



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

September 24, 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

°24-148: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES FOR THE CLASS SPECIFICATION OF ASSISTANT CHIEF OF EMERGENCY COMMUNICATIONS FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY COMMUNICATIONS

Prime Sponsor(s): Ms. Hartley-Nagle

°24-149: TO ADOPT THE CLASS SPECIFICATION OF SENIOR ASSISTANT COUNTY ATTORNEY AND TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE AND NON-UNION CLASSIFIED SERVICE EMPLOYEES TO MAKE ORGANIZATIONAL CHANGES FOR THE FIRST ASSISTANT COUNTY ATTORNEY CLASS SPECIFICATION IN THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW

Prime Sponsor(s): Ms. Hartley-Nagle

°24-150: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS AND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES) AFL-CIO AND ITS AFFILIATE, LOCAL 3109

Prime Sponsor(s): Ms. Hartley-Nagle

°24-151: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES, NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE, NON-UNION CLASSIFIED SERVICE ROW OFFICE EMPLOYEES, NON-UNION UNCLASSIFIED SERVICE ROW OFFICE EMPLOYEES AND CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY FRATERNAL ORDER OF POLICE (FOP) LODGE #5 SWORN DEPUTY SHERIFFS

Prime Sponsor(s): Ms. Hartley-Nagle

E. Reports from Select and Special Committees

F. Consent Calendar

R24-170: APPOINTING BARBARA WARD TO THE NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW

Prime Sponsor(s): Ms. George

R24-171: APPOINTING RICHARD JESTER TO THE NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW

Prime Sponsor(s): Ms. George

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

R24-168: AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE COLLECTIVE BARGAINING AGREEMENT WITH THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES) AFL-CIO AND ITS AFFILIATE, LOCAL 3109

Prime Sponsor(s): Ms. Hartley-Nagle

R24-169: TO ENCUMBER \$40,000 OF NEW CASTLE COUNTY COUNCIL CONTINGENCY TO FUND CERTAIN EXPENSES RELATED TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD, AS APPROVED BY COUNTY COUNCIL

Prime Sponsor(s): Ms. Kilpatrick

Co-sponsor(s): Mr. Smiley

I. Consideration of Ordinances

°24-040: COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 5 REGARDING THE FOLLOWING TAX PARCEL: PENCADER HUNDRED: 11-025.00-026 (0 PULASKI HWY OFF, UPPER CHESAPEAKE CORPORATE CTR)

Prime Sponsor(s): Ms. George

°24-041: COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 5 REGARDING THE FOLLOWING TAX PARCEL: WHITE CLAY CREEK HUNDRED: 09-033.00-038 (475 GENDER RD, BREEZEWOOD SEC III)

Prime Sponsor(s): Ms. George

SUBSTITUTE NO. 1 TO °24-057: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), ARTICLE 7 ("TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES"), ARTICLE 8 ("NONCONFORMING SITUATIONS"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING"), ARTICLE 31 ("PROCEDURES AND ADMINISTRATION") AND ARTICLE 33 ("DEFINITIONS"), REGARDING DEVELOPMENT AND REDEVELOPMENT

Prime Sponsor(s): Mr. Tackett, Ms. Kilpatrick

°24-087: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), ARTICLE 4 ("DISTRICT AND BULK STANDARDS"), ARTICLE 33 ("DEFINITIONS"), AND APPENDIX 7 ("GUIDING PRINCIPLES FOR DEVELOPMENT"), REGARDING EXPANDING THE ACCESSORY DWELLING UNIT REGULATIONS TO PROVIDE EQUITABLE AFFORDABLE HOUSING OPPORTUNITIES AND THE ABILITY TO AGE IN PLACE, AND UPDATING THE GUIDING PRINCIPLES TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN

Prime Sponsor(s): Mr. Hollins

J. Time Sensitive Congratulatory/Honorary Resolutions

R24-172: HONORING THE LIFE OF WAYNE PHILIP "PHIL" PROUD, SR. AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS

Prime Sponsor(s): Mr Bell

R24-173: HONORING THE LIFE OF CHIEF JASPER HERMAN LAKEY AND EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS

Prime Sponsor(s): Mr Bell

K. Introduction/Consideration of Emergency Ordinances

L. Public Comment/Other

M. Motion to Adjourn

AGENDA POSTED: September 17, 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  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-

215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

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

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

ORDINANCE NO. 24-148

**AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED
SERVICE EMPLOYEES FOR THE CLASS SPECIFICATION OF ASSISTANT CHIEF
OF EMERGENCY COMMUNICATIONS FOR THE DEPARTMENT OF PUBLIC
SAFETY, DIVISION OF EMERGENCY COMMUNICATIONS**

1 **WHEREAS**, the Department of Public Safety, Division of Emergency
2 Communications has determined the class specification for Assistant Chief of
3 Emergency Communications needs to be updated to reflect the work currently being
4 performed; and

5
6 **WHEREAS**, it is recommended that the Pay Grade for the class specification
7 Assistant Chief of Emergency Communications be changed from Pay Grade 30 to Pay
8 Grade 32; and

9
10 **WHEREAS**, the Human Resources Advisory Board at its meeting on September
11 5, 2024, reviewed the revisions to the class specification for Assistant Chief of
12 Emergency Communications and recommended the change from Pay Grade 30 to Pay
13 Grade 32 on the Pay Plan and Rates of Pay for Non-Union Classified Service
14 Employees; and

15
16 **WHEREAS**, the Acting Chief Human Resources Officer concurs with the
17 recommendation of the Human Resources Advisory Board.

18
19 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

20
21 Section 1. The Pay Plan and Rates of Pay for Non-Union Classified Service
22 Employees, effective January 1, 2024 through June 30, 2024, is hereby amended by
23 adding the material as set forth in Exhibit "A," which shall be considered underscored in
24 its entirety.

25
26 Section 2. The Pay Plan and Rates of Pay for Non-Union Classified Service
27 Employees, effective July 1, 2024 through June 30, 2025, is hereby amended by adding
28 the material that is underscored and deleting the material that is stricken as set forth in
29 Exhibit "B."

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

35
36 Section 4. The Pay Plan and Rates of Pay for Non-Union Classified Service
37 Employees, effective July 1, 2026, is hereby amended by adding the material that is
38 underscored and deleting the material that is stricken as set forth in Exhibit "D."

40 Section 5. The revised Class Specification for Assistant Chief of Emergency
41 Communications is adopted as set forth in Exhibit "E."

42
43 Section 6. This Ordinance shall become effective immediately upon its adoption
44 by County Council and approval by the County Executive, or as otherwise provided in 9
45 *Del. C. § 1156*.

46
47 Section 7. It is the intent of the County Council that the provisions of this
48 Ordinance shall be effective retroactive to January 1, 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, changes the Pay Grade for the position title of Assistant Chief of Emergency Communications from Pay Grade 30 to Pay Grade 32 on the Pay Plan and Rates of Pay for Non-Union Classified Service Employees, as recommended by the Human Resources Advisory Board.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to January 1, 2024.

FISCAL IMPACT: This Ordinance, if approved, changes the Pay Grade for the position title of Assistant Chief of Emergency Communications from Pay Grade 30 to Pay Grade 32 on the Pay Plan and Rates of Pay for Non-Union Classified Service Employees, as recommended by the Human Resources Advisory Board. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to January 1, 2024.

There are currently two positions with the title of Assistant Chief of Emergency Communications, and one is vacant. The fiscal impact for Salaries and Benefits is estimated to be:

FY2024 \$8,870
FY2025 \$18,152
FY2026 \$18,605
FY2027 \$19,071

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

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

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

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

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

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	30	71,779	75,152	78,695	82,415	86,320	90,421	94,727	99,248	103,995	108,980
	32	<u>79,136</u>	<u>82,855</u>	<u>86,761</u>	<u>90,863</u>	<u>95,168</u>	<u>99,689</u>	<u>104,437</u>	<u>109,421</u>	<u>114,654</u>	<u>120,150</u>
CHIEF OF EMERGENCY COMMUNICATIONS	36	94,728	99,249	103,996	108,981	114,214	119,709	125,479	131,538	137,899	144,579
CHIEF OF EMERGENCY MEDICAL SERVICES	38	106,867	111,852	117,085	122,580	128,351	134,410	140,772	147,452	154,466	161,831

Effective: 01/01/2024 (Ordinance 24-xxx)

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

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

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

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

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

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	30	73,574	77,031	80,663	84,476	88,478	92,682	97,096	101,730	106,595	111,705
	32	81,115	84,927	88,931	93,135	97,547	102,182	107,048	112,157	117,521	123,155
CHIEF OF EMERGENCY COMMUNICATIONS	36	97,097	101,731	106,596	111,706	117,070	122,702	128,616	134,827	141,347	148,194
CHIEF OF EMERGENCY MEDICAL SERVICES	38	109,539	114,649	120,013	125,645	131,560	137,771	144,292	151,139	158,328	165,877

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

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

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

Revised: 08/01/2023 (Ordinance 23-126)

Revised: 07/07/2023 (Ordinance 24-013)

Revised: 07/01/2024 (Ordinance xx-xxx)

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

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

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

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

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

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	30	75,414	78,957	82,680	86,588	90,690	95,000	99,524	104,274	109,260	114,498
	32	83,144	87,050	91,155	95,463	99,986	104,738	109,725	114,962	120,459	126,234
CHIEF OF EMERGENCY COMMUNICATIONS	36	99,525	104,275	109,261	114,499	119,997	125,770	131,832	138,198	144,881	151,899
CHIEF OF EMERGENCY MEDICAL SERVICES	38	112,278	117,516	123,014	128,787	134,849	141,216	147,900	154,918	162,287	170,024

Effective: 07/01/2025 (Ordinance 23-063)
Revised: 07/01/2025 (Ordinance 23-086)
Revised: 08/29/2023 (Ordinance 23-097)
Revised: 08/01/2023 (Ordinance 23-126)
Revised: 07/07/2022 (Ordinance 24-013)
Revised: 07/01/2025 (Ordinance xx-xxx)

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

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

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

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

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

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	30	77,300	80,931	84,747	88,753	92,958	97,375	102,013	106,881	111,992	117,361
	32	<u>85,223</u>	<u>89,226</u>	<u>93,434</u>	<u>97,850</u>	<u>102,486</u>	<u>107,356</u>	<u>112,469</u>	<u>117,836</u>	<u>123,471</u>	<u>129,391</u>
CHIEF OF EMERGENCY COMMUNICATIONS	36	102,014	106,882	111,993	117,362	122,997	128,915	135,128	141,653	148,504	155,697
CHIEF OF EMERGENCY MEDICAL SERVICES	38	115,085	120,454	126,090	132,007	138,221	144,747	151,598	158,791	166,345	174,275

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

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

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

Revised: 08/01/2023 (Ordinance 23-126)

Revised: 07/07/2022 (Ordinance 24-013)

Revised: 07/01/2026 (Ordinance xx-xxx)

EXHIBIT E

NEW CASTLE COUNTY GOVERNMENT

Number: 1194

Page: 1 of 2

CLASS SPECIFICATION

Date: 01/26/10

Title: ASSISTANT CHIEF OF EMERGENCY
COMMUNICATIONS

Approved:

GENERAL STATEMENT OF DUTIES: Assists the Chief of Emergency Communications in the management of the County's emergency communications activities to ensure quality service in all areas to the citizens of New Castle County; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class assists the Chief of Emergency Communications in overseeing major functions and operational activities of the emergency communication functions for New Castle County. This employee performs responsible work in the administration, allocation and supervision of the day-to-day operations. This employee coordinates activities relating to administration, budget, and operational support, research of new technology, procurement and maintenance of related equipment. This employee is responsible for implementing all decisions made by the Chief of Emergency Communications and for coordinating activities with the appropriate public safety agencies. This employee is the custodian of records and maintains chain-of-custody for the County's 9-1-1 telephone system's recordings and computer aided dispatch records management systems. This employee maintains operational control and procurement of the county and statewide radio system in conjunction with the state, federal and local regulations. This employee utilizes independent judgment and initiative in carrying out these duties and in making decisions affecting the delivery of services. This is a confidential position dealing with sensitive labor relations matters. The work is performed under the general supervision of the Chief of Emergency Communications or his/her designee.

EXAMPLES OF WORK: (Illustrative only)

- Executes orders and directives of the Chief of Emergency Communications.
- Maintains strict fiscal integrity of the emergency communications activities.
- Prepares an annual budget request for his/her section for review and approval by the Chief of Emergency Communications.
- Supervises the Training Officer Coordinator and Quality Assurance Administrator to provide quality programs to meet or exceed standards set by accreditation;
- **Supervises the Senior Assistant Platoon Leaders and Assistant Platoon Leaders ensuring internal and external customers are provided the highest quality of service.**
- Develops and initiates policy and procedures to meet the challenge of the ever-changing environment, new technologies and equipment related to public safety communications.
- Re-records and maintains a Chain of Custody of the County's 9-1-1 telephone and radio calls and is the Custodian of Record for the CAD system.
- Executes agreements relating to contractual reimbursement, including the submission of quarterly billing statements.
- Assists in establishing and implementing policies and procedures for the provision of emergency services throughout New Castle County.
- Impartially enforces the rules of conduct governing members of the department and takes necessary disciplinary action as authorized, warranted and approved by the Chief of Emergency Communications.
- Prepares specifications for vehicles, equipment and supplies and ensures vendor compliance with bid specifications.
- Remains on call for emergencies and serious problems.
- Coordinates and monitors the assignment, inspection, maintenance and repair of vehicles and equipment and ensures the efficient operation of equipment.
- Assures confidentiality of records and safeguards information and documentation.

EXHIBIT E

NEW CASTLE COUNTY GOVERNMENT

Number: 1194

Page: 2 of 2

CLASS SPECIFICATION

Date: 01/26/10

Title: ASSISTANT CHIEF OF EMERGENCY
COMMUNICATIONS

Approved:

- Coordinates the inspection of departmental operating procedures, facilities and performance to ensure compliance with established standards and policies.
- May take command of emergency communications staff and units, directly or through subordinate personnel, during major emergency incidents and special/unusual situations.
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service.
- Operates a personal computer and other related equipment in the course of the work.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Comprehensive knowledge of modern principles, methods and procedures of the administration of emergency communications; thorough knowledge of departmental and divisional rules and regulations; thorough knowledge of the principles and procedures of public administration; good knowledge of municipal, State and federal laws and regulations governing the delivery of emergency services; working knowledge of incident management and incident command systems; ability to plan, assign, direct and review the work of subordinates; ability to command the operation of multiple emergency services activities and personnel under emergency conditions; ability to establish and maintain effective working relationships with subordinates, cooperating agencies, officials and the general public; ability to communicate courteously and effectively, both verbally and in writing.

MINIMUM QUALIFICATIONS: At least three (3) years' progressively responsible **supervisory experience (Administrative or Assistant Platoon Leader)** ~~as a Platoon Leader~~ within the emergency communications section and possession of Bachelor's Degree from an accredited college or university with major course work in business administration, public administration, or related field; or an equivalent combination of education, experience and training directly related to the required knowledge, skills and abilities; two (2) consecutive satisfactory or better performance evaluations and an overall performance rating of satisfactory or above in the year applying for promotion. Any record of discipline that resulted in suspension during the twelve (12) months preceding the application for promotion shall be reviewed to determine eligibility for promotion.

PREFERRED QUALIFICATIONS: Active participation in a departmental workgroup or project, which shall be defined by the Chief of Emergency Communications or his/her designee. **Completion of an advanced leadership course, such as certification as an Emergency Number Professional (ENP) from the National Emergency Numbers Association and / or Communications Center Manager from the Association of Public Safety Officials (APCO), or as offered by another public safety or industry organization, and/or completion of a Command and Leadership Academy/Course (approved by the Chief of Emergency Communications).**

ADDITIONAL REQUIREMENTS: Must maintain certifications in police, fire and emergency medical protocols and a basic telecommunicator course to include the training officer course. May be required to pass a Class III County physical and psychological examination and background check. **Current drivers license and a State of Delaware Emergency Vehicle Operators (EVO) license.**

HISTORY OF REVISIONS:

Established: 01/26/10

Prime Sponsor(s): Ms. Hartley-Nagle
Requested by: Administration/HR
Date of introduction: September 24, 2024

ORDINANCE NO. 24-149

TO ADOPT THE CLASS SPECIFICATION OF SENIOR ASSISTANT COUNTY ATTORNEY AND TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE AND NON-UNION CLASSIFIED SERVICE EMPLOYEES TO MAKE ORGANIZATIONAL CHANGES FOR THE FIRST ASSISTANT COUNTY ATTORNEY CLASS SPECIFICATION IN THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW

1 **WHEREAS**, the Department of Administration, Office of Law has determined that it
2 is necessary to make organizational changes to operate most effectively; and
3

4 **WHEREAS**, the Department submitted a new class specification for Senior Assistant
5 County Attorney to create a career ladder to encourage appointed attorneys with vast and
6 irreplaceable institutional knowledge to remain employed by the County; and
7

8 **WHEREAS**, the Human Resources Advisory Board at its meeting on September 4,
9 2024, recommended that the class specification for the new position title of Senior (Pay
10 Grade 36) be added to the Pay Plan and Rates of Pay for Non-Union Unclassified Service
11 Employees of the Executive Office; and
12

13 **WHEREAS**, the Department also recommends that the Pay Grade for the class
14 specification First Assistant County Attorney be changed from Pay Grade 35 to Pay Grade
15 36 to have pay parity between the appointed Senior Assistant County Attorney and the
16 merit First Assistant County Attorney; and
17

18 **WHEREAS**, the Human Resources Advisory Board at its meeting on September 4,
19 2024, recommended that the Pay Grade for First Assistant County Attorney be changed
20 from Pay Grade 35 to Pay Grade 36; and
21

22 **WHEREAS**, the Acting Chief Human Resources Officer concurs with the
23 recommendations of the Human Resources Advisory Board.
24

25 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
26

27 Section 1. The Class Specification for Senior Assistant County Attorney is adopted
28 as set forth in Exhibit "A."
29

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

34 Section 5. The Pay Plan and Rates of Pay for Non-Union Unclassified Service
35 Employees of the Executive Office, effective July 1, 2025 through June 30, 2026, is hereby
36 amended by adding the material that is underscored and deleting the material that is
37 stricken as set forth in Exhibit "C."

38
39 Section 6. The Pay Plan and Rates of Pay for Non-Union Unclassified Service
40 Employees of the Executive Office, effective July 1, 2026 is hereby amended by adding the
41 material that is underscored and deleting the material that is stricken as set forth in Exhibit
42 "D."

43
44 Section 7. The Pay Plan and Rates of Pay for Non-Union Classified Service
45 Employees, effective July 1, 2024 through June 30, 2025, is hereby amended by adding
46 the material that is underscored and deleting the material that is stricken as set forth in
47 Exhibit "E."

48
49 Section 9. The Pay Plan and Rates of Pay for Non-Union Classified Service
50 Employees, effective July 1, 2025 through June 30, 2026, is hereby amended by adding
51 the material that is underscored and deleting the material that is stricken as set forth in
52 Exhibit "F."

53
54 Section 10. The Pay Plan and Rates of Pay for Non-Union Classified Service
55 Employees, effective July 1, 2026 is hereby amended by adding the material that is
56 underscored and deleting the material that is stricken as set forth in Exhibit "G."

57
58 Section 11. This Ordinance shall become effective immediately upon its adoption by
59 County Council and approval by the County Executive, or as otherwise provided in 9 Del.
60 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, adds the position title of Senior Assistant County Attorney (Pay Grade 36) to the Non-Union Unclassified Service Employees of the Executive Office and adopts the class specification of Senior Assistant County Attorney, as recommended by the Human Resources Advisory Board. This Ordinance also changes the Pay Grade for the position title of First Assistant County Attorney from Pay Grade 35 to Pay Grade 36 on the Pay Plan and Rates of Pay for Non-Union Classified Service Employees as recommended by the Human Resources Advisory Board.

FISCAL IMPACT: This Ordinance, if approved, adds the position title of Senior Assistant County Attorney (Pay Grade 36) to the Non-Union Unclassified Service Employees of the Executive Office and adopts the class specification of Senior Assistant County Attorney, as recommended by the Human Resources Advisory Board. Additionally, this Ordinance also changes the Pay Grade for the position title of First Assistant County Attorney from Pay Grade 35 to Pay Grade 36 on the Pay Plan and Rates of Pay for Non-Union Classified Service Employees.

There are currently three filled positions with the title of First Assistant County Attorney. The estimated fiscal impact (Salaries/Wages and Benefits) of reclassifying the three employees currently in these positions is \$32,563 in FY2025, \$33,362 in FY2026 and \$34,214 in FY2027.

NEW CASTLE COUNTY GOVERNMENT

CLASS SPECIFICATION

Number

Page 1 of 1

Date DRAFT

Title: SENIOR ASSISTANT COUNTY ATTORNEY

Approved:

GENERAL STATEMENT OF DUTIES: Performs specialized professional and confidential legal work for New Castle County; performs legal work as required by the County Attorney, County Solicitor or their designee and as required by the assigned area of expertise; assumes an increasing leadership role; demonstrates ability to recall and apply the institutional knowledge gained with at least 10 years of experience with New Castle County, including as an attorney with the Office of Law.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class performs responsible and confidential specialized legal work involving advice, assistance and representation. Also prepares and argues the County's position in litigation, provides legal counsel to departments and agencies as required, and conducts legal research in areas as assigned by the County Attorney or County Solicitor or their designee.

EXAMPLES OF WORK: (Illustrative Only)

- Provides legal advice and assistance;
- Represents New Castle County on assigned matters;
- Works with assigned department to implement training;
- Conducts research, handles litigation, drafts legal documents and performs other legal work required for area(s) of representation or as assigned by the supervising attorney;
- Represents boards or commissions as assigned;
- Functions as lead counsel on more significant cases;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a personal computer and other related equipment in the course of work.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Excellent legal research and writing skills; excellent interpersonal skills and the ability to interact with and advise department managers and employees; knowledge of government law; knowledge of current board and court rules and the rules of evidence and procedure; ability to communicate courteously and effectively both verbally and in writing; ability to interpret and apply laws, ordinances, policies and procedures; demonstrated recall of, and ability to apply, institutional knowledge.

MINIMUM QUALIFICATIONS: At least 10 years with New Castle County, including prior work as an attorney with the Office of Law; graduation from an accredited law school; and membership in good standing in the Delaware Bar.

ADDITIONAL QUALIFICATIONS: Ability to pass a Class III County physical examination and background check.

