: 5/14/2024

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Mr. Toole
Date of introduction: May 14, 2024

RESOLUTION NO. 24-113

OBSERVING MENTAL HEALTH AWARENESS MONTH

WHEREAS, *Mental Health Awareness Month* has been observed in the United States during the month of May since 1949; and

WHEREAS, a green ribbon is the international symbol of mental health awareness; and

WHEREAS, the National Alliance on Mental Illness' theme for 2024 is "Take the Moment" where people are encouraged to foster open dialogues, cultivate empathy and understanding. The campaign also champions the importance of destigmatizing mental health by normalizing the practice of taking moments to prioritize mental health care without guilt or shame; and

WHEREAS, 21% of adults are experiencing at least one mental illness, which is roughly 50 million people, and 55% of adults with a mental illness have not received any treatment according to the 2023 State of Mental Health in America survey; and

WHEREAS, *Mental Health Awareness Month* recognizes that bringing mental health into the forefront is inclusive and reduces stigma, offers support, and can enhance and save lives; and

WHEREAS, President Joseph R. Biden stated in Proclamation 10739 of April 30, 2024, "[e]ach one of us has a role to play in changing the narrative and ending the stigmatization of mental health issues. We can start by showing compassion so everyone feels free to ask for help and learning the warning signs of emotional distress and suicide… If you are feeling overwhelmed or just need someone to talk to, ask your health care provider, contact the Substance Abuse and Mental Health Services Administration's National Helpline at 1-800-662-HELP or visit FindSupport.gov.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby honors and observes May 2024 as *Mental Health Awareness Month*.

Adopted by County Council
of New Castle County on:

_____
Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: By way of this Resolution, New Castle County Council, during May *Mental Health Awareness Month*, recognizes the struggles of millions of Americans living with and enduring mental health conditions.

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