HISTORY OF REVISIONS:

Established: DRAFT

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
LEGAL SECRETARY	17	36,676	38,510	40,436	42,457	44,580	46,809	49,150	51,607	54,188	56,897
ETHICS COMMISSION ADMIN ASST	20	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,730	65,867
EXECUTIVE ASSISTANT I	22	46,809	49,150	51,607	54,188	56,897	59,743	62,729	65,866	69,159	72,617
OFFICE OF LAW PARALEGAL	24	51,609	54,189	56,898	59,744	62,730	65,867	69,160	72,618	76,249	80,062
PARALEGAL TO THE COUNTY ATTORNEY	25	54,190	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066
EXECUTIVE ASSISTANT II	26	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269
LAW ENFORCEMENT TECHNICIAN	26										
COMPLAINTS OFFICER	27	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682
EXECUTIVE ASSISTANT III	30	69,161	72,619	76,250	80,063	84,066	88,269	92,683	97,317	102,183	107,292
STAFF DIRECTOR	30										
ASSISTANT COUNTY ATTORNEY I	32	76,252	80,065	84,068	88,271	92,685	97,319	102,185	107,294	112,658	118,291
ASSISTANT COUNTY ATTORNEY II	34	84,067	88,270	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414
DIRECTOR OF COMMUNICATIONS	34										
EXECUTIVE ASSISTANT IV	34										
DIRECTOR OF REDEVELOPMENT	36	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,934	143,781
<u>SENIOR ASSISTANT COUNTY ATTORNEY</u>											
CHIEF HUMAN RESOURCES OFFICER	38	102,185	107,294	112,658	118,291	124,206	130,416	136,937	143,784	150,974	158,523
CHIEF OF TECHNOLOGY AND ADMIN SERVICES	38										
COMMUNITY SERVICES DEPT. GEN. MANAGER	38										
COUNTY SOLICITOR	39	107,295	112,659	118,293	124,207	130,417	136,938	143,785	150,975	158,524	166,449
CHIEF FINANCIAL OFFICER	40	112,658	118,291	124,206	130,416	136,937	143,783	150,973	158,522	166,447	174,769
CHIEF OF STAFF	40										
COUNTY ATTORNEY	40										
DEPUTY CHIEF ADMINISTRATIVE OFFICER	40										
DIRECTOR OF PUBLIC SAFETY	40										
LAND USE DEPARTMENT GENERAL MANAGER	40										
POLICY DIRECTOR FOR THE COUNTY EXECUTIVE	40										
PUBLIC WORKS DEPARTMENT GENERAL MGR.	40										
CHIEF OF POLICE	41	137,997	144,896	152,141	159,748	167,736	176,123	184,929	194,175	203,884	214,078
PART-TIME ATTORNEY (hourly rate)		42.42	44.54	46.77	49.11	51.57	54.15	56.86	59.70	62.69	65.82
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY											
CHIEF ADMINISTRATIVE OFFICER		109,439	123,665	131,085	138,951	154,235	161,946	170,043	178,545	187,472	196,846
BOARD AND COMMISSIONERS RATES OF PAY											
JUDGEMENT COMMISSIONERS		\$9.25 PER HOUR									
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, BOARD OF ASSESSMENT REVIEW		\$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS \$25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.									
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING									
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									

Effective: 07/01/2024 (Ordinance 23-063)
Revised: 07/01/2024 (Ordinance 23-086)
Revised: 07/01/2023 (Ordinance 23-148)
Revised: 07/01/2024 (Ordinance 24-056)
Revised: 07/01/2024 (Ordinance 24-xxx)

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
LEGAL SECRETARY	17	37,593	39,473	41,447	43,519	45,695	47,980	50,379	52,898	55,543	58,320
ETHICS COMMISSION ADMIN ASST	20	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,299	67,514
EXECUTIVE ASSISTANT I	22	47,980	50,379	52,898	55,543	58,320	61,237	64,298	67,513	70,888	74,433
OFFICE OF LAW PARALEGAL	24	52,900	55,544	58,321	61,238	64,299	67,512	70,889	74,434	78,156	82,064
PARALEGAL TO THE COUNTY ATTORNEY	25	55,545	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168
EXECUTIVE ASSISTANT II LAW ENFORCEMENT TECHNICIAN	26 26	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476
COMPLAINTS OFFICER	27	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000
EXECUTIVE ASSISTANT III STAFF DIRECTOR	30 30	70,891	74,435	78,157	82,065	86,168	90,476	95,001	99,750	104,738	109,975
ASSISTANT COUNTY ATTORNEY I	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249
ASSISTANT COUNTY ATTORNEY II DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675
DIRECTOR OF REDEVELOPMENT <u>SENIOR ASSISTANT COUNTY ATTORNEY</u>	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379	154,749	162,487
COUNTY SOLICITOR	39	109,978	115,476	121,251	127,313	133,678	140,362	147,380	154,750	162,488	170,611
CHIEF FINANCIAL OFFICER CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 40	115,475	121,249	127,312	133,677	140,361	147,378	154,748	162,486	170,609	179,139
CHIEF OF POLICE	41	141,447	148,518	155,945	163,742	171,929	180,526	189,552	199,029	208,981	219,430
PART-TIME ATTORNEY (hourly rate)		43.48	45.65	47.93	50.33	52.85	55.49	58.26	61.17	64.23	67.44
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY											
CHIEF ADMINISTRATIVE OFFICER		112,175	126,757	134,363	142,425	158,091	165,995	174,295	183,009	192,159	201,768
BOARD AND COMMISSIONERS RATES OF PAY											
JUDGEMENT COMMISSIONERS		\$9.25 PER HOUR									
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, BOARD OF ASSESSMENT REVIEW		\$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS \$25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.									
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING									
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									

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Revised: 07/01/2025 (Ordinance 24-xxx)

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
LEGAL SECRETARY	17	38,533	40,460	42,484	44,607	46,838	49,180	51,639	54,221	56,932	59,778
ETHICS COMMISSION ADMIN ASST	20	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,907	69,202
EXECUTIVE ASSISTANT I	22	49,180	51,639	54,221	56,932	59,778	62,768	65,906	69,201	72,661	76,294
OFFICE OF LAW PARALEGAL	24	54,223	56,933	59,780	62,769	65,907	69,202	72,662	76,295	80,110	84,116
PARALEGAL TO THE COUNTY ATTORNEY	25	56,934	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323
EXECUTIVE ASSISTANT II LAW ENFORCEMENT TECHNICIAN	26 26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738
COMPLAINTS OFFICER	27	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375
EXECUTIVE ASSISTANT III STAFF DIRECTOR	30 30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725
ASSISTANT COUNTY ATTORNEY I	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281
ASSISTANT COUNTY ATTORNEY II DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017
DIRECTOR OF REDEVELOPMENT SENIOR ASSISTANT COUNTY ATTORNEY	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064	158,618	166,550
COUNTY SOLICITOR	39	112,728	118,363	124,283	130,496	137,020	143,872	151,065	158,619	166,551	174,877
CHIEF FINANCIAL OFFICER CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 40	118,362	124,281	130,495	137,019	143,871	151,063	158,617	166,549	174,875	183,618
CHIEF OF POLICE	41	141,447	148,518	155,945	163,742	171,929	180,526	189,552	199,029	208,981	219,430
PART-TIME ATTORNEY (hourly rate)		44.57	46.80	49.14	51.60	54.18	56.89	59.73	62.72	65.86	69.15
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY											
CHIEF ADMINISTRATIVE OFFICER		114,980	129,926	137,723	145,986	162,044	170,145	178,653	187,585	196,963	206,813
BOARD AND COMMISSIONERS RATES OF PAY											
JUDGEMENT COMMISSIONERS		\$9.25 PER HOUR									
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, BOARD OF ASSESSMENT REVIEW		\$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS \$25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.									
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING									
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING									

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Effective: 07/01/2026 (Ordinance 23-063)**Revised: 07/01/2026 (Ordinance 23-086)**Revised: 08/29/2023 (Ordinance 23-097)**Revised: 08/01/2023 (Ordinance 23-126)**Revised: 07/07/2022 (Ordinance 24-013)**Revised: 07/01/2026 (Ordinance 24-xxx)*

ORDINANCE NO. 24-150

AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS AND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES) AFL-CIO AND ITS AFFILIATE, LOCAL 3109

1 **WHEREAS**, the County Executive has recommended amendments to the Pay Plans and
2 Rates of Pay for Classified Service Managers and Administrators, and Classified Service
3 Professional Employees represented by the Delaware Public Employees Council 81, AFSCME
4 AFL-CIO and its affiliate, Local 3109 (hereinafter "Local 3109") to reflect wage increases agreed
5 to during contract negotiations.

6
7 **NOW, THEREFORE, THE NEW CASTLE COUNTY COUNCIL HEREBY ORDAINS:**
8

9 Section 1. The Pay Plan and Rates of Pay for Classified Service Managers and
10 Administrators (Non-Paramedic Classifications) represented by Local 3109, for the period July
11 1, 2023 through June 30, 2024 as set forth in Exhibit "A", all of which shall be considered
12 underscored, is hereby adopted in its entirety retroactive to July 1, 2023.
13

14 Section 2. The Pay Plan and Rates of Pay for Classified Service Managers and
15 Administrators (Non-Paramedic Classifications) represented by Local 3109, for the period July
16 1, 2024 through June 30, 2025 as set forth in Exhibit "B", all of which shall be considered
17 underscored, is hereby adopted in its entirety retroactive to July 1, 2024.
18

19 Section 3. The Pay Plan and Rates of Pay for Classified Service Managers and
20 Administrators (Non-Paramedic Classifications) represented by Local 3109, effective July 1,
21 2025 through June 30, 2026 as set forth in Exhibit "C", all of which shall be considered
22 underscored, is hereby adopted in its entirety.
23

24 Section 4. The Pay Plan and Rates of Pay for Classified Service Managers and
25 Administrators (Non-Paramedic Classifications) represented by Local 3109, effective July 1,
26 2026 as set forth in Exhibit "D", all of which shall be considered underscored, is hereby adopted
27 in its entirety.
28

29 Section 5. The Pay Plan and Rates of Pay for Classified Service Managers and
30 Administrators (Paramedic Classifications) represented by Local 3109, for the period July 1,
31 2023 through December 31, 2023 as set forth in Exhibit "E", all of which shall be considered
32 underscored, is hereby adopted in its entirety retroactive to July 1, 2023.
33

34 Section 6. The Pay Plan and Rates of Pay for Classified Service Managers and
35 Administrators (Paramedic Classifications) represented by Local 3109, for the period January 1,
36 2024 through June 30, 2024 as set forth in Exhibit "F", all of which shall be considered
37 underscored, is hereby adopted in its entirety retroactive to January 1, 2024.

38 Section 7. The Pay Plan and Rates of Pay for Classified Service Managers and
39 Administrators (Paramedic Classifications) represented by Local 3109, for the period July 1,
40 2024 through June 30, 2025 as set forth in Exhibit "G", all of which shall be considered
41 underscored, is hereby adopted in its entirety retroactive to July 1, 2024.
42

43 Section 8. The Pay Plan and Rates of Pay for Classified Service Managers and
44 Administrators (Paramedic Classifications) represented by Local 3109, effective July 1, 2025
45 through June 30, 2026 as set forth in Exhibit "H", all of which shall be considered underscored,
46 is hereby adopted in its entirety.
47

48 Section 9. The Pay Plan and Rates of Pay for Classified Service Managers and
49 Administrators (Paramedic Classifications) represented by Local 3109, effective July 1, 2026 as
50 set forth in Exhibit "I", all of which shall be considered underscored, is hereby adopted in its
51 entirety.
52

53 Section 10. The Pay Plan and Rates of Pay for Classified Service Professional
54 Employees represented by Local 3109, for the period July 1, 2023 through June 30, 2024 as set
55 forth in Exhibit "J", all of which shall be considered underscored, is hereby adopted in its entirety
56 retroactive to July 1, 2023.
57

58 Section 11. The Pay Plan and Rates of Pay for Classified Service Professional
59 Employees represented by Local 3109, effective July 1, 2024 through June 30, 2025 as set forth
60 in Exhibit "K", all of which shall be considered underscored, is hereby adopted in its entirety
61 retroactive to July 1, 2024.
62

63 Section 12. The Pay Plan and Rates of Pay for Classified Service Professional
64 Employees represented by Local 3109, effective July 1, 2025 through June 30, 2026 as set forth
65 in Exhibit "L", all of which shall be considered underscored, is hereby adopted in its entirety.
66

67 Section 13. The Pay Plan and Rates of Pay for Classified Service Professional
68 Employees represented by Local 3109, effective July 1, 2026 as set forth in Exhibit "M", all of
69 which shall be considered underscored, is hereby adopted in its entirety.
70

71 Section 14. This Ordinance shall be effective upon adoption by New Castle County
72 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
New Castle County

Approved on:

Matthew Meyer
County Executive

SYNOPSIS: This Ordinance, if approved, amends the Pay Plan and Rates of Pay to implement the wage increases resulting from the County's collective bargaining negotiations with Local 3109.

This four-year agreement defines the wages and other terms of employment for the bargaining unit retroactive to July 1, 2023. The agreement provides for a 2.5% wage increase for the period July 1, 2023 through June 30, 2024; a 2.5% wage increase for the period July 1, 2024 through June 30, 2025; a 2.5% wage increase for the period July 1, 2025 through June 30, 2026; and a 2.5% wage increase effective July 1, 2026. Additionally, effective July 1, 2023, an increase to Step 11 (from 3% above Step 10 to 4% above Step 10) and effective July 1, 2024, an additional increase to Step 11 (from 4% above Step 10 to 5% above Step 10). Furthermore, effective January 1, 2024, the pay scale steps for Emergency Medical Services Captain and Emergency Services Assistant Chief have been adjusted to provide pay equity between paramedic employees and supervisors.

FISCAL NOTE: This Ordinance approves and adopts a new pay plan and rates of pay for the Classified Employees represented by Union Local 3109.

The estimated fiscal impacts (Salaries/Wages and Employee Benefits) of the Collective Bargaining agreement for the period of July 1, 2023 through June 30, 2027 are as follows:

FY2024	\$510,732
FY2025	\$1,057,229
FY2026	\$1,533,153
FY2027	\$2,028,495

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY SERVICES ADMINISTRATOR	25	52,847	55,489	58,264	61,177	64,238	67,448	70,822	74,363	78,081	81,985	85,264
RECREATION SUPERVISOR	25											
MAPPING SUPPORT SUPERVISOR	26	55,489	58,264	61,177	64,238	67,448	70,822	74,363	78,081	81,985	86,084	89,527
ACCOUNTANT III	28	61,177	64,238	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	98,704
LIBRARIAN II	28											
PROPERTY ASSESSMENT SERVICES ADMINISTRATOR	28											
FINANCE OPERATIONS SUPERVISOR	29	64,238	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	99,654	103,640
ACCOUNTING AND FISCAL OFFICER	30	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	99,654	104,637	108,822
ASSISTANT PLANNING MANAGER	30											
CHIEF OF BUILDING OPERATIONS AND MAIN.	30											
CHIEF OF CONSTRUCTION SUPPORT	30											
COMP. AND PENSION SYSTEMS COORD.	30											
EMERGENCY SERVICES ASSISTANT MANAGER	30											
FLEET SERVICES MANAGER	30											
INSPECTIONS MANAGER	30											
PROPERTY MANAGER	30											
ASSISTANT COUNTY ENGINEER	34	81,985	86,084	90,388	94,908	99,654	104,637	109,869	115,362	121,129	127,186	132,273

Effective: 07/01/2023 (Ordinance xx-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY SERVICES ADMINISTRATOR RECREATION SUPERVISOR	25 25	54,168	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,237
MAPPING SUPPORT SUPERVISOR	26	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648
ACCOUNTANT III LIBRARIAN II PROPERTY ASSESSMENT SERVICES ADMINISTRATOR	28 28 28	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145
FINANCE OPERATIONS SUPERVISOR	29	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,252
ACCOUNTING AND FISCAL OFFICER ASSISTANT PLANNING MANAGER CHIEF OF BUILDING OPERATIONS AND MAIN. CHIEF OF CONSTRUCTION SUPPORT COMP. AND PENSION SYSTEMS COORD. EMERGENCY SERVICES ASSISTANT MANAGER FLEET SERVICES MANAGER INSPECTIONS MANAGER PROPERTY MANAGER	30 30 30 30 30 30 30 30 30	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,253	112,616
ASSISTANT COUNTY ENGINEER	34	84,035	88,236	92,648	97,281	102,145	107,253	112,616	118,246	124,157	130,366	136,884

Effective: 07/01/2024 (Ordinance xx-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY SERVICES ADMINISTRATOR RECREATION SUPERVISOR	25 25	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,443
MAPPING SUPPORT SUPERVISOR	26	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964
ACCOUNTANT III LIBRARIAN II PROPERTY ASSESSMENT SERVICES ADMINISTRATOR	28 28 28	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699
FINANCE OPERATIONS SUPERVISOR	29	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,933
ACCOUNTING AND FISCAL OFFICER ASSISTANT PLANNING MANAGER CHIEF OF BUILDING OPERATIONS AND MAIN. CHIEF OF CONSTRUCTION SUPPORT COMP. AND PENSION SYSTEMS COORD. EMERGENCY SERVICES ASSISTANT MANAGER FLEET SERVICES MANAGER INSPECTIONS MANAGER PROPERTY MANAGER	30 30 30 30 30 30 30 30 30	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431
ASSISTANT COUNTY ENGINEER	34	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,202	127,261	133,625	140,306

Effective: 07/01/2025 (Ordinance xx-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY SERVICES ADMINISTRATOR	25	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,704
RECREATION SUPERVISOR	25											
MAPPING SUPPORT SUPERVISOR	26	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338
ACCOUNTANT III	28	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316
LIBRARIAN II	28											
PROPERTY ASSESSMENT SERVICES ADMINISTRATOR	28											
FINANCE OPERATIONS SUPERVISOR	29	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,681
ACCOUNTING AND FISCAL OFFICER	30	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317
ASSISTANT PLANNING MANAGER	30											
CHIEF OF BUILDING OPERATIONS AND MAIN.	30											
CHIEF OF CONSTRUCTION SUPPORT	30											
COMP. AND PENSION SYSTEMS COORD.	30											
EMERGENCY SERVICES ASSISTANT MANAGER	30											
FLEET SERVICES MANAGER	30											
INSPECTIONS MANAGER	30											
PROPERTY MANAGER	30											
ASSISTANT COUNTY ENGINEER	34	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,232	130,443	136,966	143,814

Effective: 07/01/2026 (Ordinance xx-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Paramedic Classifications)**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY MEDICAL SERVICES CAPTAIN	32	81,538	85,256	89,160	93,259	97,563	102,083	106,829	111,812	117,044	122,537	127,438
EMERGENCY MEDICAL SERVICES ASST. CHIEF	34	89,160	93,259	97,563	102,083	106,829	111,812	117,044	122,537	128,304	134,361	139,735

Effective: 07/01/2023 (Ordinance xx-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Paramedic Classifications)**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY MEDICAL SERVICES CAPTAIN	32	86,059	90,362	94,880	99,624	104,605	109,835	115,327	121,093	127,148	133,505	138,845
EMERGENCY MEDICAL SERVICES ASST. CHIEF	34	94,665	99,398	104,368	109,586	115,065	120,818	126,859	133,202	139,862	146,855	152,729

Effective: 01/01/2024 (Ordinance xx-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Paramedic Classifications)**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY MEDICAL SERVICES CAPTAIN	32	88,210	92,621	97,252	102,114	107,220	112,580	118,210	124,121	130,326	136,843	143,685
EMERGENCY MEDICAL SERVICES ASST. CHIEF	34	97,031	101,883	106,977	112,325	117,942	123,838	130,031	136,533	143,359	150,527	158,053

Effective: 07/01/2024 (Ordinance xx-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Paramedic Classifications)**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY MEDICAL SERVICES CAPTAIN	32	90,415	94,936	99,683	104,667	109,900	115,396	121,165	127,223	133,584	140,263	147,276
EMERGENCY MEDICAL SERVICES ASST. CHIEF	34	99,457	104,430	109,651	115,134	120,890	126,936	133,282	139,945	146,942	154,289	162,003

Effective: 07/01/2025 (Ordinance xx-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Paramedic Classifications)**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY MEDICAL SERVICES CAPTAIN	32	92,676	97,310	102,175	107,284	112,648	118,280	124,194	130,404	136,924	143,771	150,960
EMERGENCY MEDICAL SERVICES ASST. CHIEF	34	101,944	107,041	112,393	118,012	123,913	130,108	136,613	143,444	150,616	158,148	166,055

Effective: 07/01/2026 (Ordinance xx-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC
EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST RECREATION SPECIALIST	19 19	39,433	41,405	43,475	45,650	47,932	50,329	52,847	55,489	58,264	61,177	63,624
AUTOMOTIVE PARTS SUPERVISOR PLANNER I	22 22	45,650	47,932	50,329	52,847	55,489	58,264	61,177	64,238	67,448	70,822	73,655
COMMUNITY SERVICES COORDINATOR CUSTOMER INFO AND ASSISTANCE COORD HEALTH SERVICES NURSE	23 23 23	47,932	50,329	52,847	55,489	58,264	61,177	64,238	67,448	70,822	74,363	77,338
ASSESSMENT ANALYST EMERGENCY PREPAREDNESS PLANNER HOUSING FINANCIAL ADVISOR PROGRAM ANALYST	24 24 24 24	50,329	52,847	55,489	58,264	61,177	64,238	67,448	70,822	74,363	78,081	81,204
JUNIOR SYSTEMS PROGRAMMER LIBRARIAN I PENSION PROGRAM ANALYST PLANNER II	26 26 26 26	55,489	58,264	61,177	64,238	67,448	70,822	74,363	78,081	81,985	86,084	89,527
BUDGET AND PROCEDURES ANALYST	27	58,264	61,177	64,238	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,004
COORDINATOR OF EMERGENCY PLANNING HOUSING MANAGEMENT ANALYST INFORMATION SYSTEMS SPECIALIST LANDSCAPE ARCHITECT SEWER SYSTEM ANALYST SYSTEMS PROGRAMMER TRAFFIC ENGINEER	28 28 28 28 28 28 28	61,177	64,238	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	98,704
SENIOR BUDGET AND PROCEDURES ANALYST	29	64,238	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	99,654	103,640
INFORMATION SYSTEMS COORDINATOR OPERATIONS ENGINEER PARKS DEVELOPMENT PLANNER PLANNER III TRAINING ADMINISTRATOR	30 30 30 30 30	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	99,654	104,637	108,822
SENIOR NETWORK ENGINEER	31	70,822	74,363	78,081	81,985	86,084	90,388	94,908	99,654	104,637	109,869	114,264
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	74,363	78,081	81,985	86,084	90,388	94,908	99,654	104,637	109,869	115,362	119,976
CHIEF PROCUREMENT OFFICER	34	81,985	86,084	90,388	94,908	99,654	104,637	109,869	115,362	121,129	127,186	132,273

Effective: 07/01/2023 (Ord xx-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC
EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST	19	40,419	42,440	44,562	46,791	49,130	51,587	54,168	56,876	59,721	62,706	65,841
RECREATION SPECIALIST	19											
AUTOMOTIVE PARTS SUPERVISOR	22	46,791	49,130	51,587	54,168	56,876	59,721	62,706	65,844	69,134	72,593	76,223
PLANNER I	22											
COMMUNITY SERVICES COORDINATOR	23	49,130	51,587	54,168	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033
CUSTOMER INFO AND ASSISTANCE COORD	23											
HEALTH SERVICES NURSE	23											
ASSESSMENT ANALYST	24	51,587	54,168	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035
EMERGENCY PREPAREDNESS PLANNER	24											
HOUSING FINANCIAL ADVISOR	24											
PROGRAM ANALYST	24											
JUNIOR SYSTEMS PROGRAMMER	26	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648
LIBRARIAN I	26											
PENSION PROGRAM ANALYST	26											
PLANNER II	26											
BUDGET AND PROCEDURES ANALYST	27	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,280
COORDINATOR OF EMERGENCY PLANNING	28	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145
HOUSING MANAGEMENT ANALYST	28											
INFORMATION SYSTEMS SPECIALIST	28											
LANDSCAPE ARCHITECT	28											
SEWER SYSTEM ANALYST	28											
SYSTEMS PROGRAMMER	28											
TRAFFIC ENGINEER	28											
SENIOR BUDGET AND PROCEDURES ANALYST	29	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,252
INFORMATION SYSTEMS COORDINATOR	30	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,253	112,616
OPERATIONS ENGINEER	30											
PARKS DEVELOPMENT PLANNER	30											
PLANNER III	30											
TRAINING ADMINISTRATOR	30											
SENIOR NETWORK ENGINEER	31	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,253	112,616	118,247
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,253	112,616	118,246	124,158
CHIEF PROCUREMENT OFFICER	34	84,035	88,236	92,648	97,281	102,145	107,253	112,616	118,246	124,157	130,366	136,884

Effective: 07/01/2024 (Ord xx-xxx)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC
EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST	19	41,429	43,501	45,676	47,961	50,358	52,877	55,522	58,298	61,214	64,274	67,487
RECREATION SPECIALIST	19											
AUTOMOTIVE PARTS SUPERVISOR	22	47,961	50,358	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,129
PLANNER I	22											
COMMUNITY SERVICES COORDINATOR	23	50,358	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034
CUSTOMER INFO AND ASSISTANCE COORD	23											
HEALTH SERVICES NURSE	23											
ASSESSMENT ANALYST	24	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136
EMERGENCY PREPAREDNESS PLANNER	24											
HOUSING FINANCIAL ADVISOR	24											
PROGRAM ANALYST	24											
JUNIOR SYSTEMS PROGRAMMER	26	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964
LIBRARIAN I	26											
PENSION PROGRAM ANALYST	26											
PLANNER II	26											
BUDGET AND PROCEDURES ANALYST	27	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,712
COORDINATOR OF EMERGENCY PLANNING	28	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699
HOUSING MANAGEMENT ANALYST	28											
INFORMATION SYSTEMS SPECIALIST	28											
LANDSCAPE ARCHITECT	28											
SEWER SYSTEM ANALYST	28											
SYSTEMS PROGRAMMER	28											
TRAFFIC ENGINEER	28											
SENIOR BUDGET AND PROCEDURES ANALYST	29	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,933
INFORMATION SYSTEMS COORDINATOR	30	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431
OPERATIONS ENGINEER	30											
PARKS DEVELOPMENT PLANNER	30											
PLANNER III	30											
TRAINING ADMINISTRATOR	30											
SENIOR NETWORK ENGINEER	31	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,203
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,202	127,262
CHIEF PROCUREMENT OFFICER	34	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,202	127,261	133,625	140,306

Effective: 07/01/2025 (Ord xx-xxx)

Exhibit M

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC
EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST RECREATION SPECIALIST	19 19	42,465	44,589	46,818	49,160	51,617	54,199	56,910	59,755	62,744	65,881	69,174
AUTOMOTIVE PARTS SUPERVISOR PLANNER I	22 22	49,160	51,617	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,082
COMMUNITY SERVICES COORDINATOR CUSTOMER INFO AND ASSISTANCE COORD HEALTH SERVICES NURSE	23 23 23	51,617	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085
ASSESSMENT ANALYST EMERGENCY PREPAREDNESS PLANNER HOUSING FINANCIAL ADVISOR PROGRAM ANALYST	24 24 24 24	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289
JUNIOR SYSTEMS PROGRAMMER LIBRARIAN I PENSION PROGRAM ANALYST PLANNER II	26 26 26 26	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338
BUDGET AND PROCEDURES ANALYST	27	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,205
COORDINATOR OF EMERGENCY PLANNING HOUSING MANAGEMENT ANALYST INFORMATION SYSTEMS SPECIALIST LANDSCAPE ARCHITECT SEWER SYSTEM ANALYST SYSTEMS PROGRAMMER TRAFFIC ENGINEER	28 28 28 28 28 28 28	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316
SENIOR BUDGET AND PROCEDURES ANALYST	29	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,681
INFORMATION SYSTEMS COORDINATOR OPERATIONS ENGINEER PARKS DEVELOPMENT PLANNER PLANNER III TRAINING ADMINISTRATOR	30 30 30 30 30	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317
SENIOR NETWORK ENGINEER	31	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,233
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,232	130,444
CHIEF PROCUREMENT OFFICER	34	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,232	130,443	136,966	143,814

Effective: 07/01/2026 (Ord xx-xxx)

Prime Sponsor(s): Ms. Hartley-Nagle
Requested by: Administration/HR
Date of introduction: September 24, 2024

ORDINANCE NO. 24-151

AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES, NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE, NON-UNION CLASSIFIED SERVICE ROW OFFICE EMPLOYEES, NON-UNION UNCLASSIFIED SERVICE ROW OFFICE EMPLOYEES AND CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY FRATERNAL ORDER OF POLICE (FOP) LODGE #5 SWORN DEPUTY SHERIFFS

1 **WHEREAS**, County Council amended the Pay Plan and Rates of Pay for
2 Classified Service Employees represented by Local 459 adding a Step 11 via
3 Ordinance 02-073; and
4

5 **WHEREAS**, County Council amended the Pay Plan and Rates of Pay for
6 Unclassified Employees of County Council adding a Step 11 via Ordinance 16-075; and
7

8 **WHEREAS**, County Council amended the Pay Plan and Rates of Pay for
9 Classified Service Employees represented by the Delaware Public Employees Council
10 81, AFSME, AFL-CIO, Affiliate Local 3109 to include Step 11 via Ordinance 21-095; and
11

12 **WHEREAS**, County Council amended the Pay Plan and Rates of Pay for
13 Classified Service Employees represented by Fraternal Order of Police, New Castle
14 County Lodge No. 5, adding Steps for Completion of Year 18 and Year 21 via
15 Ordinance 22-078; and
16

17 **WHEREAS**, County Council amended the Pay Plan and Rates of Pay for
18 Fraternal Order of Police, New Castle County Lodge No. 5, Captains, Majors and
19 Lieutenant Colonel adding Steps for Completion of Year 18 and Year 21 via Ordinance
20 23-003; and
21

22 **WHEREAS**, County Council authorized the County Executive to enter into an
23 agreement with the Classified Service Emergency Services Employees represented by
24 the Delaware Public Employees Council 81, AFSME, AFL-CIO, Affiliate Local 3911
25 providing retention pay via Resolution 23-219; and
26

27 **WHEREAS**, County Council amended the Pay Plan and Rates of Pay for
28 Classified Service Employees represented by the Delaware Public Employees Council
29 81, AFSME, AFL-CIO, Affiliate Local 1607 adding a Step 11 via Ordinance 24-089; and
30

31 **WHEREAS**, the pay plan and rates of pay for Non-Union Classified Service
32 Employees, Classified Service Employees represented by Fraternal Order of Police
33 (FOP) Lodge #5 Sworn Deputy Sheriffs, Non-Union Unclassified Employees of the
34 Executive Office, Non-Union Classified Service Row Office Employees, Non-Union
35 Unclassified Service Row Office Employees and do not include a Step 11 or any form of
36 longevity pay; and

37 **WHEREAS**, it is recommended that a Step 11 be added to the respective Pay
38 Plans to ensure pay equity between employees and supervisors and to provide an
39 incentive to long-term employees with valuable institutional knowledge to maintain their
40 employment with the County; and

41
42 **WHEREAS**, the Acting Chief Human Resources Officer concurs with the
43 recommendation.

44
45 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

46
47 Section 1. The Pay Plan and Rates of Pay for Non-Union Classified Service
48 Employees, effective July 1, 2024, is hereby amended by adding the material that is
49 underscored and deleting the material that is stricken as set forth in Exhibit "A-C".

50
51 Section 2. The Pay Plan and Rates of Pay for Classified Service Employees
52 represented by Fraternal Order of Police (FOP) Lodge #5 Sworn Deputy Sheriffs,
53 effective July 1, 2024, is hereby amended by adding the material that is underscored
54 and deleting the material that is stricken as set forth in Exhibit "D".

55
56 Section 3. The Pay Plan and Rates of Pay for Non-Union Unclassified Service
57 Employees of the Executive Office, effective July 1, 2024, is hereby amended by adding
58 the material that is underscored and deleting the material that is stricken as set forth in
59 Exhibit "E-G".

60
61 Section 4. The Pay Plan and Rates of Pay for Non-Union Classified Service Row
62 Office Employees, effective July 1, 2024, is hereby amended by adding the material that
63 is underscored and deleting the material that is stricken as set forth in Exhibit "H-J".

64
65 Section 5. The Pay Plan and Rates of Pay for Non-Union Unclassified Service
66 Row Office Employees, effective July 1, 2024, is hereby amended by adding the
67 material that is underscored and deleting the material that is stricken as set forth in
68 Exhibit "K-M".

69
70 Section 6. This Ordinance shall become effective immediately upon its adoption
71 by County Council and approval by the County Executive, or as otherwise provided in 9
72 *Del. C. § 1156*.

73
74 Section 7. It is the intent of the County Council that the provisions of this
75 Ordinance shall be effective retroactive to July 1, 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, adds a Step 11 for Non-Union Classified Service Employees, Non-Union Unclassified Employees of the Executive Office, Non-Union Classified Service Row Office Employees, Non-Union Unclassified Service Row Office Employees and Classified Service Employees represented by Fraternal Order of Police (FOP) Lodge #5 Sworn Deputy Sheriffs.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2024. Employees in these respective pay plans at Step 10 as of June 30, 2024 may move to Step 11 effective upon their next Anniversary Service Date on or following July 1, 2024.

It is the intent that the Pay Plans presented will be adjusted based on the consideration of Ordinances 24-xxx and 24-xxx related to the Assistant Chief of Emergency Communications and Law career ladder job classifications.

FISCAL IMPACT: This Ordinance, if approved, adds a Step 11 for Non-Union Classified Service Employees, Non-Union Unclassified Employees of the Executive Office, Non-Union Classified Service Row Office Employees, Non-Union Unclassified Service Row Office Employees and Classified Service Employees represented by Fraternal Order of Police (FOP) Lodge #5 Sworn Deputy Sheriffs.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2024. Employees in these respective pay plans at Step 10 as of June 30, 2024 may move to Step 11 upon their next Anniversary Service Date.

The estimated fiscal impact (Salaries/Wages and Benefits) of adding the Step 11 to these pay plans are:

FY2025	\$562,420
FY2026	\$196,250
FY2027	\$ 76,606

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
SENIOR SERVICES TRANS. PROGRAM COORD.	16	34,929	36,675	38,509	40,435	42,456	44,578	46,806	49,147	51,604	54,185	56,894
INSURANCE CLAIMS ASSISTANT	17	36,676	38,510	40,436	42,457	44,580	46,809	49,150	51,607	54,188	56,897	59,742
SENIOR SERVICES CENTER DIRECTOR	18	38,511	40,437	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,731
CONFIDENTIAL ASSISTANT HUMAN RESOURCES ASSISTANT	20	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,730	65,867	69,160
FINANCE INFORMATION SPECIALIST FIRE/MEDICAL COMMUNICATIONS SUPERVISOR POLICE COMMUNICATIONS SUPERVISOR VICTIM'S ASSISTANCE OFFICE COORDINATOR	22	46,809	49,150	51,607	54,188	56,897	59,743	62,729	65,866	69,159	72,617	76,248
REGISTER IN CHANCERY OFFICE ADMINISTRATOR STORMWATER INSPECTION SUPERVISOR	23	49,149	51,606	54,187	56,896	59,742	62,728	65,865	69,158	72,616	76,247	80,059
CRIME ANALYST LAND USE PARALEGAL PUBLIC INFORMATION SPECIALIST REAL ESTATE COORDINATOR	24	51,609	54,189	56,898	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065
CUSTOMER INFO. AND ASSISTANCE SUPV. POLICE ACCREDITATION COORDINATOR	25	54,190	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269
ASSISTANT COMMUNITY SERVICES ADMIN. ASSISTANT LAND USE ADMINISTRATOR ENVIRONMENTAL ENGINEER I HUMAN RESOURCES TECHNICIAN INSURANCE ADMINISTRATOR LAW OFFICE ADMINISTRATOR	26	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269	92,682
COMMUNITY GOVERNING ADMINISTRATOR SPORTS AND ATHLETICS ADMINISTRATOR	27	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682	97,316
ENVIRONMENTAL ADMINISTRATOR FACILITIES PROJECT MANAGER LAND USE SERVICES ADMINISTRATOR PUBLIC WORKS PROGRAM MANAGER STORMWATER PROGRAM COORDINATOR	28	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682	97,316	102,182
PAYROLL SUPERVISOR	29	65,869	69,162	72,620	76,251	80,064	84,067	88,270	92,684	97,318	102,184	107,293
COMMUNITY SERVICES ADMINISTRATOR EMPLOYEE RELATIONS SPECIALIST FINANCE ADMINISTRATION MANAGER HUMAN RESOURCES ADMINISTRATOR LAND USE ADMINISTRATOR OPERATIONS SERVICES MANAGER PARKS DEVELOPMENT PLANNER PENSION AND BENEFITS ADMINISTRATOR TRANSPORTATION PLANNER	30	69,161	72,619	76,250	80,063	84,066	88,269	92,683	97,317	102,183	107,292	112,657
DEVELOPMENT FACILITATOR PROPERTY ASSESSMENT SERVICES MANAGER	31	72,623	76,253	80,066	84,069	88,272	92,686	97,320	102,187	107,296	112,660	118,293
DEPARTMENT FINANCE OFFICER INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	76,252	80,065	84,068	88,271	92,685	97,319	102,185	107,294	112,658	118,291	124,206

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ACCOUNTING AND FISCAL MANAGER	34	84,067	88,270	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,935
ASSISTANT LAND USE MANAGER												
CHIEF OF SPECIAL PROJECTS												
COMMUNITY SERVICES MANAGER												
ENGINEERING SERVICES MANAGER												
INFORMATION SYSTEMS MANAGER												
INSURANCE AND LOSS CONTROL MANAGER												
INTERNAL SERVICES MANAGER												
PARKS DIVISION MANAGER												
PENSION PROGRAM MANAGER												
SEWER OPERATIONS MANAGER												
STORMWATER & ENVIRONMENTAL PROGS. MGR												
TREASURY MANAGER												
FINANCE LEGAL OFFICER	35	88,271	92,685	97,319	102,185	107,294	112,658	118,291	124,206	130,416	136,937	143,784
FIRST ASSISTANT COUNTY ATTORNEY												
HUMAN RESOURCES MANAGER												
PUBLIC WORKS SENIOR MANAGER	36	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,934	143,781	150,970
DEPUTY CHIEF OF TECHNOLOGY												

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

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	30	73,574	77,031	80,663	84,476	88,478	92,682	97,096	101,730	106,595	111,705	117,290
CHIEF OF EMERGENCY COMMUNICATIONS	36	97,097	101,731	106,596	111,706	117,070	122,702	128,616	134,827	141,347	148,194	155,604
CHIEF OF EMERGENCY MEDICAL SERVICES	38	109,539	114,649	120,013	125,645	131,560	137,771	144,292	151,139	158,328	165,877	174,171

Effective: 07/01/2024 (Ordinance 23-063)**Revised: 07/01/2024 (Ordinance 23-086)****Revised: 08/29/2023 (Ordinance 23-097)****Revised: 08/01/2023 (Ordinance 23-126)****Revised: 07/07/2023 (Ordinance 24-013)****Revised: 07/01/2024 (Ordinance 24-xxx) - Add Step 11 (Incumbents in Step 10 to move to Step 11 upon reaching anniversary date following 7/1/2024)**

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
SENIOR SERVICES TRANS. PROGRAM COORD.	16	35,803	37,592	39,472	41,446	43,518	45,693	47,977	50,376	52,895	55,540	58,317
INSURANCE CLAIMS ASSISTANT	17	37,593	39,473	41,447	43,519	45,695	47,980	50,379	52,898	55,543	58,320	61,236
SENIOR SERVICES CENTER DIRECTOR	18	39,474	41,448	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,300
CONFIDENTIAL ASSISTANT HUMAN RESOURCES ASSISTANT	20	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,299	67,514	70,889
FINANCE INFORMATION SPECIALIST FIRE/MEDICAL COMMUNICATIONS SUPERVISOR POLICE COMMUNICATIONS SUPERVISOR VICTIM'S ASSISTANCE OFFICE COORDINATOR	22	47,980	50,379	52,898	55,543	58,320	61,237	64,298	67,513	70,888	74,433	78,155
REGISTER IN CHANCERY OFFICE ADMINISTRATOR STORMWATER INSPECTION SUPERVISOR	23	50,378	52,897	55,542	58,319	61,236	64,297	67,512	70,887	74,432	78,154	82,061
CRIME ANALYST LAND USE PARALEGAL PUBLIC INFORMATION SPECIALIST REAL ESTATE COORDINATOR	24	52,900	55,544	58,321	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167
CUSTOMER INFO. AND ASSISTANCE SUPV. POLICE ACCREDITATION COORDINATOR	25	55,545	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476
ASSISTANT COMMUNITY SERVICES ADMIN. ASSISTANT LAND USE ADMINISTRATOR ENVIRONMENTAL ENGINEER I HUMAN RESOURCES TECHNICIAN INSURANCE ADMINISTRATOR LAW OFFICE ADMINISTRATOR	26	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476	95,000
COMMUNITY GOVERNING ADMINISTRATOR SPORTS AND ATHLETICS ADMINISTRATOR	27	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000	99,749
ENVIRONMENTAL ADMINISTRATOR FACILITIES PROJECT MANAGER LAND USE SERVICES ADMINISTRATOR PUBLIC WORKS PROGRAM MANAGER STORMWATER PROGRAM COORDINATOR	28	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000	99,749	104,737
PAYROLL SUPERVISOR	29	67,516	70,892	74,436	78,158	82,066	86,169	90,477	95,002	99,751	104,739	109,976
COMMUNITY SERVICES ADMINISTRATOR EMPLOYEE RELATIONS SPECIALIST FINANCE ADMINISTRATION MANAGER HUMAN RESOURCES ADMINISTRATOR LAND USE ADMINISTRATOR OPERATIONS SERVICES MANAGER PARKS DEVELOPMENT PLANNER PENSION AND BENEFITS ADMINISTRATOR TRANSPORTATION PLANNER	30	70,891	74,435	78,157	82,065	86,168	90,476	95,001	99,750	104,738	109,975	115,474
DEVELOPMENT FACILITATOR PROPERTY ASSESSMENT SERVICES MANAGER	31	74,439	78,160	82,068	86,171	90,479	95,004	99,753	104,742	109,979	115,477	121,251
DEPARTMENT FINANCE OFFICER INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ACCOUNTING AND FISCAL MANAGER	34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,359
ASSISTANT LAND USE MANAGER												
CHIEF OF SPECIAL PROJECTS												
COMMUNITY SERVICES MANAGER												
ENGINEERING SERVICES MANAGER												
INFORMATION SYSTEMS MANAGER												
INSURANCE AND LOSS CONTROL MANAGER												
INTERNAL SERVICES MANAGER												
PARKS DIVISION MANAGER												
PENSION PROGRAM MANAGER												
SEWER OPERATIONS MANAGER												
STORMWATER & ENVIRONMENTAL PROGS. MGR												
TREASURY MANAGER												
FINANCE LEGAL OFFICER	35	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379
FIRST ASSISTANT COUNTY ATTORNEY												
HUMAN RESOURCES MANAGER												
PUBLIC WORKS SENIOR MANAGER	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376	154,745
DEPUTY CHIEF OF TECHNOLOGY												

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

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	30	75,414	78,957	82,680	86,588	90,690	95,000	99,524	104,274	109,260	114,498	120,223
CHIEF OF EMERGENCY COMMUNICATIONS	36	99,525	104,275	109,261	114,499	119,997	125,770	131,832	138,198	144,881	151,899	159,495
CHIEF OF EMERGENCY MEDICAL SERVICES	38	112,278	117,516	123,014	128,787	134,849	141,216	147,900	154,918	162,287	170,024	178,526

Effective: 07/01/2025 (Ordinance 23-063)
Revised: 07/01/2025 (Ordinance 23-086)
Revised: 08/29/2023 (Ordinance 23-097)
Revised: 08/01/2023 (Ordinance 23-126)
Revised: 07/07/2022 (Ordinance 24-013)
Revised: 07/01/2025 (Ordinance 24-xxx) - Add Step 11

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
SENIOR SERVICES TRANS. PROGRAM COORD.	16	36,699	38,532	40,459	42,483	44,606	46,836	49,177	51,636	54,218	56,929	59,775
INSURANCE CLAIMS ASSISTANT	17	38,533	40,460	42,484	44,607	46,838	49,180	51,639	54,221	56,932	59,778	62,767
SENIOR SERVICES CENTER DIRECTOR	18	40,461	42,485	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,908
CONFIDENTIAL ASSISTANT HUMAN RESOURCES ASSISTANT	20	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,907	69,202	72,662
FINANCE INFORMATION SPECIALIST FIRE/MEDICAL COMMUNICATIONS SUPERVISOR POLICE COMMUNICATIONS SUPERVISOR VICTIM'S ASSISTANCE OFFICE COORDINATOR	22	49,180	51,639	54,221	56,932	59,778	62,768	65,906	69,201	72,661	76,294	80,109
REGISTER IN CHANCERY OFFICE ADMINISTRATOR STORMWATER INSPECTION SUPERVISOR	23	51,638	54,220	56,931	59,777	62,767	65,905	69,200	72,660	76,293	80,108	84,113
CRIME ANALYST LAND USE PARALEGAL PUBLIC INFORMATION SPECIALIST REAL ESTATE COORDINATOR	24	54,223	56,933	59,780	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322
CUSTOMER INFO. AND ASSISTANCE SUPV. POLICE ACCREDITATION COORDINATOR	25	56,934	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738
ASSISTANT COMMUNITY SERVICES ADMIN. ASSISTANT LAND USE ADMINISTRATOR ENVIRONMENTAL ENGINEER I HUMAN RESOURCES TECHNICIAN INSURANCE ADMINISTRATOR LAW OFFICE ADMINISTRATOR	26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738	97,375
COMMUNITY GOVERNING ADMINISTRATOR SPORTS AND ATHLETICS ADMINISTRATOR	27	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375	102,243
ENVIRONMENTAL ADMINISTRATOR FACILITIES PROJECT MANAGER LAND USE SERVICES ADMINISTRATOR PUBLIC WORKS PROGRAM MANAGER STORMWATER PROGRAM COORDINATOR	28	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375	102,243	107,356
PAYROLL SUPERVISOR	29	69,204	72,665	76,297	80,112	84,118	88,324	92,739	97,378	102,245	107,358	112,726
COMMUNITY SERVICES ADMINISTRATOR EMPLOYEE RELATIONS SPECIALIST FINANCE ADMINISTRATION MANAGER HUMAN RESOURCES ADMINISTRATOR LAND USE ADMINISTRATOR OPERATIONS SERVICES MANAGER PARKS DEVELOPMENT PLANNER PENSION AND BENEFITS ADMINISTRATOR TRANSPORTATION PLANNER	30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725	118,361
DEVELOPMENT FACILITATOR PROPERTY ASSESSMENT SERVICES MANAGER	31	76,300	80,114	84,120	88,326	92,741	97,380	102,247	107,361	112,729	118,364	124,283
DEPARTMENT FINANCE OFFICER INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ACCOUNTING AND FISCAL MANAGER	34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,868
ASSISTANT LAND USE MANAGER												
CHIEF OF SPECIAL PROJECTS												
COMMUNITY SERVICES MANAGER												
ENGINEERING SERVICES MANAGER												
INFORMATION SYSTEMS MANAGER												
INSURANCE AND LOSS CONTROL MANAGER												
INTERNAL SERVICES MANAGER												
PARKS DIVISION MANAGER												
PENSION PROGRAM MANAGER												
SEWER OPERATIONS MANAGER												
STORMWATER & ENVIRONMENTAL PROGS. MGR												
TREASURY MANAGER												
FINANCE LEGAL OFFICER	35	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064
FIRST ASSISTANT COUNTY ATTORNEY												
HUMAN RESOURCES MANAGER												
PUBLIC WORKS SENIOR MANAGER	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061	158,614
DEPUTY CHIEF OF TECHNOLOGY												

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

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	30	77,300	80,931	84,747	88,753	92,958	97,375	102,013	106,881	111,992	117,361	123,229
CHIEF OF EMERGENCY COMMUNICATIONS	36	102,014	106,882	111,993	117,362	122,997	128,915	135,128	141,653	148,504	155,697	163,483
CHIEF OF EMERGENCY MEDICAL SERVICES	38	115,085	120,454	126,090	132,007	138,221	144,747	151,598	158,791	166,345	174,275	182,990

*Effective: 07/01/2026 (Ordinance 23-063)**Revised: 07/01/2026 (Ordinance 23-086)**Revised: 08/29/2023 (Ordinance 23-097)**Revised: 08/01/2023 (Ordinance 23-126)**Revised: 07/07/2022 (Ordinance 24-013)**Revised: 07/01/2026 (Ordinance 24-xxx) - Add Step 11*

**PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY FRATERNAL
ORDER OF POLICE (FOP) LODGE #5 SWORN DEPUTY SHERIFFS**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
DEPUTY SHERIFF	19	39,447	41,421	43,492	45,666	47,948	50,347	52,863	55,508	58,285	61,199	
CHIEF DEPUTY SHERIFF	25	52,863	55,508	58,285	61,199	64,259	67,473	70,845	74,388	78,107	82,012	

Effective: 07/01/2022-06/30/23

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
DEPUTY SHERIFF	22	46,806	49,149	51,606	54,186	56,894	59,740	62,726	65,864	69,159	72,617	
CHIEF DEPUTY SHERIFF	25	54,185	56,896	59,742	62,729	65,865	69,160	72,616	76,248	80,060	84,062	

Effective: 07/01/2023-06/30/24

Revised: 07/20/2023

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
DEPUTY SHERIFF	22	47,977	50,378	52,895	55,541	58,317	61,234	64,294	67,510	70,888	74,432	78,154
CHIEF DEPUTY SHERIFF	25	55,540	58,318	61,236	64,297	67,512	70,889	74,431	78,154	82,062	86,164	90,472

Effective: 07/01/2024-06/30/25

Revised: 07/20/2023

Revised: 07/01/2024 (Ordinance 24-xxx) - Add Step 11 (Incumbents in Step 10 to move to Step 11 upon reaching anniversary date following 7/1/2024)

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
DEPUTY SHERIFF	22	49,176	51,637	54,217	56,929	59,774	62,764	65,902	69,198	72,661	76,292	80,108
CHIEF DEPUTY SHERIFF	25	56,929	59,776	62,767	65,904	69,200	72,661	76,292	80,108	84,114	88,318	92,734

Effective: 07/01/2025

Revised: 07/20/2023

Revised: 07/01/2025 (Ordinance 24-xxx) - Add Step 11

Ordinance 23-004

Ordinance 24-002

Revised: 07/01/2024 (Ordinance 24-xxx) - Add Step 11

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
LEGAL SECRETARY	17	36,676	38,510	40,436	42,457	44,580	46,809	49,150	51,607	54,188	56,897	59,742
ETHICS COMMISSION ADMIN ASST	20	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,730	65,867	69,160
EXECUTIVE ASSISTANT I	22	46,809	49,150	51,607	54,188	56,897	59,743	62,729	65,866	69,159	72,617	76,248
OFFICE OF LAW PARALEGAL	24	51,609	54,189	56,898	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065
PARALEGAL TO THE COUNTY ATTORNEY	25	54,190	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269
EXECUTIVE ASSISTANT II LAW ENFORCEMENT TECHNICIAN	26 26	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269	92,682
COMPLAINTS OFFICER	27	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682	97,316
EXECUTIVE ASSISTANT III STAFF DIRECTOR	30 30	69,161	72,619	76,250	80,063	84,066	88,269	92,683	97,317	102,183	107,292	112,657
ASSISTANT COUNTY ATTORNEY I	32	76,252	80,065	84,068	88,271	92,685	97,319	102,185	107,294	112,658	118,291	124,206
ASSISTANT COUNTY ATTORNEY II DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 34	84,067	88,270	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,935
DIRECTOR OF REDEVELOPMENT	36	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,934	143,781	150,970
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	102,185	107,294	112,658	118,291	124,206	130,416	136,937	143,784	150,974	158,523	166,449
COUNTY SOLICITOR	39	107,295	112,659	118,293	124,207	130,417	136,938	143,785	150,975	158,524	166,449	174,771
CHIEF FINANCIAL OFFICER CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 40	112,658	118,291	124,206	130,416	136,937	143,783	150,973	158,522	166,447	174,769	183,507
CHIEF OF POLICE	41	137,997	144,896	152,141	159,748	167,736	176,123	184,929	194,175	203,884	214,078	224,782
PART-TIME ATTORNEY (hourly rate)		42.42	44.54	46.77	49.11	51.57	54.15	56.86	59.70	62.69	65.82	69.11
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY												
CHIEF ADMINISTRATIVE OFFICER		109,439	123,665	131,085	138,951	154,235	161,946	170,043	178,545	187,472	196,846	206,688
BOARD AND COMMISSIONERS RATES OF PAY												
JUDGEMENT COMMISSIONERS		\$9.25 PER HOUR										
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										
MEMBER, BOARD OF ASSESSMENT REVIEW		\$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS \$25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.										
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING										
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										

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

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

Revised: 07/01/2023 (Ordinance 23-148)

Revised: 07/01/2024 (Ordinance 24-056)

Revised: 07/01/2024 (Ordinance 24-xxx) - Add Step 11 (Incumbents in Step 10 to move to Step 11 upon reaching anniversary date following 7/1/2024)

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
LEGAL SECRETARY	17	37,593	39,473	41,447	43,519	45,695	47,980	50,379	52,898	55,543	58,320	61,236
ETHICS COMMISSION ADMIN ASST	20	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,299	67,514	70,889
EXECUTIVE ASSISTANT I	22	47,980	50,379	52,898	55,543	58,320	61,237	64,298	67,513	70,888	74,433	78,155
OFFICE OF LAW PARALEGAL	24	52,900	55,544	58,321	61,238	64,299	67,512	70,889	74,434	78,156	82,064	86,167
PARALEGAL TO THE COUNTY ATTORNEY	25	55,545	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476
EXECUTIVE ASSISTANT II LAW ENFORCEMENT TECHNICIAN	26 26	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476	95,000
COMPLAINTS OFFICER	27	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000	99,749
EXECUTIVE ASSISTANT III STAFF DIRECTOR	30 30	70,891	74,435	78,157	82,065	86,168	90,476	95,001	99,750	104,738	109,975	115,474
ASSISTANT COUNTY ATTORNEY I	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312
ASSISTANT COUNTY ATTORNEY II DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,359
DIRECTOR OF REDEVELOPMENT	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376	154,745
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379	154,749	162,487	170,611
COUNTY SOLICITOR	39	109,978	115,476	121,251	127,313	133,678	140,362	147,380	154,750	162,488	170,611	179,141
CHIEF FINANCIAL OFFICER CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 40	115,475	121,249	127,312	133,677	140,361	147,378	154,748	162,486	170,609	179,139	188,095
CHIEF OF POLICE	41	141,447	148,518	155,945	163,742	171,929	180,526	189,552	199,029	208,981	219,430	230,402
PART-TIME ATTORNEY (hourly rate)		43.48	45.65	47.93	50.33	52.85	55.49	58.26	61.17	64.23	67.44	71.00
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY												
CHIEF ADMINISTRATIVE OFFICER		112,175	126,757	134,363	142,425	158,091	165,995	174,295	183,009	192,159	201,768	211,856
BOARD AND COMMISSIONERS RATES OF PAY												
JUDGEMENT COMMISSIONERS		\$9.25 PER HOUR										
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										
MEMBER, BOARD OF ASSESSMENT REVIEW		\$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS \$25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.										
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING										
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										
Effective: 07/01/2025 (Ordinance 23-063)												
Revised: 07/01/2025 (Ordinance 23-086)												
Revised: 07/01/2023 (Ordinance 23-148)												
Revised: 07/01/2024 (Ordinance 24-056)												
Revised: 07/01/2025 (Ordinance 24-xxx)												

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
LEGAL SECRETARY	17	38,533	40,460	42,484	44,607	46,838	49,180	51,639	54,221	56,932	59,778	62,767
ETHICS COMMISSION ADMIN ASST	20	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,907	69,202	72,662
EXECUTIVE ASSISTANT I	22	49,180	51,639	54,221	56,932	59,778	62,768	65,906	69,201	72,661	76,294	80,109
OFFICE OF LAW PARALEGAL	24	54,223	56,933	59,780	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322
PARALEGAL TO THE COUNTY ATTORNEY	25	56,934	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738
EXECUTIVE ASSISTANT II LAW ENFORCEMENT TECHNICIAN	26 26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738	97,375
COMPLAINTS OFFICER	27	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375	102,243
EXECUTIVE ASSISTANT III STAFF DIRECTOR	30 30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725	118,361
ASSISTANT COUNTY ATTORNEY I	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495
ASSISTANT COUNTY ATTORNEY II DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,868
DIRECTOR OF REDEVELOPMENT	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061	158,614
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064	158,618	166,550	174,877
COUNTY SOLICITOR	39	112,728	118,363	124,283	130,496	137,020	143,872	151,065	158,619	166,551	174,877	183,620
CHIEF FINANCIAL OFFICER CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 40	118,362	124,281	130,495	137,019	143,871	151,063	158,617	166,549	174,875	183,618	192,798
CHIEF OF POLICE	41	141,447	148,518	155,945	163,742	171,929	180,526	189,552	199,029	208,981	219,430	236,163
PART-TIME ATTORNEY (hourly rate)		44.57	46.80	49.14	51.60	54.18	56.89	59.73	62.72	65.86	69.15	73.00
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY												
CHIEF ADMINISTRATIVE OFFICER		114,980	129,926	137,723	145,986	162,044	170,145	178,653	187,585	196,963	206,813	217,153
BOARD AND COMMISSIONERS RATES OF PAY												
JUDGEMENT COMMISSIONERS		\$9.25 PER HOUR										
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										
MEMBER, BOARD OF ASSESSMENT REVIEW		\$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS \$25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.										
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING										
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING AND \$100 PER SPECIAL MEETING										
Effective: 07/01/2026 (Ordinance 23-063)												
Revised: 07/01/2026 (Ordinance 23-086)												
Revised: 07/01/2023 (Ordinance 23-148)												
Revised: 07/01/2024 (Ordinance 24-056)												
Revised: 07/01/2026 (Ordinance 24-xxx)												

**PAY PLAN AND RATES OF PAY FOR NON-UNION
CLASSIFIED SERVICE ROW OFFICE EMPLOYEES**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
ROW OFFICE CONFIDENTIAL SECRETARY	20	42,458	44,581	46,809	49,150	51,607	54,187	56,897	59,742	62,728	65,865
REGISTER OF WILLS OFFICE ADMINISTRATOR	25	54,190	56,899	59,745	62,732	65,868	69,161	72,620	76,250	80,063	84,066
RECORDER OF DEEDS OFFICE ADMINISTRATOR	27	59,745	62,732	65,868	69,161	72,620	76,250	80,063	84,066	88,269	92,683

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

Revised: 07/01/2024 (Ordinance 24-xxx) - Add Step 11 (Incumbents in Step 10 to move to Step 11 upon reaching anniversary date following 7/1/2024)

**PAY PLAN AND RATES OF PAY FOR NON-UNION
CLASSIFIED SERVICE ROW OFFICE EMPLOYEES**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
ROW OFFICE CONFIDENTIAL SECRETARY	20	43,520	45,696	47,980	50,379	52,898	55,542	58,320	61,236	64,297	67,512
REGISTER OF WILLS OFFICE ADMINISTRATOR	25	55,545	58,322	61,239	64,301	67,515	70,891	74,436	78,157	82,065	86,168
RECORDER OF DEEDS OFFICE ADMINISTRATOR	27	61,239	64,301	67,515	70,891	74,436	78,157	82,065	86,168	90,476	95,001

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

Revised: 07/01/2025 (Ordinance 24-xxx) - Add Step 11

**PAY PLAN AND RATES OF PAY FOR NON-UNION
CLASSIFIED SERVICE ROW OFFICE EMPLOYEES**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
ROW OFFICE CONFIDENTIAL SECRETARY	20	44,608	46,839	49,180	51,639	54,221	56,931	59,778	62,767	65,905	69,200
REGISTER OF WILLS OFFICE ADMINISTRATOR	25	56,934	59,781	62,770	65,909	69,203	72,664	76,297	80,111	84,117	88,323
RECORDER OF DEEDS OFFICE ADMINISTRATOR	27	62,770	65,909	69,203	72,664	76,297	80,111	84,117	88,323	92,738	97,377

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

Revised: 07/01/2026 (Ordinance 24-xxx) - Add Step 11

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ROW OFFICE LEGAL AIDE	17	36,676	38,510	40,436	42,457	44,580	46,809	49,150	51,607	54,188	56,897	59,742
ROW OFFICE LEGAL ASSISTANT	21	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,730	65,867	69,160	72,618
CHIEF DEPUTY RECORDER OF DEEDS	28	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682	97,316	102,182
CHIEF DEPUTY REGISTER OF WILLS	28											
CHIEF DEPUTY CLERK OF THE PEACE	28											
CHIEF DEPUTY												

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

Revised: 07/01/2024 (Ordinance 24-xxx) - Add Step 11 (Incumbents in Step 10 to move to Step 11 upon reaching anniversary date following 7/1/2024)

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ROW OFFICE LEGAL AIDE	17	37,593	39,473	41,447	43,519	45,695	47,980	50,379	52,898	55,543	58,320	61,236
ROW OFFICE LEGAL ASSISTANT	21	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,299	67,514	70,889	74,434
CHIEF DEPUTY RECORDER OF DEEDS	28	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000	99,749	104,737
CHIEF DEPUTY REGISTER OF WILLS	28											
CHIEF DEPUTY CLERK OF THE PEACE	28											
CHIEF DEPUTY												

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

Revised: 07/01/2025 (Ordinance 24-xxx) - Add Step 11

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ROW OFFICE LEGAL AIDE	17	38,533	40,460	42,484	44,607	46,838	49,180	51,639	54,221	56,932	59,778	62,767
ROW OFFICE LEGAL ASSISTANT	21	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,907	69,202	72,662	76,295
CHIEF DEPUTY RECORDER OF DEEDS	28	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375	102,243	107,356
CHIEF DEPUTY REGISTER OF WILLS	28											
CHIEF DEPUTY CLERK OF THE PEACE	28											
CHIEF DEPUTY												

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

Revised: 07/01/2026 (Ordinance 24-xxx) - Add Step 11

Prime Sponsor(s): Ms. George
Date of introduction: September 24, 2024

RESOLUTION NO. 24-170

**APPOINTING BARBARA WARD TO THE NEW
CASTLE COUNTY BOARD OF ASSESSMENT REVIEW**

1 **WHEREAS**, Barbara Ward has a long record of public service in New Castle
2 County, recently serving as lay advisor to the Delaware Psychological Association; and
3

4 **WHEREAS**, pursuant to 9 *Del C.* Sec. 1318 and New Castle County Code Sec.
5 2.05.102, the Board of Assessment Review is vested with the responsibility of hearing
6 appeals from property owners regarding improper assessment, following the hearing of
7 any property owner and determining whether the assessment is correct, and reviewing
8 the methods by which the general manager of the Department of Land Use has
9 established the assessments, among other duties; and
10

11 **WHEREAS**, pursuant to 9 *Del C.* Sec. 1317, Barbara Ward is a resident and
12 property owner in the County; and
13

14 **WHEREAS**, Ms. Ward resides in New Castle County Council District 5.
15

16 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
17 Castle County that County Council hereby appoints Barbara Ward to the New Castle
18 County Board of Assessment Review for a term beginning on September 24, 2024 and
19 expiring on September 24, 2028.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: Same as title.

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

RESOLUTION NO. 24-171

**APPOINTING RICHARD JESTER TO THE
NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW**

1 **WHEREAS**, Richard Jester is a business data scientist in New Castle County and
2 is employed by JP Morgan Chase; and
3

4 **WHEREAS**, pursuant to 9 *Del* C. Sec. 1318 and New Castle County Code Sec.
5 2.05.102, the Board of Assessment Review is vested with the responsibility of hearing
6 appeals from property owners regarding improper assessment, following the hearing of
7 any property owner and determining whether the assessment is correct, and reviewing
8 the methods by which the general manager of the Department of Land Use has
9 established the assessments, among other duties; and
10

11 **WHEREAS**, pursuant to 9 *Del* C. Sec. 1317, Richard Jester is a resident and
12 property owner in the County; and
13

14 **WHEREAS**, Mr. Jester resides in New Castle County Council District 5.
15

16 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
17 Castle County that County Council hereby appoints Richard Jester to the New Castle
18 County Board of Assessment Review for a term beginning on September 24, 2024 and
19 expiring on September 24, 2028.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: Same as title.

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

Primary Sponsor(s): Ms. Hartley-Nagle
Requested by: Administration/HR
Date of Introduction: September 24, 2024

RESOLUTION NO. 24-168

AUTHORIZING THE COUNTY EXECUTIVE TO SIGN THE COLLECTIVE BARGAINING AGREEMENT WITH THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME (AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES) AFL-CIO AND ITS AFFILIATE, LOCAL 3109

1 **WHEREAS**, the County Executive has successfully negotiated a ratified collective
2 bargaining agreement with the Delaware Public Employees Council 81, AFSCME (American
3 Federation of State County, and Municipal Employees) AFL-CIO and its affiliate, Local 3109,
4 attached as Exhibit "A."

5 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle
6 County that County Council hereby authorizes the County Executive to sign the collective
7 bargaining agreement with the Delaware Public Employees Council 81, AFSCME (American
8 Federation of State County, and Municipal Employees) AFL-CIO and its affiliate, Local 3109 as
9 set forth in Exhibit "A" hereto.

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
New Castle County

SYNOPSIS: This Resolution authorizes the County Executive to sign the collective bargaining agreement with the Delaware Public Employees Council 81, AFSCME (American Federation of State, County, and Municipal Employees) AFL-CIO and its affiliate, Local 3109. This is a four-year agreement retroactive to July 1, 2023 that defines the wages and other terms of employment for the bargaining unit.

This agreement provides for a 2.5% wage increase for the period July 1, 2023 through June 30, 2024; a 2.5% wage increase for the period July 1, 2024 through June 30, 2025; a 2.5% wage increase for the period July 1, 2025 through June 30, 2026; and a 2.5% wage increase effective July 1, 2026. Additionally, effective July 1, 2023, an increase to Step 11 (from 3% above Step 10 to 4% above Step 10) and effective July 1, 2024, an additional increase to Step 11 (from 4% above Step 10 to 5% above Step 10). Furthermore, effective January 1, 2024, the pay scale steps for Emergency Medical Services Captain and Emergency Medical Services Assistant Chief have been adjusted to provide pay equity between paramedic between paramedic employees and supervisors.

The agreement removes two paid holidays and converts them to floating holidays and declares Juneteenth an official New Castle County holiday. The agreement further eliminates named health insurance benefit providers and clarifies spousal coordination of benefits.

FISCAL NOTE: This Ordinance will approve a four-year contract for the Delaware Public Employees Council 81, AFSCME (American Federation of State, County, and Municipal Employees) AFL-CIO and its affiliate, Local 3109, retroactive to July 1, 2023.

The estimated fiscal impacts (Salaries/Wages and Employee Benefits) of the Collective Bargaining agreement for the period of July 1, 2023 through June 30, 2027 are as follows:

FY2024	\$510,732
FY2025	\$1,057,229
FY2026	\$1,533,153
FY2027	\$2,028,495

2023 - 2027

COLLECTIVE BARGAINING AGREEMENT

between

NEW CASTLE COUNTY, DELAWARE

and

**The American Federation of
State, County, and Municipal Employees,
COUNCIL 81
A.F.L.-C.I.O.**

LOCAL UNION 3109

CHRONOLOGICAL TABLE OF CONTENTS

<u>TITLE</u>	<u>PAGE</u>
AGREEMENT	1
ARTICLE 1 Purpose.....	2
ARTICLE 2 Union Recognition, Membership and Deduction of Dues	2
ARTICLE 3 Union and County Representation	3
ARTICLE 4 Standard of Responsibility and Confidentiality	4
ARTICLE 5 Grievance Procedure	5
ARTICLE 6 Non-Discrimination	8
ARTICLE 7 Management of the County and Preservation of the Merit System	9
ARTICLE 8 Seniority	10
ARTICLE 9 Disciplinary Action	13
ARTICLE 10 Classifications and Pay	13
ARTICLE 11	14
Holidays	14
ARTICLE 12 Leaves of Absence	15
ARTICLE 13 Military Leave.....	19
ARTICLE 14 Vacation	20
ARTICLE 15 Sick Leave.....	22
ARTICLE 16 Hours of Work, Professional Time and Compensatory Time.....	25
ARTICLE 17 Safety and Health	27
ARTICLE 18 Health and Welfare, Health Insurance and Prescription Drug Coverage	27
ARTICLE 19 Visitation.....	34
ARTICLE 20 Bulletin Boards	34
ARTICLE 21 Unemployment Compensation Coverage	34
ARTICLE 22 Protective Clothing and Devices.....	35
ARTICLE 23 Uniforms	35
ARTICLE 24 Duration of the Contract	36

ARTICLE 25 Alteration of Agreement	36
ARTICLE 26 Salaries	36
ARTICLE 27 No Strike	37
ARTICLE 28	37
Inclement Weather	37
APPENDIX A LIST OF BARGAINING UNIT OCCUPATIONAL CLASSIFICATIONS.....	38
APPENDIX B	40
PAY GRADES FOR BARGAINING UNIT OCCUPATIONAL CLASSIFICATIONS	40
APPENDIX D Professionals Bargaining Unit.....	43

ALPHABETICAL TABLE OF CONTENTS

<u>TITLE</u>	<u>PAGE</u>
Agreement.....	1
Alteration of Agreement	36
Appendices	
A – Alphabetical List of Bargaining Unit Occupational Classifications	38
B – Pay Grades for Bargaining Unit Occupational Classifications	40
C – Managers and Administrators Bargaining Unit	42
D – Professionals Bargaining Unit	43
Bulletin Boards	34
Classification and Pay	13
Disciplinary Action	13
Duration of the Contract	36
Exhibits	44-56
Grievance Procedure	5
Health and Welfare	27
Holidays	14
Hours of Work, Professional Time, and Compensatory Time.....	25
Leaves of Absence	15
Management of the County and Preservation of the Merit System	09
Military Leave.....	19
No Strike	37
Non-Discrimination	8
Performance Report to Employees	37
Protective Clothing and Devices.....	35
Purpose.....	2
Safety and Health.....	27
Salaries	36
Seniority	10
Sick Leave.....	22
Standard of Responsibility and Confidentiality	4
Unemployment Compensation Coverage	34
Uniforms	35
Union and County Representation	3
Union Recognition, Membership and Deduction of Dues.....	2
Vacation	20
Visitation.....	34

AGREEMENT

This agreement was entered into effective July 1, 2023, by and between the Government of New Castle County, and Delaware Public Employees Council 81, AFSCME (American Federation of State, County and Municipal Employees) AFL-CIO and its affiliate, Local 3109. The Local referred to in this agreement and the bargaining unit represented by the Union is the Managers, Administrators and Professionals Unit, Salaried.

For New Castle County:

Honorable Mathew S. Meyer
County Executive

Date

For AFSCME, Local 3109:

Michael A. Begatto, Jr.
President, AFSCME Local 3109

Date

Michael Begatto
Executive Director, AFSCME, Council 81

Date

Faith Morris
AFSCME Council 81 Staff Representative

Date

ARTICLE 1**Purpose**

1.1 It is the purpose of this Agreement to promote and ensure harmonious relations, cooperation and understanding between New Castle County (hereinafter "County") and the employees in Local Union 3109, AFSCME (hereinafter "Union") to ensure true collective bargaining under State law; to establish salaries, hours, working conditions and other terms of employment consistent with the goals and purposes of the Merit System as established by County ordinance and regulation as amended.

1.2 The County and the Union jointly pledge their cooperation to work together in the public interest to secure continued improvement in the services offered to the citizens of New Castle County in accordance with the objectives of the Reorganization Act as amended.

ARTICLE 2**Union Recognition, Membership and Deduction of Dues****2.1 Union Recognition**

A. The County recognizes the Union as the sole and exclusive collective bargaining agent for all employees covered by this Agreement for the purpose of collective bargaining with respect to salaries, rates of pay, hours of employment, and other conditions of employment.

B. The term "employees" as used in this Agreement shall include all full-time County employees certified on June 14, 1979, as amended, as part of the Managers and Administrators Bargaining Unit and Professionals Bargaining Unit by the Public Employment Relations Board ("PERB") as listed in Appendices to this Agreement. The Managers and Administrators Bargaining Unit and the Professionals Bargaining Unit are separate and distinct bargaining units certified by the PERB. The contracts are combined for convenience only.

2.2 Membership

A. All employees in the collective bargaining unit who execute a written and signed "Authorization for Check-Off of Dues" form shall be a member of the Union.

2.3 Deduction of Dues

A. The County agrees to deduct the periodic Union membership dues and initiation fees uniformly required by the Union as a condition of acquiring or retaining membership in accordance with the constitution and by-laws of the Union. Union dues are to be deducted after thirty (30) days of employment.

B. Dues and initiation fees shall be deducted from the pay of employees who certify that they authorize such deductions and who execute the "Authorization for Check-Off of Dues."

C. Dues deducted shall be remitted to the designated financial officer of the local Union not later than the fifteenth (15th) day in the month.

D. The term “dues” shall not be deemed to include any fine, assessment, contributions, or other form of payment required from members of the American Federation of State, County, and Municipal Employees, AFL-CIO.

E. In the event the Union changes the amount or the frequency of Union dues to be deducted from the pay of its members, it shall notify the Chief Human Resources Officer (hereinafter “CHRO”) in writing at least thirty (30) calendar days prior to the effective date of such change.

F. The Union shall indemnify and hold the County harmless against any and all claims, demands, suits, and other forms of liability that shall arise out of or by reason of any action taken or not taken by the employer for the purpose of complying with any of the provisions of Union recognition, Union membership, and deduction of dues.

2.4 PEOPLE Deduction

The employer agrees to deduct from the wages of any employee who is a member of the Union a PEOPLE deduction as provided for in a written authorization. Such authorization must be executed by the employee and may be revoked by the employee at any time by giving written notice to both the employer and the Union. The employer agrees to remit any deductions made pursuant to this provision promptly to the Union together with an itemized statement showing the name of each employee from whose pay such deductions have been made and the amount deducted during the period covered by the remittance.

2.5 Union Office and Telephone

The County shall provide the Union with an office and a telephone. The County shall provide basic monthly telephone service. The Union shall be responsible for the cost of all long-distance calls.

ARTICLE 3 Union and County Representation

3.1 The County agrees to recognize Union designated stewards in accordance with the following list:

<u>Location</u>	<u>No. of Steward(s)</u>
At-large -----	5

At-large stewards are recognized to be at-large area stewards. At large stewards shall be designated by the Union and are to act for all employees in Local 3109.

3.2 In the event an area steward is not available for the investigation and processing of grievances as specified in the grievance procedure herein due to absence from work, an at-large alternate may be appointed by the President of the Union to serve until the area steward returns.

The President of the Union shall provide written notification to the CHRO of such alternate appointment and the term thereof as soon as practicable.

3.3 The Union agrees to recognize the CHRO or designee as the duly authorized person responsible for all aspects of administration of this Agreement. Wherever an elected or appointed County official is referred to in this Agreement, it shall be deemed to include that official or designee.

3.4 The President of the Union or their designee may absent themselves from work without loss of pay for legitimate Union business. The Union President will, however, notify the appropriate member of supervision when leaving the place of work. Such notification shall include the expected duration of time necessary for excuse, the general purpose of the excuse, and the exact location of the performance of Union business for the excuse if outside of the County.

3.5 The chairperson or acting chairperson of the grievance committee (whichever is deemed appropriate by the Union) and the area steward may leave the place of work without loss of pay under the following circumstances:

- A. The time shall be devoted to proper investigation and processing of grievances as specified in the grievance procedure.
- B. Upon leaving the place of work they shall notify the appropriate member of supervision.
- C. Before entering a work area, the meeting time shall be cleared with the appropriate supervisor of that work area.
- D. In no event shall employees be released or allowed to enter a work area during work hours if the supervisor determines that the workload is too heavy, or the work being done is too confidential for non-area personnel to be present. Every effort will then be made to make a time and place available as soon as practicable.

3.6 County employees whose attendance is required by the County at grievance proceedings shall attend during their regular scheduled working hours without loss of pay. Requests by the Union for employees to attend the various steps of the grievance process shall be cleared with the CHRO and the departmental general manager or senior manager involved. Any County employee attending various steps in the grievance process outside of regular scheduled working hours shall not be eligible for pay for attendance at such meeting.

ARTICLE 4

Standard of Responsibility and Confidentiality

4.1 Contract Administration

- A. It shall be the responsibility of each bargaining unit member, to the extent assigned to do so, to administer the Collective Bargaining Agreements between the County and the Union covering the bargaining units for which the employee has supervisory responsibility for members of bargaining units in a manner consistent with policies, interpretations and

guidelines established by the County. Supervisors hearing grievances shall have the responsibility to make a full investigation of all pertinent facts and to represent the County in seeking resolution of the grievance.

B. Information concerning the conduct of County business covered by this Agreement and other data, information, and methods of operation that are received by the employee during employment are and shall be treated as confidential and are for the sole and exclusive use of the County. The employee agrees not to copy such material or divulge such material directly or indirectly to any other person at any time, except as may be necessary or desirable to persons authorized by the County.

ARTICLE 5

Grievance Procedure

5.1 A grievance is a dispute which may arise between the parties concerning the application or interpretation of this Agreement. Although either party may file a grievance alleging violation of the terms and conditions of this Agreement, any matter relating to employees during their probationary period shall not be the subject of a grievance. The parties agree to attempt to resolve any disputes amicably prior to filing any grievance.

5.2 It shall be the firm policy of the County and the Union to assure every employee in the bargaining unit an unobstructed use of the grievance procedure without fear of reprisal and without prejudice in any manner concerning job status.

5.3 The time limits as set forth herein may be extended by mutual written Agreement of the parties.

5.4 If a grievance is not properly initiated or appealed within the time limits set forth, the grievance shall be considered waived.

5.5 If the County does not provide a decision to a grievance within the time limits set forth herein, the grievance may be appealed as if it had been denied.

5.6 The grievance must be brought to the immediate supervisor's attention no later than ten (10) working days after an event or ten (10) working days after an employee becomes aware of an event or should have been aware of an event which is the immediate cause of the grievance.

5.7 In an attempt to resolve the grievances at the lowest possible level, the employee shall (within the appropriate time limit of Section 5.6) first informally discuss the matter with the immediate supervisor. The immediate supervisor shall document and notify their Department General Manager, and the Employee Relations Specialist of the issues presented.

A. If the matter is unresolved the employee shall reduce the grievance to writing as described in Section 5.8 and submit the written grievance to the immediate supervisor within five (5) working days of the informal meeting.

B. The immediate supervisor shall schedule a meeting with the employee, the appropriate Union steward, and such other persons as are necessary.

5.8 All written grievances (from Section 5.7.A. on) shall be filed on forms provided by the Office of Human Resources and shall contain the following information:

- A. What part of the Agreement has been violated.
- B. When the grievance is to have occurred.
- C. The specific remedy sought.
- D. The name or names of the employee(s) filing the grievance.

STEP ONE: DEPARTMENT GENERAL MANAGER

5.9 No later than ten (10) working days after an event or ten (10) working days after an employee becomes aware of an event (provided this is a reasonable period of time) which leads to a grievance, the employee or one designated member of a group having a grievance shall, with or without the shop steward, present the grievance to the General Manager or their designee, as well as the CHRO or designee. Such grievance shall be reduced to writing on forms provided by the County and signed by the employee(s) involved and the area steward. The General Manager or their designee will then send for the area steward without any discussion of the grievance, in order that the area steward shall be present at the discussion and adjustment. The County may have in attendance additional management representatives as needed to assist in processing, responding to, or adjusting the grievance, providing the County gives prior notice to the Union as to who will attend. The General Manager or their designee shall give their decision in writing within ten (10) working days after the grievance has been submitted with their conclusion clearly written thereon.

STEP TWO: CHIEF HUMAN RESOURCES OFFICER

5.10 In the event the General Manager's or their designee's written decision shall be unacceptable to the grievant, the grievant shall have ten (10) working days after receipt of the department general manager's decision to file a copy of that decision and the reasons for the employee's appeal of that decision with the Chief Administrative Officer (hereinafter "CAO") and the CHRO.

- A. The CAO and/or the CHRO and/or the Employee Relations Specialist shall meet within ten (10) working days after the grievance has been received with the grievant, Union steward, the chairperson of the Union grievance committee, a representative of Council 81, and such other persons as are deemed necessary.
- B. The CAO and/or the CHRO and/or the Employee Relations Specialist shall submit their decision in writing, within ten (10) working days after the meeting in Section 5.11.1 is closed.
- C. If the decision of the CAO and/or the CHRO and/or the Labor Relations Administrator shall be unacceptable, the decision may be appealed to Step Three within ten (10) working days from the date of the Step Two decision. A grievance involving a discharge may be advanced directly to arbitration and must be done within fifteen (15) working days of the Step Two decision.

STEP THREE: MEDIATION

5.11 At the request of either party, made within ten (10) working days of the Step 2 decision, a grievance may be submitted to a mediator with the Federal Mediation and Conciliation Service, with contemporaneous notice to the other party. In the event that one party requests mediation, the other party shall consent to mediation. While the grievance is pending mediation, the time deadlines to file for arbitration shall be held in abeyance. The parties agree that mediation shall be non-binding and shall take place within thirty (30) days of the request for mediation. In the event that there are any costs associated with mediation, the parties shall bear the costs equally.

STEP FOUR: ARBITRATION

5.12 If the Step Three decision is unacceptable, the grievance may be appealed to arbitration unless prohibited under Section 5.14.

5.13 Grievances which allege a violation of rights protected under equal employment opportunity laws, or which allege a violation of state or federally protected constitutional rights, shall not be appealed to arbitration.

5.14 To be properly appealed, notice of appeal of a grievance to arbitration must:

A. Be filed with the non-appealing party within fifteen (15) working days after the final decision has been given in writing under Step Two or Three; and

B. The appealing party shall notify the American Arbitration Association (AAA) of the existence of the grievance and the need for the first list of nine (9) arbitrators' names within fifteen (15) working days after notice in Section 5.14.1 is received.

5.15 In the event the parties cannot agree on a selection within ten (10) working days after the list of names has been received by both parties from the AAA, the arbitrator shall be selected under the Voluntary Labor Arbitration Rules of the AAA.

5.16 The grievant, the steward, the chairperson of the Union grievance committee and such other employees deemed essential or appropriate at the arbitration hearing shall attend without loss of pay. However, compensation shall not exceed seven (7) hours of straight time pay (if the employee was scheduled to work those hours) for attendance at the arbitration hearing. All hearings shall be scheduled during the employee's regular business hours, whenever possible.

5.17 The arbitrator at the request of either party may ask the grievant whether the grievant is aware that the arbitrator's decision is final and binding.

5.18 Arbitrator's Powers

A. The arbitration award shall be final and binding and shall be in writing setting forth the arbitrator's opinion and conclusion on the issue(s) submitted. The arbitrator shall limit the decision strictly to the application and interpretation of the provisions of the Agreement. The arbitrator shall be without power to make any decision contrary to or inconsistent with, or modifying or varying in any way, the terms of this Agreement and the

merit ordinance. The arbitrator shall not have power to establish or change any salary or job content of any classification or to modify any salary schedule.

B. In case of a grievance involving any continuing or other money claim against the County, no award shall be made by the arbitrator which shall allow accruals prior to the date when such grievance shall have been presented to the County in writing except in a case whereby the employee or the Union could not know prior to that date that there were grounds for such a claim. In such cases, retroactive claims shall be limited to a period of thirty (30) calendar days prior to the date the claim was first filed in writing.

C. The fee for the arbitrator's services and expenses, the administration fee of the AAA, and costs of the proceeding shall be borne equally by the County and the Union. If either party desires a verbatim record to be made, it shall pay for the record and supply the arbitrator with a copy. Should the other party desire a copy, it can be obtained at cost.

5.19 Special Rights of the Parties

A. The Union has a right to initiate a system-wide grievance at Step Two without necessarily representing a single grievant if the grievance involves a matter of general application to members of the bargaining unit. All individuals in the group that will be affected by the grievance and its resolution shall be bound to any resolution which is accepted by the Union representatives and shall not thereafter again raise the issue individually. This is the only exception to the requirement that a grievant sign the written grievance in Section 5.9. However, the group of employees whose rights are being determined by the system-wide grievance must be identified with specificity on the grievance form.

B. The County shall have the right to submit directly to arbitration those issues which may prevent or halt what is alleged to be a violation or breach of this Agreement by the Union. The County shall first inform the President of the Union in writing before the County requests arbitration.

C. The Union agrees that when a grievance requires either multiple witnesses or grievants the Union will make every effort to arrange for the scheduling of such people in such a manner as to avoid cumulative testimony and to minimize disruption and expense to the County.

ARTICLE 6 Non-Discrimination

6.1 The County shall not interfere with or discriminate with respect to any term or condition of employment against any employee covered by this agreement because of membership in or non-membership in, or legitimate activity as required in this Agreement on behalf of members of this bargaining unit. The County shall not discourage or encourage membership in the Union or encourage or discourage membership in any other Union or entity organized for the purpose of representing employees in collective bargaining.

6.2 The Union agrees to represent all employees in the bargaining unit in a full and faithful manner regardless of membership in the Union. Employees shall be admitted to Union membership and fully and faithfully represented without discrimination on the basis of race, religion, color, national origin, marital status, age, gender, political affiliation, sexual orientation, and/or source of funding in accordance with applicable state and federal laws, as long as they tender to the Union the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the Union.

6.3 The Union agrees to cooperate fully with the County in complying with federal and state laws requiring diversity to assure equal employment opportunity.

6.4 The Union recognizes its responsibility not to interfere, restrain or coerce any employee of the County from joining or not joining the Union or in performing County assigned duties.

ARTICLE 7

Management of the County and Preservation of the Merit System

7.1 The Union recognizes that areas of responsibility must be reserved to the County Executive, County Council, and general managers if the County government is to function efficiently. In recognition of this principle, it is agreed that the following responsibilities of management are non-delegable obligations of the elected and appointed officials and are therefore, totally outside the purview of this Agreement and the grievance procedure contained in Article 5:

A. The determination of the type and level of governmental services to be provided to the citizens of New Castle County.

B. The determination of the County's financial, budgetary, accounting, and organizational policies, procedures, rules, and regulations; and the right to direct all operations of the County to provide efficient delivery of services to the public.

C. The right to establish, discontinue, modify, or change, as well as to continuously monitor, any and all personnel policies, rules, regulations, practices, procedures, and programs which may be instituted by the County to retain, foster, and promote the principles of merit and fitness in recruitment, employment, and promotion as set forth in the merit ordinances. When revising, modifying, or changing existing personnel policies issued by the Office of Human Resources, the County agrees to endeavor to issue revised policy notices in a format that notes the previous policy and the changes being made in the revised policy.

D. The determination of the duties to be included in job classifications; the administration of the "Pay Plan"; the sole right to make personnel appointments through job related selection techniques; the determination of the number of people to be employed or retained in employment; the necessity for shift operation and rotation of the work week; overtime and the amount of overtime required; the maintenance of discipline; and responsibility for performance evaluation.

E. Any matter involving the management of the County and not covered by this Agreement is in the province of the County.

F. The language of this Collective Bargaining Agreement shall prevail over any law, statute, ordinance, rule, or regulation of New Castle County unless such law, statute, ordinance, rule or regulation has been passed pursuant to a legally required exercise of non-delegable authority.

ARTICLE 8

Seniority

8.1 In the selection of people for positions in this bargaining unit whether by initial hire, promotion, reassignment, transfer or demotion, the selection procedure shall be based on merit principles. The person selected shall possess the highest qualifications among all applicants for the position, as measured by knowledge, skills, and abilities, to perform all the job duties as they appear in the official County position description. If the qualifications of two (2) or more candidates are relatively equal, seniority shall be the deciding factor.

8.2 With regard to lay-off, the senior person with the highest qualifications for the positions remaining after the lay-off, as measured by knowledge, skills and abilities, shall be retained in the remaining positions in the bargaining unit. The County may retain a more junior employee only if the County can prove that the junior employee has job-related knowledge, skills, or abilities which the senior employee cannot acquire within thirty (30) workdays.

8.3 Notwithstanding Section 8.2., above, in the event of a layoff, the President, Vice President, Treasurer, Secretary, and Executive Board of the Union shall be granted seniority such that they shall be the last members to be laid off, regardless of their years of service.

8.4 If the last job of a person who has been laid off reopens within one (1) year from the last day of work and the County determines that additional personnel must be employed to fill that job, then the person who was laid off shall be given first consideration to fill that vacancy. No other person shall be newly employed or recalled to fill that position unless the County can prove that the person sought to be hired or recalled in the place of the last incumbent has job-related knowledge, skills or abilities which the person seeking recall cannot acquire within thirty (30) working days.

8.5 When the job from which an employee has been laid off reopens within one (1) year from the date of lay-off, the County will send written notice of the availability of the position to that person's last known address by certified mail. The employee must indicate willingness to return to the position offered within five (5) workdays of the date of receipt of notice of recall and actually return to work within fifteen (15) working days after recall is officially offered. This time may be extended by mutual agreement between the County and the Employee. Notification of such an extension shall be sent to the Union.

8.6 Seniority or County-wide seniority as used in this Agreement shall mean the length of continuous service with the County from the date of latest employment with the County.

8.7 New employees not previously employed by the County and former employees who have lost their seniority shall be considered as probationary employees for a period not to exceed one (1) year and shall not accumulate seniority until the end of such probationary period. However, at the end of the probationary period, the employee's seniority shall be retroactive to the most recent

date of hire. The probationary period may be extended for up to an equal amount of time upon the mutual agreement between the County and the Union. There shall be a six (6) month trial period for an individual selected for a promotion. During the six (6) months, either the individual may elect to return, or the County may return the individual to their prior position. Approximately two-thirds of the time into the trial period, the individual will be apprised of their performance.

8.8 In the event two or more employees are hired on the same date, the employee with the earliest application date shall be considered the more senior. If application dates are the same, then the employees shall draw lots to determine the most senior.

8.9 During the probationary employment period, probationary employees may be disciplined or discharged with or without cause and said employees shall have no access to the grievance procedure for any reason.

8.10 Reassignment

A. An employee may be reassigned from one position to another in the same or different classification in the same or different department. Reassignment to a vacancy in a different job classification shall not be made for the purpose of avoiding opening that position on a permanent basis to employees seeking a promotional opportunity.

B. Reassignment may be made to meet operational requirements. Such reassignment shall be made to secure the placement in the position to be filled of the employee with the highest qualifications for the position, as measured by knowledge, skills, and abilities, and with the least displacement to employees and the greatest efficiency of County operation.

C. When reassigned to a higher classification, the employee is to be paid at either the rate of the position the employee left or the rate of the position to which the employee has been reassigned, whichever is higher.

D. A bargaining unit position cannot be filled outside of the unit on a temporary basis for over thirty (30) working days without the permission of the Union. Any temporary assignment from outside the bargaining unit of more than five (5) consecutive days shall require notification to the Union of the County's approximate timeframe for filling the position under the terms of Section 8.9, if applicable.

8.11 Transfer

A. An employee may request a transfer to fill a vacancy in the same or a different department. To be considered for filling a vacancy by transfer the employee:

1. Must submit a request to transfer when a vacancy is posted. (Request for transfer shall be considered only for a specific vacancy posted); and
2. Must demonstrate in a written statement accompanying the request how the employee qualifies for the vacancy; and

3. Must have an overall rating on the most recent "Performance Report to Employees" of "satisfactory" or above; and
4. Must have written approval from the department into which the employee seeks to transfer. The department from which the employee is being transferred may retain the employee until a suitable replacement can assume the necessary job duties, but approval shall not be unrealistically withheld.
5. Must not have been transferred within the last twelve (12) month period; and
6. Must not be in the probationary period.

B. An employee's request for a transfer will be granted when the conditions of Sections 8.10.A are met, and that employee has the greatest relative ability to meet all the job duties in the position description.

8.12 Jobs Outside Bargaining Unit

A. Any employee who is in the bargaining unit and is reassigned, transferred, promoted, or demoted as a result of a reduction in force to a position outside this bargaining unit shall continue to accumulate seniority while employed in these classifications.

8.13 Loss of Seniority

An employee shall lose seniority standing for the following reasons:

- A. Voluntary resignation.
- B. If absent for three (3) consecutive working days without properly notifying the County, the employee shall be considered as having voluntarily quit employment with the County. This provision shall be waived by the CHRO if the employee submits evidence which indicates that it was impossible to give such notification. (Absences without notification for less than three (3) days shall subject employee to disciplinary action up to and including discharge.)
- C. If the employee is discharged for just cause.
- D. If the employee fails to report for work at the termination of an authorized leave of absence.
- E. If the employee accepts employment from another employer while on authorized leave of absence from the County, except appointment made to serve in public office.
- F. Retirement – Accumulated seniority to be restored upon employee's return from disability retirement but no credit to be given for time off.
- G. If the employee is separated from the payroll of the County for more than (2) years.

8.14 Seniority

A. The County shall keep the seniority list up to date. A copy of the County-wide seniority list containing the dates of hire and pay grade shall be provided to the President of the Union in January and June of each year.

B. The County shall notify the Union in writing each month of all new hires, terminations, lay-offs, recalls, new occupational classifications, changes of address, and transfers.

**ARTICLE 9
Disciplinary Action**

9.1 Disciplinary action may be taken against an employee for just cause. The extent of the disciplinary action may include warnings (oral or written), denial of increment, suspensions (with or without pay), demotions, and dismissal.

9.2 Employees having supervisory responsibilities shall have the obligation to issue warnings (oral or written), suspensions (with or without pay), demotions, and dismissals under conditions specified by their immediate supervisor.

9.3 A copy of all disciplinary action taken (except oral warnings) shall be made part of the employee's personnel file and a copy of such disciplinary action shall be forwarded to the Union President.

9.4 Employees shall have the right to process through the grievance procedure their challenge to an unsatisfactory rating on their performance evaluation.

9.5 Criminal investigations of County employees, if they become necessary, shall be conducted according to appropriate federal and state laws. In any case, the Internal Affairs Unit of the New Castle County Police shall not investigate civilian 3109 employees.

**ARTICLE 10
Classifications and Pay**

10.1 New classifications in this bargaining unit or any existing classifications in this bargaining unit in which the class specification is substantially changed shall be evaluated by the County. The position shall then be allocated to a class and a rate of pay shall be established.

A. The County shall notify the Union of the class allocation of the new or changed class specification and the rate of pay established in Section 10.1. A copy of the class specifications shall be sent to the Union for informational purposes.

B. If the Union disagrees with the rate of pay so established, the County shall be notified in writing within ten (10) working days by the Union with a report which includes a statement of justification for the Union's recommendation as to the more appropriate rate.

C. If there is a disagreement, the parties shall resolve their difference exclusively through good faith collective bargaining. The County's proposed rate shall remain in effect during the negotiations, but retroactive pay may also be negotiated.

10.2 Review of Positions

Employees may submit a written request for a classification review of their individual positions to the CHRO provided that no such review has been made during the previous twelve (12) months. The employee shall send a copy of such a request to the employee's department general manager. The department general manager shall, within fifteen (15) workdays, submit their comments, if any, to the Office of Human Resources. The Office of Human Resources shall submit its findings to the Executive Office for budgetary review. The County will make a formal decision on such a request within sixty (60) days of the Office of Human Resources' receipt of the request. No action will be taken to upgrade or reclassify any position unless it has been given budget authorization.

A. The Office of Human Resources shall confer with the employee(s) requesting the review.

ARTICLE 11 Holidays

11.1 The following days shall be holidays with pay. The dates of observance shall be on the date of official County recognition:

- New Year's Day
- Martin Luther King's Birthday
- Presidents' Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Election Day
- Veterans' Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Eve Day (normal workday to end at 12 noon)
- Christmas Day

Such other days as the Governor and/or the County Executive may designate as holidays with pay shall be considered "special holidays."

Employees covered by this Agreement shall have two (2) floating holidays each year (January 1 – December 31) that may be used under applicable service and scheduling rules and treated as holidays for all other purposes. Floating holidays may not be carried over to the following year.

11.2 Holiday pay shall consist of one (1) regular day's pay at straight time pay for an employee who is not scheduled for work on that day.

11.3 Any employee who is required to work on any of the holidays listed in Section 11.1 shall receive compensatory time at time and one-half or be paid time and one-half in addition to holiday pay for all hours worked on the above holidays including special holidays.

11.4 When a holiday falls on a regularly assigned day off for a full-time employee, such employee shall be compensated by the appropriate regular day's pay at the employee's regular rate of pay or shall be granted compensatory time to be taken when the efficient operation of the department permits.

11.5 When administratively possible, the County will endeavor to schedule time off for employees on as many of the approved holidays provided for herein, taking into account the services required.

11.6 In order to receive holiday pay, the employee must have worked the last scheduled workday prior to, the next scheduled workday following the holiday, and the holiday itself, if scheduled to work, unless excused for one of the following reasons:

- A. Medical absence, verified by a treating healthcare professional; or
- B. Attending court as a witness under subpoena or as a juror; under Sections 12.B (Civil Leave) or 12.C (Jury Duty); or
- C. Because of death in the family as defined in Article 15.

ARTICLE 12

Leaves of Absence

12.1 Leaves of absence may be granted to members of the bargaining unit covered by this Agreement as follows:

A. Family and Medical Leave Act

1. Eligible employees are entitled to up to twelve (12) weeks of FMLA leave in a 12-month month period, in accordance with County Personnel policy. An employee who qualifies for an FMLA leave will be required to use accumulated sick, vacation or other paid leave, in any order chosen by the employee, to run concurrently with the FMLA leave, provided however, that (i) an employee may elect to retain up to two (2) weeks' vacation and two (2) weeks' sick leave and (ii) an employee utilizing FMLA leave of an increment of one (1) day or less must use accumulated sick, vacation or other paid time concurrently with the FMLA leave. In all events, an employee is limited to 12 weeks on FMLA leave in any 12-month period. The 12-month period is a rolling 12-month period measured backward from the date the leave is used.

2. Notwithstanding the provisions of the FMLA, the County shall continue life insurance and health care benefits provided for in this Agreement, without cost to the employee, during any period when an employee is taking FMLA leave to which the employee is entitled.
3. Notwithstanding the provisions of the FMLA, an employee who takes the FMLA leave to which they are entitled shall accrue seniority for all purposes during the period of FMLA leave. Such an employee shall not, however, accumulate vacation or sick leave, or pension credit, during unpaid FMLA leave.
4. Certification from a health care provider shall be provided directly to the CHRO. The CHRO shall not release information concerning the serious health condition justifying the leave.
5. Notwithstanding the provisions of the FMLA, upon returning from leave, an employee is entitled to:
 - a. be restored to the position held when the leave began, unless such an employee is not qualified due to the expiration of a required license or certificate. In such a case, the employee will be placed on the payroll at the rate of pay for the position held when the leave began and be provided with a reasonable opportunity to acquire the necessary license or certificate.
 - b. any negotiated pay increases which would have occurred, and the employee would have been eligible for during the leave period.
6. Employees who take leave due to personal illness must provide certification from the health care provider that the employee can return to work.
7. Use of family and medical leave shall have no adverse impact on the employee's evaluation.

B. Civil Leave

An employee shall be given leave with full pay, when subpoenaed to appear in connection with County business before a court or public body or commission.

C. Jury Duty

A leave of absence with full pay shall be granted to a member of the bargaining unit who has been subpoenaed to serve on jury duty. Requests for such leave shall be submitted to the CHRO in advance, along with a copy of the subpoena to document the duration of the jury duty. An employee who is granted such leave for jury duty shall be entitled to regular salary for hours of absence and shall not be required to remit jury fees received to the County. The employee is to return to work on a daily basis if time permits.

D. Educational Leave

1. An employee may be given educational leave with full or partial pay for the purpose of taking courses directly related to work as determined by the appropriate general manager and the CHRO. Requests for such leave must be approved in advance by the CHRO and the County Executive and they may not exceed a total of twenty (20) days in any one calendar year.
2. Such educational leave with full or partial pay shall not be granted in conjunction with any other leave of absence and is intended to be utilized by County employees needing specific grants of time during normal duty hours to attend educational classes which are not available at any off-duty time. It is specifically prohibited to grant a block of educational leave in conjunction with leave without pay granted for educational purposes.
3. Educational leave for a longer period may be granted in special cases of unusual merit and of great benefit to the County government. In such cases, the employee must agree in writing to return to work for a minimum period of one (1) year after expiration of the educational leave.

E. Leave Without Pay

1. A department general manager, with the approval of the County Executive, may grant a full-time permanent employee a leave of absence without pay for a period not to exceed two (2) years. Failure of any employee to return to duty upon the expiration of this leave without pay shall be interpreted as a resignation. Leave without pay shall be granted only when it will not result in harm to the interests of the County as an employer beyond any benefits to be realized.

F. Absence Without Leave

1. An absence of any employee from duty, including any absence for a single day or part of a day that is not authorized by specific grant of leave of absence under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay, and the employee may be subject to disciplinary action up to and including discharge. Any employee who is absent for three (3) consecutive days without leave shall be deemed to have resigned. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

G. Medical Leave for Injury or Illness in the Course of Employment

1. A permanent employee who is injured or develops an illness in the line of duty and cannot perform their job-related functions or duties shall receive the difference between workers compensation benefits and the sum they would have received in regular pay for the period of disability. There shall be no deduction from accumulated vacation or sick leave. These benefits are subject to the following conditions:

a. That the injury or illness resulted from an incident(s) sustained directly in the performance of the employee's work, as provided in the State Worker's Compensation Act.

b. That, if incapacitated for regular employment, the employee may be given other duties within the County Government. Unwillingness to accept such an assignment as directed by the department general manager or the CHRO will make the employee ineligible for medical leave under this Section during the time involved and may result in the employee's termination.

c. That a physician selected by the County shall determine the physical ability of the employee to continue working or to return to work. Should the employee's physician and the County's physician disagree as to the employee's ability to continue working or return to work, the dispute shall be submitted to a third physician selected by the employee's physician and the County's physician. The third physician's opinion shall be final and binding. The medical question shall not be submitted to arbitration. The cost of the third opinion shall be jointly borne by the employee and the County.

H. Union Employment

Any employee elected or appointed as an employee of the Union shall be granted a leave of absence without pay for a period not to exceed two (2) years which may be extended by agreement of the parties. Such leave shall not be granted to more than one (1) employee for this bargaining unit.

I. Union Convention

Leaves of absence with pay to attend and serve as delegate to conventions of the Union and organization and training conferences relating to the Union shall be granted to the extent operational necessity permits. Such leaves may be granted to not more than four (4) employees in this bargaining unit in a calendar year, with the extent of leave limited to an accumulation of two (2) work weeks per delegate and with the purpose of these leaves to be training and education in grievance handling, labor-management relations, personnel administration, and other appropriate union business. The Union shall provide ten (10) working days' advance notice of intention to attend and names of employees.

12.2 Seniority shall accumulate during all authorized leaves of absence.

12.3 Should the position of any employee on approved leave without pay be abolished or consolidated, the employee shall, upon return from leave, be given employment in a position having the same classification. If that is not possible, the person shall be employed in a position allocated to a classification with a lower pay grade.

ARTICLE 13

Military Leave

13.1 “Armed Forces” is defined to include the Army, Navy, Marine Corps, Air Force, and Coast Guard. “Reserve Components” are defined to include the federally recognized National Guard and Air National Guard of the United States, the Officer Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard, and the Air Force Reserve.

13.2 Any permanent employee who leaves the service of the County to join the Armed Forces of the United States, shall be placed on military leave without pay, such leave to extend through a date ninety (90) days after which the employee is relieved from such service. Such employee shall be entitled to be restored to the position which the employee vacated, provided application is made to the Office of Human Resources within ninety (90) days of the date of discharge under honorable conditions, and the employee is physically and mentally capable of performing the work of the position.

13.3 In the event a position vacated by a person entering the Armed Forces no longer exists at the time the employee qualifies to return to work, such person shall be entitled to be reemployed in another position of the same class in the County service, provided such reemployment does not necessitate the laying off of another person who was appointed at an earlier date than such person returning from military leave.

13.4 In addition to the person’s accumulated vacation pay, a permanent employee with ninety (90) days service entering the Armed Forces shall be entitled to be paid one (1) calendar month’s salary.

13.5 National Guard or Reserve

A. Any employee who is a member of the National Guard, or an organized military reserve of the United States, will be entitled to a leave of absence not to exceed a total of ten (10) working days in any one (1) calendar year, during which time the employee shall be paid the regular hourly rate. In order to be paid, an employee must file a copy of the employee’s orders with the Office of Human Resources, prior to the leave. For training periods beyond ten (10) working days each year, the County shall not be liable for salary but will make leave time available.

B. Any permanent employee who is a member of the National Guard, or an organized military reserve of the United States and who is ordered to perform emergency duty under the supervision of the United States Government or any state, shall be granted a leave of absence during the period of such activity. Any such employee shall receive the pay differential in the amount by which the employee’s normal salary, calculated on the basis up to a maximum of thirty-five (35) hours, which the employee has lost by virtue of such absence, exceeds any military pay received.

13.6 In order to ensure uniformity, requests for deferment of employees from service in the Armed Forces shall be made only by the County Executive.

ARTICLE 14

Vacation

14.1 Employees covered by the terms of this Collective Bargaining Agreement shall be eligible for vacations with pay in accordance with the provisions outlined in this article. In all cases, requirements for vacation are based on service accumulated as of December 31 of the year prior to receiving vacation except that any employee attaining their 5th, 10th, or 15th anniversary, and each anniversary beyond 15 years, shall be eligible for the additional increment in vacation days during the year in which the employee attains such service.

14.2 Employees on the payroll of the County as of December 31 of a given year who have not completed twelve (12) months of accumulated service with New Castle County on December 31 shall be entitled to one day of vacation for each completed month of accumulated service up to a maximum of ten (10) days. An employee who has completed the probationary period may request, through the employee's department general manager, the right to use up to a maximum of five (5) days of vacation the employee has accrued during the current calendar year but will not vest until the following December 31. Vested vacation (as defined in Section 14.4) is to be used during the twelve (12) months following the vesting date in conformity with the procedures outlined in this Article.

A. New full-time employees hired on or after January 1, 2020, shall receive New Hire Leave days, which shall be earned at the rate of one-half (1/2) working day per completed month of service during the first twelve months of continuous employment (for a possible total of six (6) New Hire Leave days). Leave is to be credited on the first working day of the month following the month in which it is earned. New Hire Leave days may not be taken until the employee has worked at least ninety (90) days. All New Hire Leave days must be taken prior to the end of the second calendar year following the date of hire and may not be carried over. Transfers, other changes in position or assignment, or periods of leave shall not reset the start or period of New Hire Leave eligibility or accrual, or the expiration of New Hire Leave days. The County may impose reasonable restrictions on scheduling New Hire Leave days to ensure adequate staffing, and to avoid incurring or the payment of overtime, or compensatory time. Employees who are terminated, voluntarily resign, or retire shall not be paid for any unused New Hire Leave days.

14.3 For one or more years of service, vacation leave shall accrue according to the following schedule:

<u>Years of Service</u>	<u>Days of Vacation</u>
1 through 4	10
5 through 9	15
10 through 14	20
15	25
15+	25+*

*An additional day of vacation for each successive year of accumulated service is awarded in the following year to employees who have completed more than fifteen (15) years of accumulated service with the County.

14.4 Vacations with pay shall vest as of December 31 of the calendar year preceding the vacation year. Employees falling under the scope of this Section who qualify for a vacation on the vesting date and are terminated from the payroll of the County before taking vacation, shall receive vacation allowance at the time of termination in lieu of vacation time off. However, in the event any employee voluntarily resigns, the employee shall be required to give two (2) weeks' advance notice of such intention to be eligible for the benefits accruing under this Agreement.

14.5 The following situations shall result in prorated vacations with the proration in each situation to be calculated in accordance with Section 14.5.D:

- A. Employees who are terminated, voluntarily resign, or retire shall be paid a prorated vacation allowance based on complete months of accumulated service.
- B. Employees who are on an approved leave without pay as of December 31, and who are not on leave for the entire calendar year, shall be eligible for a prorated vacation upon return to work based on completed months of accumulated service in the prior calendar year.
- C. Employees who are on an approved leave of absence during that calendar year and return to work before December 31 shall be eligible for a prorated vacation in the following year based on completed months of accumulated service in the prior calendar year.
- D. The proration referred to in Sections 14.5.A, B, C shall be based on the following:

December 31st Vacation Eligibility if Employee Worked Entire Year	Days for Each Completed Month of Service	Not to Exceed
10 days	1 day	10 days
15 days	1 ½ day	15 days
20 days	2 days	20 days
25 days	2 ½ days	25 days
25+ days	Employee's vacation days divided by 10, rounded to the nearest ½ day	Total Vacation Eligibility

14.6 The scheduling of vacation periods shall be subject to the approval of the department general manager, and in an emergency, may be subject to change. In case of conflicting requests for a vacation period, the department general manager shall be the final arbiter.

14.7 The vacation year shall begin January 1 and end on December 31. Vacations must be applied for and taken during this period. A maximum of fifty (50) days of vacation may be accumulated and carried over provided that at least one (1) week of vacation is taken in each

vacation year by an employee carrying over up to thirty (30) vacation days and at least two (2) weeks of vacation are taken in each vacation year by an employee carrying over thirty (30) to fifty (50) days of vacation.

14.8 If a holiday falls within an approved scheduled vacation period, the employee shall be entitled to an additional day of vacation in lieu of holiday pay.

14.9 The County shall provide the payroll check covering the vacation period in advance of scheduled vacation, if requested, at least two (2) weeks in advance of the vacation period.

14.10 For the purpose of this Section, any employee placed on the payroll by the first workday of any month shall be considered to have a full month's service in that month.

ARTICLE 15

Sick Leave

15.1 Each full-time employee is entitled to sick leave with full pay in accordance with the following provisions:

A. Effective on the first day of the month after ratification of this contract, an employee shall be credited with one (1) day of sick leave for each completed month of service. Accumulation of sick leave is unlimited.

Upon retirement or involuntary separation (for reasons other than for cause) from the service, an employee hired on or before June 30, 1977, shall be paid for any sick leave time accumulated not to exceed one hundred (100) workdays. Payment shall be paid based on one day paid for each day accrued. Employees in good standing, who resign after giving adequate notice to the department general manager (which in no case shall be less than two weeks), shall be paid accumulated sick leave not to exceed twenty (20) workdays based on one day paid for each day accrued.

B. Upon retirement or involuntary separation (for reasons other than for cause) from the service, an employee hired on or after July 1, 1977, shall be paid for sick leave time accumulated not to exceed one hundred (100) workdays. Payment shall be paid based on one day paid for each two days accrued. Employees in good standing, who resign after giving adequate notice to the department general manager (which in no case shall be less than two weeks), shall be paid accumulated sick leave not to exceed twenty (20) workdays based on one day paid for each two days accrued.

For the purpose of this Section, any new employee placed on the payroll of the County on or before the first (1st) working day of any month shall be credited, at the completion of the month, with a full month of sick leave credit of one (1) day.

15.2 Accumulation of sick leave is unlimited; however, payment for accumulated sick leave is limited in Sections 15.1.A and 15.1.B.

15.3 Sick leave shall be granted to employees to be used for the following purposes:

- A. Personal illness, pregnancy related disability, or injury, when not covered by workers' compensation.
- B. Enforced quarantine, in accordance with community health regulations.
- C. Upon the written advice of a physician, when it appears that the employee has been exposed to a contagious disease and that the presence of an employee would jeopardize the health of fellow employees.
- D. The illness or injury of a member of the immediate family, requiring the constant presence and attendance of the employee for the purpose of maintaining and providing for the immediate family member's needs, but such leave may not exceed four (4) working days per illness.

1. The immediate family is defined as: father, mother, brother, sister, son, daughter, stepchild, stepparent, husband, wife, parent-in-law, or any relative residing in the same home, or any person with whom the employee resides.

- E. To meet medical and dental appointments of an immediate and emergency nature. In addition, sick leave may be granted for medical, dental, or optical appointments which cannot be scheduled during after-duty hours when the employee has made every effort to arrange such an appointment at a time before or after their regular workday. Sick leave may be used for the appointment time, and time traveling to and from the appointment.

15.4 To receive compensation for sick leave, it is the employee's responsibility to report the inability to be at work and the reason to their supervisor as soon as practicable. Specific procedures will be set by individual departments.

- A. Sick leave pay shall be granted only if employees comply with the provisions of this Article.

15.5 The County reserves the right, when it deems necessary, to require proof that the use of sick leave is for reasons provided in the Agreement.

15.6 Sick leave shall be certified by each general manager upon forms prescribed by the Office of Human Resources. Records of sick leave accumulated and taken shall be available to the employee or the Union.

15.7 Time off without loss of pay or sick leave shall be granted as follows:

- A. In the case of the death of a member of the immediate family, defined for purposes of this Section 15.7.1 as parent, brother, sister, son, daughter, husband, wife, parent-in-law, stepparent, stepchild, stepbrother, stepsister, grandparent, grandparent-in-law, grandchild or any person with whom the employee has made their home, no deduction of hourly rate may be made for absence up to five (5) working days.

A leave in such instance shall commence no later than the first workday following the day of the funeral.

B. In the case of the death of a near relative, defined as first cousin, aunt, uncle, niece, nephew, brother-in-law, or sister-in-law, absence on the day of the funeral shall be allowed.

C. Absence necessitated by examination connected with possible Selective Service induction shall be allowed without charge against sick leave.

15.8 The County agrees to establish a Sick Leave Bank ("Bank") for all County full-time employees with two (2) years or more of service.

A. Participation in the Bank is voluntary, and the utilization of benefit is limited to Bank members only.

B. The Bank is established to allow eligible employees to donate accrued sick days to other County employees who are members of the Bank, and who are unable to work due to the employee's own catastrophic health condition.

C. An eligible employee who is a member of the Bank may withdraw up to a maximum of six (6) months of continuous sick leave in a rolling twelve (12) month period.

D. To be eligible to receive donated sick leave, an employee must:

1. have exhausted their own sick, vacation, personal, compensatory and Special Projects time;
2. be an active member and contributor to the Bank;
3. require a continued absence due to the employee's own catastrophic health condition;
4. provide medical documentation substantiating such condition; and
5. have applied for, been granted, and exhausted a two-week sick leave extension as detailed in NCC Personnel Policy regarding sick leave extensions.

E. Membership in the Bank will require the employee to:

1. donate at least one (1) day of sick leave every year during the donation period, which shall be January 1 through January 31 of each year. A maximum donation of twelve (12) days of sick leave per member per year is permitted by any one (1) employee; and
2. obtain approval from the CHRO prior to any utilization of benefit.

F. The Benefits Committee shall be responsible for monitoring the solvency of the Bank and issuing depletion notices. Quarterly statements of the Bank's available benefits shall be distributed to all members of the Benefits Committee and to each Union President. Once a depletion notice is disseminated to members of the Bank, a one (1) month donation

window shall be opened. Donation during this Sick Leave Bank “depletion window” is voluntary and governed by the same limitations outlined in Section 15.8.E.

G. The CHRO shall be responsible for establishing policies and procedures regarding administration of the Bank, which shall be subject to approval by the members of the Benefits Committee.

15.9 In the case of an employee’s extended illness where an employee has exhausted all accumulated sick leave, vacation time, and any other available paid leave, the Union may request that an advancement of unearned sick leave be loaned to the employee. The Union shall bring the matter to the attention of the CHRO who shall determine whether the employee meets the eligibility requirements for a sick leave loan as indicated herein. An employee with two (2) years’ service may be granted a sick leave loan of up to ten (10) days, provided that a written statement from the employee’s treating physician has been submitted which indicates the reason for the extended illness. Recommendations for a sick leave loan beyond ten (10) days must be approved by the County Executive. Such advancement of unearned sick leave shall be considered a loan and shall be repayable to the County. When the employee returns from extended illness and begins to accumulate sick leave, one-half day of sick leave per month shall be deducted from the employee’s balance until the entire sick leave loan has been repaid; the employee may elect to repay the sick leave loan in excess of one-half day per month. All such loans must be reimbursed to the County before any request for an additional sick leave loan will be granted. When an employee who has received an advance loan leaves the County service and the loan has not been repaid, the County will be reimbursed for the remaining sick leave balance, except in the case of death or full disability.

15.10 The parties recognize that the use of sick leave is to be restricted to the particular uses specified in the contract and not to be used as a supplement to vacation leave. If the County concludes that a specific employee is abusing sick leave (an indication of such abuse being the slow rate at which an employee accumulates sick leave), the employee will be subject to discipline up to and including discharge. The Union agrees to exert its best efforts in helping to reduce absenteeism by counseling employees on the need for regular attendance.

ARTICLE 16

Hours of Work, Professional Time and Compensatory Time

16.1 Salaries shall be computed on an annual basis. The payroll period shall cover fourteen (14) consecutive days beginning at 12:01 a.m. on Monday and ending at 12:01 a.m. on Monday fourteen (14) days later. However, the beginning and ending days of the payroll accounting period may be changed to facilitate the establishment of a different data entry procedure.

A. For positions covered by this Agreement, the normal workday shall consist of seven (7) or eight (8) hours a day, exclusive of a one (1) hour lunch period consistent with the practice in effect at the signing of this Agreement.

B. For positions covered by this Agreement, the normal work week shall consist of either a thirty-five (35) or forty (40) hour work week consistent with the practice in effect at the signing of this Agreement.

16.2 The starting time for all employees shall generally be between 8:00 a.m. and 9:00 a.m., for all departments, depending upon operational need. Alternative shifts may be available upon mutual agreement between the department and the employee.

16.3 Professional Time

A. Because of the managerial, administrative, and professional nature of the positions covered by this Agreement, employees are responsible for fulfilling the duties of their positions regardless of the hours of work or the schedule of hours that may be necessary. The individual employee must exercise professional judgment in the management of the workload and work schedule, subject to the goals and objectives of the department as established by the employee's supervisor.

B. Any time in excess of the normal hours in a day or week shall not qualify for additional compensation in any way. Similarly, any time less than the normal hours in the day or week, not covered by paid leave shall not be deducted from annual compensation, provided, however, that it is the responsibility of the supervisor to assure that subordinates work at least the normal hours on average for the year for their department and that any blocks of time in excess of three (3) hours not worked and not covered by paid leave must be approved in advance in writing by the department general manager. Further, failure to secure such approval will result in loss of pay and/or disciplinary action.

C. To take professional time under Section 16.3 it is the responsibility of the employee to inform their supervisor or designee as to:

1. When the employee is leaving,
2. When the employee is returning,
3. How the employee can be reached.

16.4 Compensatory Time

A. A member of the bargaining unit who works in excess of their scheduled work week (*i.e.*, 35 or 40 hours) may earn compensatory time, on an hour-for-hour basis, subject to an annual maximum of ten (10) days. Compensatory time shall be earned only when an employee works on special projects designated and pre-approved by their respective General Manager or designee (*i.e.*, emergency responses, public safety incidents, major planning and development projects, and other special projects).

B. Any balance of time of time off for compensatory time earned pursuant to Section 16.4.A remaining as of December 31 of each year must be taken as time off during the next calendar year (*i.e.*, compensatory time off earned in 2023, must be used by December 31, 2024). Any balance of compensatory time not used by December 31 of the following year shall be forfeited. In no event shall an employee be entitled to receive payment, in lieu of time off, for compensatory time.

C. Subject to operational needs, approval for time off for compensatory time shall not be unreasonably withheld.

D. In the case of extraordinary circumstances (i.e., major natural disasters, chemical explosions, terrorist attacks) and with the written approval of the CHRO, compensatory time in excess of the ten (10) day provided herein may be granted.

16.5 Employees improperly missed for an overtime opportunity shall not receive monetary reimbursement for missed opportunities but will be provided a like overtime opportunity with a review and resolution of any systemic issues that may have generated the missed opportunity. The like overtime opportunity shall not affect the overtime due to another employee. Each missed overtime opportunity shall be evaluated on a case-by-case basis. Managers who intentionally take action which results in missed overtime opportunities shall be evaluated for possible discipline.

ARTICLE 17

Safety and Health

17.1 The Union agrees that it will insist that its members work safely and cooperate to the fullest extent with the County in order to eliminate hazardous conditions within its operation. It is in the spirit of safety and cooperation that the Union agrees to random drug testing for their bargaining unit, as per County Personnel Policy. All Union members are required to follow County safety and health guidelines, regulations, policies, and procedures and to advise management of any safety and health concerns and/or problems as soon as they become aware of them.

17.2 The County agrees that it will maintain adequate safety and health standards and will cooperate with the Union and with all the County's employees in order that all employees are protected from a safety and health standpoint at all times.

17.3 Any recommendation pertaining to safety and health made by the Union steward or any employee to the department general manager or departmental safety coordinator shall be considered by the departmental safety committee promptly.

17.4 The County agrees to continue to maintain a County-wide Safety Committee, and to create guidelines that will govern the manner in which the Safety Committee shall function. Such guidelines shall include the frequency of Safety Committee meetings and the methods by which issues to be considered by the Safety Committee shall be selected and resolved.

17.5 Employees shall not be charged any membership or user fees for the use of the employee fitness center.

ARTICLE 18

Health and Welfare, Health Insurance and Prescription Drug Coverage

18.1 The County agrees to assume the full cost of providing a basic indemnity plan for fulltime employees' applicable coverage (i.e., employee only, employee and children, employee and spouse, or employee and family). The County will also make available a choice of alternative coverage, including PPO, HMO, and HSA plans. Plan design, network coverage, premium costs, copays, and deductibles are subject to recommendation by the Benefits Committee (Section 18.3).

A. Effective January 1, 2021, the County shall pay 90% of each employee's monthly premium for health insurance, other than the basic indemnity plan, which shall be paid at

100%. Effective January 1, 2022, the County shall pay 87% of the monthly premium for each employee enrolled in the PPO plan. Employees enrolled in the PPO plan may maintain their premium share at 10% on or after January 1, 2022, if they and their spouse or eligible domestic partner, participating in their coverage, participate in a Wellness program offered by the County and maintain their participation for the entire calendar year. The County will continue to pay 100% of the premiums for employees enrolled in the basic indemnity plan, and to pay 90% of the premiums for employees enrolled in all other plans, except for the PPO plan as set forth above.

B. The County shall deduct the employee premium shares through payroll deduction. Health care coverage shall include the employee's domestic partner, if the employee's domestic partner was enrolled in a County plan as of July 1, 2020, and maintains enrollment without any interruption. Domestic partners who meet these criteria may maintain eligibility for health care coverage as provided in this Agreement (and may hereafter be referred to as an "eligible domestic partner" or "eligible domestic partners"). Effective January 1, 2021, coverage for domestic partners for new enrollments will no longer be an option (continuing coverage will only be available for domestic partners who were enrolled as of July 1, 2020).

18.2 The County has established a spousal coordination of benefits ("COB") program and maintains a separate policy with additional terms and forms for the administration of the program. All employees are subject to the COB program. Employees hired prior to July 1, 2024, shall be subject to the County's spousal COB program. Spouses or eligible domestic partners of County employees whose employers provide health insurance coverage must elect their employer's coverage, provided, however, that the spouse or eligible domestic partner shall not be required to elect such coverage if the cost exceeds the cost to the County employee of covering the spouse or eligible domestic partner under the County's health insurance plan. Employees whose spouses or eligible domestic partners are covered by their employer's health insurance coverage may elect either employee and spouse or employee and family coverage with the County to obtain secondary coverage for their spouse or domestic partner under the County's health insurance plan.

B. Effective July 1, 2024, employees who are married (or eligible domestic partners) and who are both employed by the County, must elect to be covered under a single plan, i.e., one spouse / eligible domestic partner must be covered by that same plan and may not maintain independent or separate coverage under a County plan.

C. For new employees hired on or after July 1, 2024, and continuing for each plan year thereafter: If a County employee's spouse / eligible domestic partner is eligible to participate in a group health insurance and / or prescription drug insurance plan through their employer (notwithstanding that employer's COB policies), the spouse / eligible domestic partner of the employee must enroll with at least single coverage in said employer's sponsored group insurance coverage(s). If a County employee's spouse / eligible domestic partner is self-employed / self-insured and offers a group health and / or prescription drug plan to their employees, such self-employed spouse / eligible domestic partner must also enroll with at least single coverage in such employer-sponsored group insurance. This requirement shall be waived for any spouse or eligible domestic partner whose employer (self-employed) requires the spouse or eligible domestic partner to pay

more than 50% of the single coverage monthly premium and the employee submits proof of such.

D. Upon the spouse or eligible domestic partner's enrollment in any such available group health and / or prescription drug insurance coverage, that coverage will become the primary payer of benefits, and the coverage sponsored by the County will become the secondary payer of benefits, if elected by the County employee. It is the County employee's responsibility to advise the County immediately (and not later than 30 days after any change in eligibility), if the employee's spouse or eligible domestic partner becomes eligible to participate in group health insurance and /or prescription drug insurance sponsored by his/her employer. Upon becoming eligible, the employee's spouse/eligible domestic partner must enroll in any group health insurance and / or prescription drug insurance sponsored by their employer, unless they are exempt from this requirement in accordance with the exemption stated above.

18.3 Plan administrators may be replaced by the County, with the recommendation of the Benefits Committee, only in the event that an administrator: (i) fails to submit a competitive bid to administer the health insurance program offered by the County to its employees; (ii) fails to provide a complete and comprehensive bid in response to the RFP announced by the County for the administration of the County's employee health insurance program; or (iii) fails to fulfill its contractual obligations to the County or violates the terms of its contract with the County.

18.4 Alternative coverage health care plans offered to employees shall include the following co-pays:

Office visit – Primary Care Physician	\$25
Office visit – Specialist	\$35
Well child visits/annual check-ups / immunizations	\$0
Emergency Room visit*	\$100
Urgent Care Center visit	\$25
Radiology Services (X-Ray, MRI, C/T Scan)**	\$0
Mammogram**	\$0
PAP screening test**	\$0
Other lab work**	\$0

* This copayment will be waived if the patient is admitted to a hospital.

** No copayment will be charged when the service is received from a designated non-copayment provider. Employees will be personally responsible for the difference between the cost for the service the plan covers for a designated non-copayment provider charge and the cost charged by a non-covered provider, if the member chooses to use a provider other than a designated non-copayment provider. An exception will be granted in instances of documented medical necessity.

18.5 The County will provide the following three-tier prescription drug co-pay system:

Generic prescription drugs	\$8 employee co-pay
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Preferred prescription drugs	\$30 employee co-pay
Non-preferred prescription drugs	\$50 employee co-pay

When available, employees may fill maintenance medications through a 90-day mail order supply program. Employees will only be charged two (2) 30-day co-pays for the 90-day supply when filled through the mail order supply program.

18.6 If an employee presents proof that the employee has health insurance coverage from a source other than health insurance provided by the County, and waives the right to receive health insurance coverage from the County, and that waiver does not cause the County to be in violation of requirements of State or Federal Law, the County will contribute, for the benefit of such employee, \$250 per month to a deferred compensation plan established pursuant to Section 457 of the Internal Revenue Code. No payment shall be made pursuant to this provision until the employee has established an account with the County's deferred compensation administrator and has been removed from the applicable County health insurance plan. In addition to exclusion from this payment as a primary insured, employees who have secured health insurance coverage through a County plan, other than as the primary insured, will not be eligible to receive this payment.

18.7 Health Insurance During Leaves

County employees will have an opportunity to pay for health insurance coverage during approved leaves of absence during which health care coverage is not maintained by the County on the same basis as for active employees.

18.8 Retirees

A. The County agrees to assume the full cost of providing a basic individual indemnity plan for those employees retiring on or after July 1, 1973, but before April 1, 1997, who are not eligible for Medicare.

B. For those employees retiring on or after April 1, 1997 (who are not eligible for Medicare), and who were first employed by the County before July 1, 2011, the County agrees to assume the full cost of providing a basic individual indemnity plan. Further, the County agrees to issue health insurance credits as outlined below:

B.1. Each month, the retiree shall be issued a health insurance credit to be used exclusively to purchase health insurance coverage (through the County) for the retiree's spouse/eligible domestic partner. The value of the monthly credit will be the product of \$15 times the number of years of credited service. The maximum value of the monthly health insurance credit for each retiree shall be \$300 regardless of service in excess of 30 years. Credits cannot be banked for future use.

C. If the cost of the health insurance program selected by the retiree exceeds the amount of the individual retiree's health insurance credit, the retiree will be responsible to contribute the difference. In the event other coverage is available for the spouse/eligible domestic partner, the County will be considered the secondary provider of insurance under coordination of benefits.

D. Regardless of the date of retirement, when a retiree or their spouse/eligible domestic partner becomes eligible for Medicare, the County's insurance will cease. Upon verification of enrollment in Medicare Parts A and B, the County will pay the full cost of providing the retiree and their spouse/eligible domestic partner with Standard MEDIFIL coverage or its equivalent insurance. In the event of the retiree's death, the County will not assume the cost of providing coverage for the surviving spouse/eligible domestic partner.

E. For employees who are eligible to receive a service pension and are hired after June 30, 2011, health coverage to be provided by the County shall be as follows:

E.1. For retirees who have reached the age of sixty (60), who have completed at least twenty (20) years of County service and are not eligible for Medicare, the County agrees to assume the full cost of providing a basic individual indemnity plan.

E.2. For retirees who have reached the age of sixty (60), who have completed at least seventeen and one half (17 ½) years of County service and are not eligible for Medicare, the County agrees to assume seventy-five percent (75%) of the cost of providing a basic individual indemnity plan.

E.3. For retirees who have reached the age of sixty (60), who have completed at least fifteen (15) years of County service and are not eligible for Medicare, the County agrees to assume fifty percent (50%) of the cost of providing a basic individual indemnity plan.

F. For employees who are eligible to receive a disability pension and are hired after June 30, 2011, health coverage to be provided by the County shall be as follows:

F.1. For retirees who have completed at least twenty (20) years of County service and are not eligible for Medicare, the County agrees to assume the full cost of providing a basic individual indemnity plan.

F.2. For retirees who have completed at least seventeen and one half (17 ½) years of County service and are not eligible for Medicare, the County agrees to assume seventy-five percent (75%) of the cost of providing a basic individual indemnity plan.

F.3. For retirees who have completed at least fifteen (15) years of County service and are not eligible for Medicare, the County agrees to assume fifty percent (50%) of the cost of providing a basic individual indemnity plan.

G. The County agrees to issue health insurance credits as outlined below for retirees hired after June 30, 2011:

G.1. Each month, the retiree shall be issued a health insurance credit to be used exclusively to purchase health insurance coverage (through the County) for the retiree's spouse/eligible domestic partner. The value of the monthly credit will be the product of \$10.00 times the number of years of credited service. The maximum

value of the monthly health insurance credit for each retiree shall be \$300.00, regardless of service in excess of thirty (30) years. Credits cannot be banked for future use.

G.2. If the cost of the health insurance program selected by the retiree exceeds the amount of the individual retiree's health insurance credit, the retiree will be responsible to contribute the difference. In the event other coverage is available for the spouse/eligible domestic partner, the County will be considered the secondary provider of insurance under coordination of benefits.

G.3. Regardless of the date of retirement, when a retiree or their spouse/eligible domestic partner becomes eligible for Medicare, the County's insurance will cease. Upon verification of enrollment in Medicare Parts A and B, the County will pay the full cost of providing the retiree and their spouse/eligible domestic partner with Standard MEDIFIL coverage or its equivalent insurance. In the event of the retiree's death, the County will not assume the cost of providing coverage for the surviving spouse/eligible domestic partner.

18.9 Benefits Committee

The County shall maintain a Labor-Management Health Care Benefits Committee (the "Benefits Committee") which shall consist of a representative designated by each County bargaining unit and six (6) representatives designated by the County, each of whom shall be a participant in the County employee health insurance plan. The CHRO or designee shall chair the Benefits Committee.

A. The Benefits Committee shall meet for the purpose of reviewing and determining employee benefits available to County employees for the future enrollment periods and the identity of administrators and carriers.

B. The Benefits Committee shall be involved at all stages of the review process, including the development of bid specifications, the review of bids (including costs of each plan), meetings with bidders, the design of a benefits plan, and the selection or termination of plan administrators and consultants. One of the objectives of this review and selection process shall be to foster competition among bidders. During this process the union representatives will be granted full and complete access to all information relating to employee benefits.

C. The Benefits Committee shall meet as often as possible to fulfill the duties identified in Sections 18.4.A and 18.4.B, above, but no less frequently than quarterly. Meeting agendas will be provided in advance and will include quarterly financial updates of the plan. Minutes will be provided after each meeting.

D. Any recommendations reached by the Benefits Committee shall be subject to approval by the membership of the Union. Committee members shall be provided with adequate time and information regarding the proposed recommendation of the Benefits Committee to allow Union members to make an informed decision regarding their healthcare benefits. Following a decision by the Union membership regarding the proposed

recommendation of the Benefits Committee, the Benefits Committee shall meet to vote on the proposed recommendation, which shall require approval by two-thirds of the members present at the Benefits Committee meeting. With advance notice, Benefits Committee members may designate a proxy to cast their vote.

18.10 Life Insurance

A. Effective April 1, 1997, the County agrees to assume the full cost of life insurance amounting to one and one-half of the employee's annual salary, with a minimum death benefit of \$50,000 and a maximum death benefit of \$200,000. Additionally, the County will provide accidental death and dismemberment benefits for each employee. The County further agrees to administer (through payroll deduction) the voluntary purchase of additional term life insurance coverage at full cost to the employee at the County's group rate price.

B. The County agrees to assume the full cost of providing \$10,000 life insurance for those employees retiring from County service on or after October 1, 2005, with accidental death and dismemberment benefits for each employee. Those employees who retired between April 1, 1997, and September 30, 2005, will be provided with \$5,000 life insurance. Those employees who retired prior to April 1, 1997, will be provided with \$2,500 of life insurance. If the retiree had voluntary additional life insurance as of the date of retirement, the retiree may elect to continue the voluntary additional life insurance coverage, and the County agrees to assist the retiree in obtaining such coverage, at full cost to the retiree. The County further agrees to deduct from the retiree's monthly pension benefit the premium for any such additional coverage.

18.11 Mandated Insurance

Should the employer be obligated by law to contribute to a government operated or mandated insurance program, national or otherwise which duplicates the benefits provided by the employer under any insurance policy currently in effect as a result of this Agreement, it is the intent of the parties that the employer not be obligated to provide double coverage. To escape such double coverage, the employer shall be permitted to cancel benefits of policies which duplicate in whole or in part the provisions of the compulsory governmental sponsored insurance programs.

18.12 Special Benefits for Public Safety Department Personnel – Annual Medical Examination

The County shall require and provide Public Safety Department personnel as defined in Section 18.12.A with an annual medical examination, as well as medical examinations at either termination of employment or transfer to another department or removal from emergency call out status that conforms with the medical surveillance requirements of the Department of Labor, Occupational Safety and Health Administration (Part 1910.120 Hazardous Waste Operations and Emergency Responses as amended) to be performed by the County or by a County-approved physician at their arrangement. The Pap test will be administered to female personnel who request it. The County may require a psychological or psychiatric examination if felt necessary by the CHRO for reasonable cause. The examination shall be confidential and restricted to the confidential medical

files, except where conditions are noted that would limit the Public Safety Department safety personnel in the performance of their duties. In such cases, a conference between the Public Safety Department personnel, the medical coordinator, Chief of Police and CHRO shall be held to review the problem.

A. Public Safety Department employees covered under this Section are as follows:

Coordinator of Emergency Planning
Emergency Preparedness Planner
Emergency Medical Services Assistant Chief
Emergency Medical Services Captain

18.13 Flexible Spending Accounts

The County shall maintain employee spending accounts as permitted by Internal Revenue Code Section 125.

ARTICLE 19 Visitation

19.1 The County shall permit designated staff members of Council 81, not to exceed two (2) per visit, to visit a department to investigate matters pertaining to the enforcement and administration of this Agreement.

19.2 Such representatives shall notify the CHRO in advance of the visit.

19.3 All employees are required to ensure minimal disruption of County services during any visitation from Council 81 representatives or other Union officials.

ARTICLE 20 Bulletin Boards

20.1 The Union shall be permitted to use County typewriters, duplicating equipment, calculators, personal computers, electronic mail, and audio-visual equipment when such use does not interfere with County business or result in additional costs to the County. Use of such equipment by the Union will not have any priority over use of the same equipment for County business. The Union shall provide qualified operators. The Union shall pay for the reasonable cost of all materials and supplies incident to such use, for any repairs necessitated as a result thereof, and for replacement of equipment which is lost or stolen.

ARTICLE 21 Unemployment Compensation Coverage

21.1 The County follows the requirements of Chapter 33 (Unemployment Compensation) of Title 19 of the Delaware Code.

ARTICLE 22

Protective Clothing and Devices

22.1 If any employee is required to wear protective clothing or any type of protective device as a condition of employment, such protective clothing or protective devices shall be furnished by the County without cost to the employee. The cost of maintaining the protective clothing in proper working condition (including tailoring, dry cleaning, and laundering) shall be paid by the County. The County will provide periodic training, including refresher training, and related written policies, as necessary, for all protective clothing, equipment and devices issued to employees.

22.2 Employees required by the County to wear safety glass prescription lenses as established by the department safety committee and the department general manager for protection from recognized eye hazards normal to their work, will have such glasses furnished by the County to a prescription furnished by the employee.

22.3 The employee is to pay for replacing clothing, equipment and devices referred to in Sections 22.1 and 22.2 when such equipment is lost, misplaced, stolen, or damaged because of abuse.

ARTICLE 23

Uniforms

23.1 The County shall continue to furnish and maintain (including tailoring, dry cleaning, and laundering) uniforms to employees who, in the opinion of the department general manager, require uniforms. The cost of maintaining and furnishing of uniforms shall be borne by the County.

23.2 Replacement of unserviceable uniforms must be approved by the department general manager after the employee has presented the worn article for inspection.

23.3 The cost of repairs or replacement necessitated through negligence, carelessness, or physical change in size shall be borne entirely by the employee.

23.4 An employee shall not wear the county uniform while engaged in the following activities, functions, or circumstances unless specifically authorized by the department general manager:

- A. Soliciting funds for any purpose from the public.
- B. Participating in any type of show or event that is commercially sponsored for advertising purposes, wherein it could be implied or construed that the county "endorses" the product advertised.
- C. "Endorsing" commercial products in such ways as to involve the uniform, title, grade, or rank or in any way establish or imply affiliation with such product.
- D. Appearing or participating in any event in public at which the wearing of the uniform has not been approved in writing by the department general manager.
- E. Employees, while in uniform, shall not partake of intoxicating liquor.

23.5 Upon termination of employment, all uniforms must be returned to the department.

ARTICLE 24

Duration of the Contract

24.1 This Agreement shall become effective on July 1, 2023, and shall remain in full force and effect until 11:59 p.m., June 30, 2027. It shall be automatically renewed from year to year thereafter, unless either party shall give the other party written notice of desire to terminate, modify, or amend this Agreement. Such notice shall be given the other party in writing by certified mail on or before December 31, 2026, or any subsequent year.

ARTICLE 25

Alteration of Agreement

25.1 No agreement, alteration, understanding, variation, waiver, or modification of any of the terms or conditions or covenants contained herein shall be made by any employee or group of employees with the County and in no case shall it be binding upon the parties hereto unless this Agreement is made and executed in writing between the parties and same has been ratified by the Union.

25.2 The waiver of any breach or condition of this Agreement by either party shall not constitute a precedent in the future enforcement of the terms and conditions herein.

25.3 It is understood and agreed that if any part of this Agreement is in conflict with the law, that such part shall be suspended and the appropriate mandatory provision shall prevail, and the remainder of this Agreement shall not be affected thereby.

ARTICLE 26

Salaries

26.1 The County government of New Castle County and Council No. 81 of the American Federation of State, County, and Municipal Employees AFL-CIO and its affiliate Local Union No. 3109 hereby agree that:

- A. Effective July 1, 2023, through June 30, 2024, the Pay Plans for employees covered by this Agreement shall be increase by 2.5% and shall be set forth in Exhibits to this Agreement.
- B. Effective July 1, 2024, through June 30, 2025, the Pay Plans for employees covered by this Agreement shall be increased by 2.5% and shall be set forth in Exhibits to this Agreement.
- C. Effective July 1, 2025, through June 30, 2026, the Pay Plans for employees covered by this Agreement shall be increased by 2.5% and shall be set forth in Exhibits to this Agreement.

D. Effective July 1, 2026, through June 30, 2027, the Pay Plans for employees covered by this Agreement shall be increased by 2.5% and shall be set forth in Exhibits to this Agreement.

E. Effective July 1, 2023, Step 11 of the Pay Plan shall be increased to 4% above Step 10.

F. Effective July 1, 2024, Step 11 of the Pay Plan shall be increased to 5% above Step 10.

G. Effective January 1, 2024, for the Emergency Medical Services Captain, Pay Grade 32, each step will be 15% above the Emergency Medical Services Senior Lieutenant. The Emergency Medical Services Assistant Chief, Pay Grade 34, will be 10% above the Emergency Medical Services Captain steps.

ARTICLE 27

No Strike

27.1 Both the Union and the County recognize the importance of the services rendered by the employees covered by this Agreement and the duty of the County to render continuous service to the public. Therefore, the Union agrees that it will not call, engage in, participate in, or sanction any strike or work stoppage during the life of this Agreement. The County agrees that there shall be no lockout during the life of this Agreement.

27.2 The Union will take every reasonable precaution and action to prevent or stop any such strike or work stoppage during the life of this Agreement.

ARTICLE 28

Inclement Weather

When the County closes its offices or the Governor declares a do not travel or modified travel policy due to inclement weather or any emergency for any period, employees will not suffer the loss of any pay or leave including those who are on preapproved leave.

ARTICLE 29

Performance Report to Employees

29.1. In the event the performance report of any employee is not rated as “satisfactory or above” precluding such employee from receiving the regularly scheduled merit increment and availability to the promotional register, the employee through the Union shall have the right to appeal the Performance Report at the Second Step of the Grievance Procedure.

29.2 To initiate review of a performance report an individual employee shall, upon discussion of the performance report with the rating authority, request a meeting with their review officer.

29.3 The performance report of “unsatisfactory” during an employee’s promotional probationary status will not affect scheduled merit increments or availability to the promotional register in such employee’s permanent classification.

APPENDIX A
LIST OF BARGAINING UNIT OCCUPATIONAL CLASSIFICATIONS

<u>Classification</u>	<u>Pay Grade</u>
Accountant III-----	28
Accounting and Fiscal Officer-----	30
Assessment Analyst -----	24
Assessment Division Manager -----	34
Assessment Services Supervisor -----	26
Assessor Supervisor-----	26
Assistant County Engineer -----	34
Assistant Planning Manager -----	30
Automotive Parts Supervisor -----	22
Budget and Procedures Analyst -----	27
Chief of Building Operations and Maintenance -----	30
Chief of Construction Support-----	30
Chief Purchasing Agent -----	34
Community Services Coordinator -----	23
Compensation and Pension Systems Coordinator -----	30
Computer Operations Supervisor -----	26
Coordinator of Emergency Planning -----	28
Customer Information & Assistance Coordinator -----	23
Emergency Medical Services Assistant Chief -----	32
Emergency Medical Services Captain-----	28
Emergency Preparedness Planner-----	24
Emergency Services Administrator-----	25
Emergency Services Assistant Manager -----	30
Fleet Services Manager-----	30
Geographic Information Systems Coordinator-----	30
Geographic Information Systems Manager-----	32
Health Services Nurse -----	23
Housing Financial Advisor-----	24
Housing Management Analyst -----	28
Housing Management and Services Supervisor -----	30
Housing Rehabilitation Supervisor -----	24
Housing Specialist-----	19
Information Systems Coordinator-----	30
Information Systems Specialist -----	28
Inspections Manager -----	30
Junior Systems Programmer -----	26
Landscape Architect -----	28
Librarian I -----	26
Librarian II -----	28
Mapping Support Supervisor -----	26
Operations Engineer -----	30
Operations Manager-----	30
Pension Program Analyst -----	26
Planner I -----	22

Planner II -----	26
Planner III -----	30
Planner IV -----	32
Program Analyst-----	24
Program Development Chief -----	30
Project Operations Chief -----	30
Property Assessment Services Administrator -----	28
Property Manager -----	30
Recreation Specialist-----	19
Recreation Supervisor -----	25
Senior Network Engineer -----	31
Senior Budget and Procedures Analyst -----	29
Sewer System Analyst -----	28
Systems Development Manager-----	30
Systems Programmer -----	28
Traffic Engineer -----	28
Training Administrator -----	30
Transportation Division Manager-----	30
Treasury Operations Supervisor-----	29

APPENDIX B**PAY GRADES FOR BARGAINING UNIT OCCUPATIONAL CLASSIFICATIONS**

<u>Pay Grade</u>	<u>Title</u>
19	Housing Specialist Recreation Specialist
22	Automotive Parts Supervisor Planner I Health Services Nurse Community Services Coordinator Customer Information & Assistance Coordinator
24	Assessment Analyst Emergency Preparedness Planner Housing Financial Advisor Housing Rehabilitation Supervisor Program Analyst
25	Emergency Services Administrator Recreation Supervisor
26	Assessment Services Supervisor Assessor Supervisor Computer Operations Supervisor Junior Systems Programmer Librarian I Mapping Support Supervisor Pension Program Analyst Planner II
27	Budget & Procedures Analyst
28	Accountant III Coordinator of Emergency Planning Emergency Medical Services Captain Housing Management Analyst Information Systems Specialist Landscape Architect Librarian II Property Assessment Services Administrator Sewer System Analyst Systems Programmer Traffic Engineer

29	Senior Budget & Procedures Analyst Treasury Operations Supervisor
30	Accounting and Fiscal Officer Assistant Planning Manager Chief of Building Operations and Maintenance Chief of Construction Support Compensation & Pension Systems Coordinator Emergency Services Assistant Manager Fleet Services Manager Geographic Information Systems Coordinator Housing Management and Services Supervisor Information Systems Coordinator Inspections Manager Operations Engineer Operations Manager Parks Development Planner Planner III Program Development Chief Project Operations Chief Property Manager Systems Development Manager Training Administrator Transportation Division Manager
31	Senior Network Engineer
32	Emergency Medical Services Captain Geographic Information Systems Manager Planner IV
34	Assistant County Engineer Assessment Division Manager Chief Purchasing Agent Emergency Medical Services Assistant Chief

APPENDIX C

Managers and Administrators Bargaining Unit

CASE NO. 100/MANAGERS AND ADMINISTRATORS BARGAINING UNIT

	Accountant III
	Assessment Mapping Supervisor
	Assistant County Engineer
	Compensation and Pension Systems Coordinator
	Computer Operations Supervisor
	Data Processing Division Manager
	Data Processing End User Support Manager
	Data Processing Operations Manager
	Data Processing Systems Development Manager
	Housing Management and Services Supervisor
	Librarian II
	Maintenance Operations Chief
	Planner IV
	Program Development Chief
	Project Operations Chief
	Public Works Control Manager
	Purchasing Division Manager
	Recreation Supervisor
	Sanitary Chemist
	Systems Analyst
<u>100(e)</u>	Chief of Building Operations and Maintenance
<u>100(g)</u>	Deputy Chief of Emergency Communications
<u>100(h)</u>	Treasury Operations Supervisor
<u>100(i)</u>	Assessment Division Manager
<u>100(k)</u>	Transportation Division Manager
<u>100(l)</u>	Accounting & Fiscal Officer

Miscellaneous

Accounting & Fiscal Officer
 Assessment Services Supervisor
 Assessor Supervisor
 Assistant Planning Manager
 Chief of Construction Support
 Emergency Medical Services Assistant Chief
 Emergency Medical Services Captain
 Emergency Services Administrator
 Emergency Services Assistant Manager
 Fleet Services Manager
 Inspections Manager
 Mapping Support Supervisor
 Operations Manager
 Property Assessment Services Administrator
 Property Manager

APPENDIX D
Professionals Bargaining Unit

CASE NO. 159/PROFESSIONALS BARGAINING UNIT

	Automotive Parts Manager
	Budget and Procedures Analyst
	Database Administrator
	Data Processing Technical Support Manager
	Housing Financial Advisor
	Landscape Architect
	Librarian I
	Planner III
	Planner II
	Program Analyst
	Systems Programmer
159(a)	Chief of Emergency Medical Services
159(b)	Grants Coordinator
159(c)	Health Services Nurse
159(d)	Junior Systems Programmer
	Recreation Specialist
159(e)	Housing Specialist
159(f)	Planner I
159(g)	Coordinator of Emergency Planning
159(h)	Housing Rehabilitation Supervisor
159(i)	Emergency Preparedness Planner
159(j)	Deputy Chief of Emergency Medical Services
159(k)	Chief Purchasing Agent
159(l)	Pension Program Analyst
159(m)	Senior Budget and Procedures Analyst

Miscellaneous

Assessment Analyst
 Automotive Parts Supervisor
 Community Services Coordinator
 Customer Information & Assistance Coordinator
 Geographic Information Systems Coordinator
 Geographic Information Systems Manager
 Housing Management Analyst
 Information Systems Coordinator
 Information Systems Specialist
 Operations Engineer
 Parks Development Planner
 Senior Network Engineer
 Sewer System Analyst
 Traffic Engineer
 Training Administrator

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY SERVICES ADMINISTRATOR	25	52,847	55,489	58,264	61,177	64,238	67,448	70,822	74,363	78,081	81,985	85,264
RECREATION SUPERVISOR	25											
MAPPING SUPPORT SUPERVISOR	26	55,489	58,264	61,177	64,238	67,448	70,822	74,363	78,081	81,985	86,084	89,527
ACCOUNTANT III	28	61,177	64,238	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	98,704
LIBRARIAN II	28											
PROPERTY ASSESSMENT SERVICES ADMINISTRATOR	28											
FINANCE OPERATIONS SUPERVISOR	29	64,238	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	99,654	103,640
ACCOUNTING AND FISCAL OFFICER	30	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	99,654	104,637	108,822
ASSISTANT PLANNING MANAGER	30											
CHIEF OF BUILDING OPERATIONS AND MAIN.	30											
CHIEF OF CONSTRUCTION SUPPORT	30											
COMP. AND PENSION SYSTEMS COORD.	30											
EMERGENCY SERVICES ASSISTANT MANAGER	30											
FLEET SERVICES MANAGER	30											
INSPECTIONS MANAGER	30											
PROPERTY MANAGER	30											
ASSISTANT COUNTY ENGINEER	34	81,985	86,084	90,388	94,908	99,654	104,637	109,869	115,362	121,129	127,186	132,273

Effective: 07/01/2023 (Ordinance xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY SERVICES ADMINISTRATOR	25	54,168	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,237
RECREATION SUPERVISOR	25											
MAPPING SUPPORT SUPERVISOR	26	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648
ACCOUNTANT III	28	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145
LIBRARIAN II	28											
PROPERTY ASSESSMENT SERVICES ADMINISTRATOR	28											
FINANCE OPERATIONS SUPERVISOR	29	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,252
ACCOUNTING AND FISCAL OFFICER	30	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,253	112,616
ASSISTANT PLANNING MANAGER	30											
CHIEF OF BUILDING OPERATIONS AND MAIN.	30											
CHIEF OF CONSTRUCTION SUPPORT	30											
COMP. AND PENSION SYSTEMS COORD.	30											
EMERGENCY SERVICES ASSISTANT MANAGER	30											
FLEET SERVICES MANAGER	30											
INSPECTIONS MANAGER	30											
PROPERTY MANAGER	30											
ASSISTANT COUNTY ENGINEER	34	84,035	88,236	92,648	97,281	102,145	107,253	112,616	118,246	124,157	130,366	136,884

Effective: 07/01/2024 (Ordinance xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY SERVICES ADMINISTRATOR	25	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,443
RECREATION SUPERVISOR	25											
MAPPING SUPPORT SUPERVISOR	26	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964
ACCOUNTANT III	28	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699
LIBRARIAN II	28											
PROPERTY ASSESSMENT SERVICES ADMINISTRATOR	28											
FINANCE OPERATIONS SUPERVISOR	29	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,933
ACCOUNTING AND FISCAL OFFICER	30	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431
ASSISTANT PLANNING MANAGER	30											
CHIEF OF BUILDING OPERATIONS AND MAIN.	30											
CHIEF OF CONSTRUCTION SUPPORT	30											
COMP. AND PENSION SYSTEMS COORD.	30											
EMERGENCY SERVICES ASSISTANT MANAGER	30											
FLEET SERVICES MANAGER	30											
INSPECTIONS MANAGER	30											
PROPERTY MANAGER	30											
ASSISTANT COUNTY ENGINEER	34	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,202	127,261	133,625	140,306

Effective: 07/01/2025 (Ordinance xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY SERVICES ADMINISTRATOR	25	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,704
RECREATION SUPERVISOR	25											
MAPPING SUPPORT SUPERVISOR	26	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338
ACCOUNTANT III	28	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316
LIBRARIAN II	28											
PROPERTY ASSESSMENT SERVICES ADMINISTRATOR	28											
FINANCE OPERATIONS SUPERVISOR	29	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,681
ACCOUNTING AND FISCAL OFFICER	30	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317
ASSISTANT PLANNING MANAGER	30											
CHIEF OF BUILDING OPERATIONS AND MAIN.	30											
CHIEF OF CONSTRUCTION SUPPORT	30											
COMP. AND PENSION SYSTEMS COORD.	30											
EMERGENCY SERVICES ASSISTANT MANAGER	30											
FLEET SERVICES MANAGER	30											
INSPECTIONS MANAGER	30											
PROPERTY MANAGER	30											
ASSISTANT COUNTY ENGINEER	34	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,232	130,443	136,966	143,814

Effective: 07/01/2026 (Ordinance xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Paramedic Classifications)*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY MEDICAL SERVICES CAPTAIN	32	81,538	85,256	89,160	93,259	97,563	102,083	106,829	111,812	117,044	122,537	127,438
EMERGENCY MEDICAL SERVICES ASST. CHIEF	34	89,160	93,259	97,563	102,083	106,829	111,812	117,044	122,537	128,304	134,361	139,735

Effective: 07/01/2023 (Ordinance xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Paramedic Classifications)*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY MEDICAL SERVICES CAPTAIN	32	86,059	90,362	94,880	99,624	104,605	109,835	115,327	121,093	127,148	133,505	138,845
EMERGENCY MEDICAL SERVICES ASST. CHIEF	34	94,665	99,398	104,368	109,586	115,065	120,818	126,859	133,202	139,862	146,855	152,729

Effective: 01/01/2024 (Ordinance xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Paramedic Classifications)*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY MEDICAL SERVICES CAPTAIN	32	88,210	92,621	97,252	102,114	107,220	112,580	118,210	124,121	130,326	136,843	143,685
EMERGENCY MEDICAL SERVICES ASST. CHIEF	34	97,031	101,883	106,977	112,325	117,942	123,838	130,031	136,533	143,359	150,527	158,053

Effective: 07/01/2024 (Ordinance xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Paramedic Classifications)*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY MEDICAL SERVICES CAPTAIN	32	90,415	94,936	99,683	104,667	109,900	115,396	121,165	127,223	133,584	140,263	147,276
EMERGENCY MEDICAL SERVICES ASST. CHIEF	34	99,457	104,430	109,651	115,134	120,890	126,936	133,282	139,945	146,942	154,289	162,003

Effective: 07/01/2025 (Ordinance xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Paramedic Classifications)*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
EMERGENCY MEDICAL SERVICES CAPTAIN	32	92,676	97,310	102,175	107,284	112,648	118,280	124,194	130,404	136,924	143,771	150,960
EMERGENCY MEDICAL SERVICES ASST. CHIEF	34	101,944	107,041	112,393	118,012	123,913	130,108	136,613	143,444	150,616	158,148	166,055

Effective: 07/01/2026 (Ordinance xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY LOCAL 3109*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST	19	39,433	41,405	43,475	45,650	47,932	50,329	52,847	55,489	58,264	61,177	63,624
RECREATION SPECIALIST	19											
AUTOMOTIVE PARTS SUPERVISOR	22	45,650	47,932	50,329	52,847	55,489	58,264	61,177	64,238	67,448	70,822	73,655
PLANNER I	22											
COMMUNITY SERVICES COORDINATOR	23	47,932	50,329	52,847	55,489	58,264	61,177	64,238	67,448	70,822	74,363	77,338
CUSTOMER INFO AND ASSISTANCE COORD	23											
HEALTH SERVICES NURSE	23											
ASSESSMENT ANALYST	24	50,329	52,847	55,489	58,264	61,177	64,238	67,448	70,822	74,363	78,081	81,204
EMERGENCY PREPAREDNESS PLANNER	24											
HOUSING FINANCIAL ADVISOR	24											
PROGRAM ANALYST	24											
JUNIOR SYSTEMS PROGRAMMER	26	55,489	58,264	61,177	64,238	67,448	70,822	74,363	78,081	81,985	86,084	89,527
LIBRARIAN I	26											
PENSION PROGRAM ANALYST	26											
PLANNER II	26											
BUDGET AND PROCEDURES ANALYST	27	58,264	61,177	64,238	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,004
COORDINATOR OF EMERGENCY PLANNING	28	61,177	64,238	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	98,704
HOUSING MANAGEMENT ANALYST	28											
INFORMATION SYSTEMS SPECIALIST	28											
LANDSCAPE ARCHITECT	28											
SEWER SYSTEM ANALYST	28											
SYSTEMS PROGRAMMER	28											
TRAFFIC ENGINEER	28											
SENIOR BUDGET AND PROCEDURES ANALYST	29	64,238	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	99,654	103,640
INFORMATION SYSTEMS COORDINATOR	30	67,448	70,822	74,363	78,081	81,985	86,084	90,388	94,908	99,654	104,637	108,822
OPERATIONS ENGINEER	30											
PARKS DEVELOPMENT PLANNER	30											
PLANNER III	30											
TRAINING ADMINISTRATOR	30											
SENIOR NETWORK ENGINEER	31	70,822	74,363	78,081	81,985	86,084	90,388	94,908	99,654	104,637	109,869	114,264
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	74,363	78,081	81,985	86,084	90,388	94,908	99,654	104,637	109,869	115,362	119,976
CHIEF PROCUREMENT OFFICER	34	81,985	86,084	90,388	94,908	99,654	104,637	109,869	115,362	121,129	127,186	132,273

Effective: 07/01/2023 (Ord xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY LOCAL 3109*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST	19	40,419	42,440	44,562	46,791	49,130	51,587	54,168	56,876	59,721	62,706	65,841
RECREATION SPECIALIST	19											
AUTOMOTIVE PARTS SUPERVISOR	22	46,791	49,130	51,587	54,168	56,876	59,721	62,706	65,844	69,134	72,593	76,223
PLANNER I	22											
COMMUNITY SERVICES COORDINATOR	23	49,130	51,587	54,168	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033
CUSTOMER INFO AND ASSISTANCE COORD	23											
HEALTH SERVICES NURSE	23											
ASSESSMENT ANALYST	24	51,587	54,168	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035
EMERGENCY PREPAREDNESS PLANNER	24											
HOUSING FINANCIAL ADVISOR	24											
PROGRAM ANALYST	24											
JUNIOR SYSTEMS PROGRAMMER	26	56,876	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648
LIBRARIAN I	26											
PENSION PROGRAM ANALYST	26											
PLANNER II	26											
BUDGET AND PROCEDURES ANALYST	27	59,721	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,280
COORDINATOR OF EMERGENCY PLANNING	28	62,706	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145
HOUSING MANAGEMENT ANALYST	28											
INFORMATION SYSTEMS SPECIALIST	28											
LANDSCAPE ARCHITECT	28											
SEWER SYSTEM ANALYST	28											
SYSTEMS PROGRAMMER	28											
TRAFFIC ENGINEER	28											
SENIOR BUDGET AND PROCEDURES ANALYST	29	65,844	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,252
INFORMATION SYSTEMS COORDINATOR	30	69,134	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,253	112,616
OPERATIONS ENGINEER	30											
PARKS DEVELOPMENT PLANNER	30											
PLANNER III	30											
TRAINING ADMINISTRATOR	30											
SENIOR NETWORK ENGINEER	31	72,593	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,253	112,616	118,247
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	76,222	80,033	84,035	88,236	92,648	97,281	102,145	107,253	112,616	118,246	124,158
CHIEF PROCUREMENT OFFICER	34	84,035	88,236	92,648	97,281	102,145	107,253	112,616	118,246	124,157	130,366	136,884

Effective: 07/01/2024 (Ord xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY LOCAL 3109*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST	19	41,429	43,501	45,676	47,961	50,358	52,877	55,522	58,298	61,214	64,274	67,487
RECREATION SPECIALIST	19											
AUTOMOTIVE PARTS SUPERVISOR	22	47,961	50,358	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,129
PLANNER I	22											
COMMUNITY SERVICES COORDINATOR	23	50,358	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034
CUSTOMER INFO AND ASSISTANCE COORD	23											
HEALTH SERVICES NURSE	23											
ASSESSMENT ANALYST	24	52,877	55,522	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136
EMERGENCY PREPAREDNESS PLANNER	24											
HOUSING FINANCIAL ADVISOR	24											
PROGRAM ANALYST	24											
JUNIOR SYSTEMS PROGRAMMER	26	58,298	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964
LIBRARIAN I	26											
PENSION PROGRAM ANALYST	26											
PLANNER II	26											
BUDGET AND PROCEDURES ANALYST	27	61,214	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,712
COORDINATOR OF EMERGENCY PLANNING	28	64,274	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699
HOUSING MANAGEMENT ANALYST	28											
INFORMATION SYSTEMS SPECIALIST	28											
LANDSCAPE ARCHITECT	28											
SEWER SYSTEM ANALYST	28											
SYSTEMS PROGRAMMER	28											
TRAFFIC ENGINEER	28											
SENIOR BUDGET AND PROCEDURES ANALYST	29	67,490	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,933
INFORMATION SYSTEMS COORDINATOR	30	70,862	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431
OPERATIONS ENGINEER	30											
PARKS DEVELOPMENT PLANNER	30											
PLANNER III	30											
TRAINING ADMINISTRATOR	30											
SENIOR NETWORK ENGINEER	31	74,408	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,203
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	78,128	82,034	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,202	127,262
CHIEF PROCUREMENT OFFICER	34	86,136	90,442	94,964	99,713	104,699	109,934	115,431	121,202	127,261	133,625	140,306

Effective: 07/01/2025 (Ord.xx-xxx)

*PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE PROFESSIONAL EMPLOYEES REPRESENTED BY LOCAL 3109*

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
HOUSING SPECIALIST	19	42,465	44,589	46,818	49,160	51,617	54,199	56,910	59,755	62,744	65,881	69,174
RECREATION SPECIALIST	19											
AUTOMOTIVE PARTS SUPERVISOR	22	49,160	51,617	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,082
PLANNER I	22											
COMMUNITY SERVICES COORDINATOR	23	51,617	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085
CUSTOMER INFO AND ASSISTANCE COORD	23											
HEALTH SERVICES NURSE	23											
ASSESSMENT ANALYST	24	54,199	56,910	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289
EMERGENCY PREPAREDNESS PLANNER	24											
HOUSING FINANCIAL ADVISOR	24											
PROGRAM ANALYST	24											
JUNIOR SYSTEMS PROGRAMMER	26	59,755	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338
LIBRARIAN I	26											
PENSION PROGRAM ANALYST	26											
PLANNER II	26											
BUDGET AND PROCEDURES ANALYST	27	62,744	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,205
COORDINATOR OF EMERGENCY PLANNING	28	65,881	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316
HOUSING MANAGEMENT ANALYST	28											
INFORMATION SYSTEMS SPECIALIST	28											
LANDSCAPE ARCHITECT	28											
SEWER SYSTEM ANALYST	28											
SYSTEMS PROGRAMMER	28											
TRAFFIC ENGINEER	28											
SENIOR BUDGET AND PROCEDURES ANALYST	29	69,177	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,681
INFORMATION SYSTEMS COORDINATOR	30	72,634	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317
OPERATIONS ENGINEER	30											
PARKS DEVELOPMENT PLANNER	30											
PLANNER III	30											
TRAINING ADMINISTRATOR	30											
SENIOR NETWORK ENGINEER	31	76,268	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,233
GEOGRAPHIC INFORMATION SYSTEMS MANAGER	32	80,081	84,085	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,232	130,444
CHIEF PROCUREMENT OFFICER	34	88,289	92,703	97,338	102,206	107,316	112,682	118,317	124,232	130,443	136,966	143,814

Effective: 07/01/2026 (Ord xx-xxx)

Prime Sponsor(s): Ms. Kilpatrick
Co-sponsor(s): Mr. Smiley
Date of introduction: September 24, 2024

RESOLUTION NO. 24-169

**TO ENCUMBER \$40,000 OF NEW CASTLE COUNTY COUNCIL CONTINGENCY
TO FUND CERTAIN EXPENSES RELATED TO THE NEW CASTLE COUNTY
POLICE ACCOUNTABILITY BOARD, AS APPROVED BY COUNTY COUNCIL**

1 **WHEREAS**, 11 *Del. C. § 8404* requires that each police department establish a
2 board to advise each department on policy, training, and other issues relating to or
3 affecting the department and the community they serve; and
4

5 **WHEREAS**, consistent with the above, New Castle County Council passed
6 Ordinance No. 23-148, creating the New Castle County Police Accountability Board
7 ("Board") at *New Castle County Code Sec. 2.05.204*; and
8

9 **WHEREAS**, the Board provides community members, among other things, an
10 opportunity to provide input on policing in the communities. In addition, the Department
11 of Public Safety, Division of Police, benefits from constructive feedback to reform policies
12 and practices, improve police-community relations, and, thereby, improve public safety;
13 and
14

15 **WHEREAS**, the Board and its members could benefit from a facilitator, training
16 opportunities, including police accountability conferences, or other assistance; and
17

18 **WHEREAS**, to foster the success of the Board, County Council has determined to
19 encumber \$40,000 from the FY2025 Approved Operating Budget County Council
20 Contingency, in collaboration with the Administration, to provide funding for the Board for
21 purposes of engaging a facilitator, training opportunities, including police accountability
22 conferences, or other assistance, if the Board, by a majority vote, deems it appropriate
23 and necessary for its success; and
24

25 **WHEREAS**, all approved expenses related to engaging a facilitator, training
26 opportunities, including police accountability conferences, or other assistance will be
27 processed consistent with and subject to County Council's grant procedures and process.
28

29 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
30 Castle County that County Council hereby encumbers \$40,000 from County Council
31 Contingency to fund certain expenses related to the New Castle County Police
32 Accountability Board, as approved by County Council; and
33

34 **BE IT FURTHER RESOLVED** that all approved expenses related to engaging a
35 facilitator, training opportunities, including police accountability conferences, or other
36 assistance will be processed consistent with and subject to County Council's grant
37 procedures and process.

Adopted by County Council
of New Castle County on:

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

SYNOPSIS: This Resolution, if approved, would encumber \$40,000 of New Castle County Council Contingency to fund certain expenses related to the New Castle County Police Accountability Board, as approved by County Council. All approved expenses related to engaging a facilitator, training opportunities, including police accountability conferences, or other assistance will be processed consistent with and subject to County Council's grant procedures and process.

FISCAL NOTE: This Resolution, if approved, will have no fiscal impact, aside from encumbering the identified funds in County Council Contingency.

Prime Sponsor(s): Ms. George
Requested by: Land Use
Date of introduction: March 26, 2024

ORDINANCE NO. 24-040

**COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING
MAPS IN COUNTY COUNCIL DISTRICT 5 REGARDING THE FOLLOWING
TAX PARCEL: PENCADER HUNDRED: 11-025.00-026 (0 PULASKI HWY OFF,
UPPER CHESAPEAKE CORPORATE CTR)**

1 **WHEREAS**, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as
2 amended by Floor Amendment No. 1 ("New Castle County Comprehensive Plan" or "the
3 Plan"), on July 26, 2022, and the County Executive approved the Ordinance on August
4 4, 2022; and
5

6 **WHEREAS**, the Future Land Use Element and Map Series of the New Castle
7 County Comprehensive Plan designates proposed future general distribution, location
8 and extent of the uses of land consistent with goals, policies and measurable objectives
9 enumerated in the Plan; and
10

11 **WHEREAS**, the New Castle County Comprehensive Plan guides and encourages
12 sustainable economic development sensitive to the context of neighboring residential
13 developments; and
14

15 **WHEREAS**, the New Castle County Comprehensive Plan guides and encourages
16 preservation efforts to best protect important ecological habitats; and
17

18 **WHEREAS**, 9 *Del. C. § 2660* requires New Castle County to amend its official
19 zoning map within eighteen months of the date of adoption of a revision to the county
20 comprehensive plan "to rezone all lands in accordance with the uses and intensities of
21 uses provided for in the future land use element for the County"; and
22

23 **WHEREAS**, Ordinance No. 23-083 was introduced on June 13, 2023, to amend
24 the official zoning map in accordance with the uses and intensities of uses provided for in
25 the future land use element of the New Castle County Comprehensive Plan; and
26

27 **WHEREAS**, the County can foster more informed participation by the public,
28 including increased opportunities for review, by amending the zoning map in smaller
29 portions, such as by Councilmanic District; and
30

31 **WHEREAS**, this County-initiated rezoning is intended to guide and control future
32 growth consistent with the spirit and intent of the Comprehensive Development Plan as
33 provided by State law; and

34 **WHEREAS**, County Council has determined that the amendments to the zoning
35 map substantially advance, and are reasonably and rationally related to, legitimate
36 government interests (i.e., promoting the health, safety, morals, convenience, order,
37 prosperity and/or welfare of the present and future inhabitants of this State).
38

39 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
40

41 Section 1. The Zoning Maps of Pencader Hundred and White Clay Creek
42 Hundred, are hereby amended by changing the zoning classification of the land shown
43 on attached Exhibit "A", Map 1 dated 3/13/2024, as set forth therein.
44

45 Section 2. This Ordinance shall become effective immediately upon passage by
46 New Castle County Council and approval of the County Executive, or as otherwise
47 provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

Kare Hartley-Nagle
President of County Council
of New Castle County

Approved on:

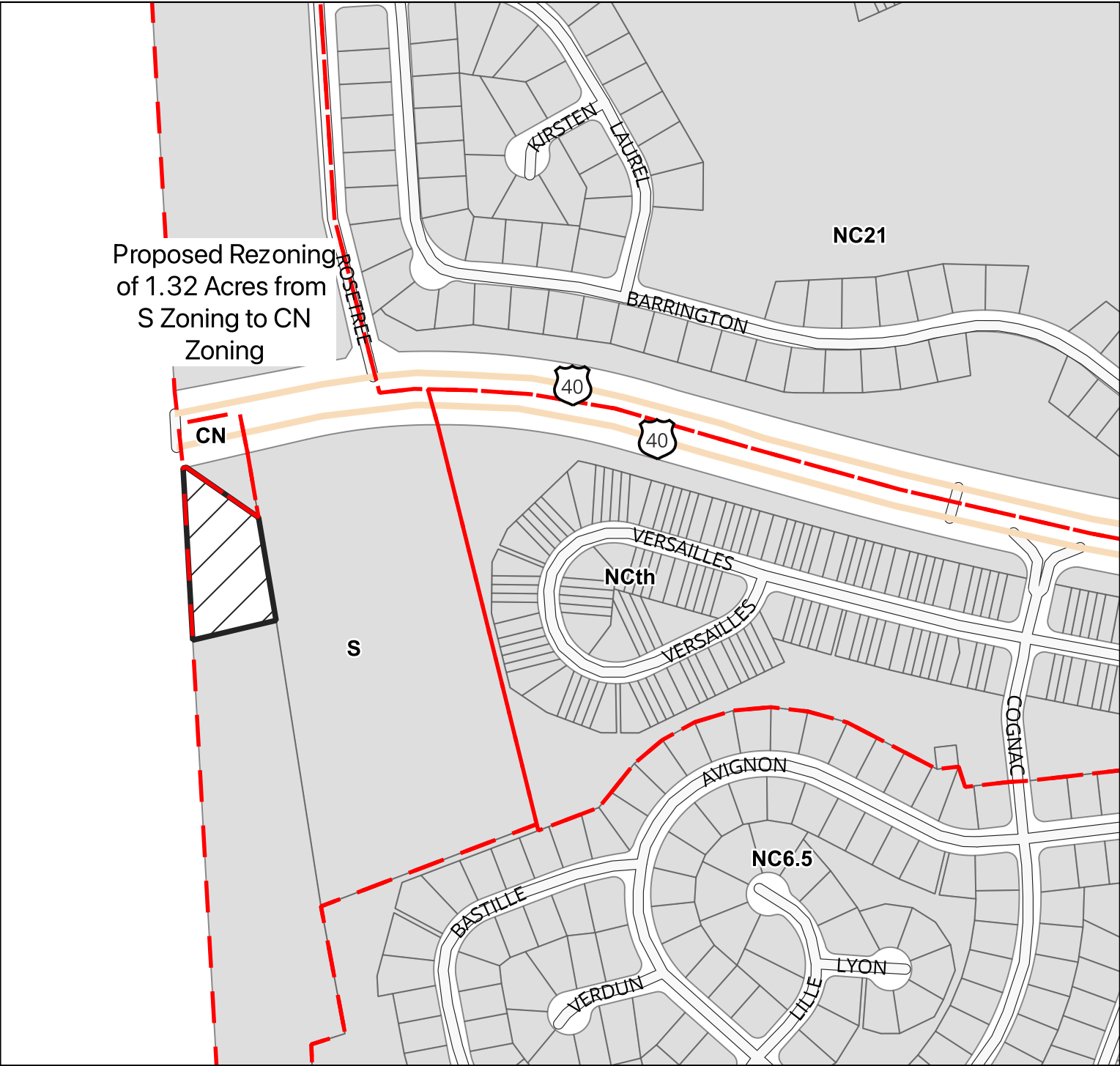
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: Same as title.

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

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: S ZONING TO CN ZONING

APPLICATION NO. 2024-0159-Z
TAX PARCEL NO: 11-025.00-026



HUNDRED: PENCADER
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3883
Prepared by: Matthew Rogers

Date: 3/13/2024



PERMANENT ORDINANCE NO. 24-040
Date Adopted by County Council:
Date Approved by County Executive:



Department of Land Use

**JOINT DEPARTMENT OF LAND USE / PLANNING BOARD
RECOMMENDATION**

**Ordinance No. 24-040
Application No. 2024-0159-Z
Comprehensive Rezoning**

July 16, 2024

Sponsor: Councilwoman George (District 5)

Description: Amend the Zoning Map for County Council District 5 consistent with the Future Land Use Map

EXECUTIVE SUMMARY

The 2022 Update to the New Castle County Comprehensive Development Plan (NCC2050) was the product of more than 2 years of extensive public outreach interacting with thousands of County residents through a variety of virtual and in person meetings.

Ordinance 24-040 proposes to amend the County's official zoning map to rezone lands in County Council District 5 in accordance with the uses and intensities of uses provided for in the Future Land Use Element in the 2022 Update to the New Castle County Comprehensive Development Plan. While the Future Land Use map itself is by Code *not a rezoning*¹ it effectuates future development, preservation, and rezonings in the County.² It further prescribes a range of permissible zoning districts within each designation. The County rezoning process and standards are how the appropriate district for each parcel is designated.

The 2022 Update to the New Castle County Comprehensive Development Plan designates parcel 11-025.00-026 as Business Flex in the Future Land Use Map. This designation described in the Comprehensive Plan as:

These areas include existing preserved lands as well as those appropriate for future preservation. Land within this district includes important environmental and agricultural resources as well as National Scenic Byway areas. Land Use policies shall discourage development and incentivize preservation of these resources.

¹ Del Code, Title 9, Chapter 26, § 2656, New Castle County Code Chapter 28, & NCC2050 Future Land Use Element Page 86.

² Farmers For Fairness v. Kent County Levy Court, 2012 WL 295060: Chancery Court discussed that since no development can occur that is inconsistent with the Land Use Map, that it can be an "effective rezoning"

Rezoning parcel 11-025.00-026, from a nonresidential (Industrial) to residential zoning designation (Suburban) will better preserve and protect these open space, environmental, and historical resources, while discouraging development that could be detrimental.

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

DESCRIPTION

Ordinance 24-040 is a rezoning ordinance that rezones parcel 11-025.00-026, from a residential designation to a nonresidential designation consistent with the Future Land Use map and pursuant to Delaware State Law.³

BACKGROUND

The history of the comprehensive rezoning process dates to the 1950s. Subsequent sections examine how State and County codes evolved over time as well as important comprehensive rezonings in New Castle County history.

Establishment of Zoning & the Rezoning Process

The process and set of standards established in Delaware State Code for rezonings has largely been unchanged since 1951. On June 5, 1951, the State of Delaware granted the Levy Court of New Castle County the authority to adopt zoning regulations and provided a process and legal notice requirements for the establishment and amendment of zoning maps. The process required that the Levy Court establish a Zoning Plan, have a public hearing with the Zoning Commission with notice at least 15 days prior to the hearing in the newspaper of general circulation in the County and adoption by the Levy Court. The process for amendments to the zoning map largely mirrored that of establishing zoning, except for reducing the notice requirement to seven days prior to the Zoning Commission hearing.⁴ New Castle County adopted zoning regulations in September of 1954.

³ Ibid.

⁴ Zoning Enabling Legislation: <https://legis.delaware.gov/SessionLaws/Chapter?id=33182> Dillon's Rule additional reading: <https://www.planning.org/planning/2020/mar/tools-legal-lessons/>

*Levy Court to County Executive/Council/Planning Board & Comprehensive Planning*⁵

In 1965, the structure of New Castle County government was reorganized, replacing the Levy Court with a County Executive and County Council. The rezoning regulations were revised to accommodate this change. This legislation also set forth the requirement that the County adopt a Comprehensive Plan to guide future development but provided limited guidance regarding the drafting or utility of the document.

*Quality of Life Act of 1988*⁶

Delaware State government adopted the Quality of Life Act in 1988 to further “*strengthen the existing role, processes, and powers of County governments in the establishment and implementation of comprehensive planning programs to guide and control future development.*” Adoption of the Quality of Life Act largely established and standardized the requirements, elements, and overall utility of the County’s Comprehensive Development Plan that exists today. A key provision in the Quality of Life Act detailed the effect of the adoption of comprehensive plan’s land use maps:

*After a comprehensive plan or element or portion thereof has been adopted by County Council or Levy Court in conformity with this Act, the land use map or map series forming part of the comprehensive plan as required by this Act shall have the **force of law**, and no development, as defined in this Act, shall be permitted except in conformity with the land use map or map series and with land development regulations enacted to implement the other elements of the adopted comprehensive plan.*⁷

The Delaware Chancery Court confirmed that the land use element/map had the force of law, and that no development is permitted that is not in conformity to it.⁸ When the Quality of Life Act was adopted, there was no time requirement for the zoning map to be brought into conformity with the land use map. In 2001, State Code was revised to read:

Within 18 months of the date of adoption of the county comprehensive plan or revisions thereof, New Castle County shall amend its official zoning map(s) to rezone all lands in accordance with the uses and intensities of uses provided for in the future land use element for the county. In the event that the comprehensive plan includes provisions governing the rate of growth of particular planning districts or sub-areas of the county, the County's zoning

⁵ Reorganization Of The Government Of New Castle County And Amending And Repealing Existing Laws Pertaining Thereto: <https://legis.delaware.gov/SessionLaws/Chapter?id=17035>

⁶ Quality of Life Act of 1988: <https://legis.delaware.gov/SessionLaws/Chapter?id=22445>

⁷ Ibid. Emphasis added.

⁸ In *Farmers for Fairness v. Kent County Levy Court*, 2012 WL 295060, the Court of Chancery stated; *The Act is unambiguous. The land use map or map series has “the force of law,” and the County may not permit development contrary to that provided for in the land use map. The statutory language ...is straightforward and uncomplicated. The “force of law” means that any provisions in the land use map or map series have a “legally binding effect.”*

district regulations shall be amended to reflect the timing elements of the comprehensive plan.⁹

Rezoning in New Castle County

Since the adoption of zoning in 1954, all changes to New Castle County's zoning map have fundamentally followed the process that was originally established in 1951, whether for 1 or 100,000 parcels. The utility of these rezonings ranged from larger initiatives, such as the adoption of the UDC, Diversified Planned Unit Developments, Hometown and Historic Overlays to smaller initiatives such as to legalize existing uses or to support the subsequent recordation of a plan that provides for important residential and nonresidential development.

2022 Update to the New Castle County Comprehensive Plan

The 2022 Update to the New Castle County Comprehensive Plan (The Plan) was the product of more than two years of extensive public outreach. During that process, the Department made extensive efforts to reach out and garner public feedback on not only the overall Goals/Objectives/Strategies expressed in the plan, but also the Future Land Use map and Element.

The Future Land Use map prescribed changing designations from residential to nonresidential in instances where property owners believed that development was likely within the next ten years, to avoid repetitive amendments to the Future Land Use map outside of the formal comprehensive planning process.

The Future Land Use map prescribed changing designations from nonresidential to Resource Preservation in recognition of protected open space and to further protect ecological resources such as Critical Natural Areas.

Ordinance 23-083 Comprehensive Rezoning

Ordinance 23-083 was introduced on June 13, 2023, proposing the rezoning 33 parcels from residential zoning designations to nonresidential zoning designations and 61 parcels from nonresidential designations to residential designations consistent with the Future Land Use map and pursuant to Delaware State Law.¹⁰ The Ordinance was reviewed and recommended for approval by the Department of Land Use and the Planning Board, however was subsequently withdrawn on February 13, 2024, by County Council to facilitate the Department pursuing the *Take 2* initiative. This effort includes conducting additional public outreach and dividing rezoning effort by County Council District.

⁹ <https://legis.delaware.gov/SessionLaws/Chapter?id=19151>

¹⁰ Ibid.

Ordinance 24-040 Comprehensive Rezoning County Council District 5

Ordinance 24-040 was introduced on March 26, 2024, proposing to rezone 1 parcel from residential to nonresidential zoning designation:

Parcel 11-025.00-026 - 1.32 acres from Suburban (S) to Commercial Neighborhood (CN)
Owner: Delaware Land Company, LLC
Address: 0 Off Pulaski Hwy.

Take 2 Community Meeting

On May 22, 2024, in coordination with County Councilmembers held a community meeting at the Delaware State Police Troop 2 Building regarding the Group 3 Comprehensive Rezoning (Ordinances; 24-040, 24-041, 24-042, and 24-043). Residents had the opportunity to review maps of the proposed rezonings and have their questions answered by Department of Land Use staff.

PLUS REVIEW (Preliminary Land Use Service)

The Rezoning proposed by *Ordinance 24-040* was originally proposed by Ordinance 23-083 and as such the PLUS Report, dated August 23, 2023, contains relevant comments from State agencies. The Office of State Planning Coordination reiterated their support for the 2022 New Castle County Comprehensive Plan and its goals and strategies as well as for the rezonings proposed. No other State agency had any comments.¹¹

PLANNING BOARD PUBLIC HEARING – June 4, 2024

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use and hyperlinked below.¹²

Presentation

Matthew Rogers, Planner for the Department of Land Use, presented the *Ordinance 24-040*, discussing the process, outreach, and the site proposed to be rezoned as well as the rationale for the rezoning. There were no questions or comments from the Planning Board following Mr. Rogers' presentation.

Public Comment

There was no public comment on the application at the public hearing.

¹¹ PLUS Report: <https://www3.newcastlede.gov/project/details/default.aspx?ProjectKey=770318>

¹² May 5, 2024, Planning Board Public Hearing:
<https://www3.newcastlede.gov/project/details/default.aspx?ProjectKey=791080>

Written Public Comment:

The Department of Land Use did not receive written public comment while the record was open.

ANALYSIS

Ordinance 24-040 proposes rezoning parcel 11-025.00-026 from a residential zoning designation Suburban (S), to a nonresidential zoning designation Commercial Neighborhood (CN), consistent with the 2022 Update to the New Castle County Comprehensive Plan, which designates the parcel as Business Flex.

Parcel 11-025.00-002, located to the north of the subject property was zoned Residential (R-2), from 1954 until 1999, when it was rezoned to Commercial (C-1) to permit a used clothing store (Martha's Attic). The property was erroneously rezoned to Suburban (S) when the UDC was adopted and was correctively rezoned to Commercial Neighborhood in 2003. The site was acquired by the Delaware Land Company, LLC in 2001 and has served in a commercial capacity since that date.

Parcel 11-025.00-026 has been zoned residential since 1954 (R-2, and Suburban after the adoption of the UDC). The property has remained vacant likely due to being land locked behind parcel 11-025.00-002. The Delaware Land Company, LLC acquired parcel 11-025.00-026, in 2018. Rezoning the property from Suburban to Commercial Neighborhood would permit commercial uses on the property consistent with abutting parcel 11-025.00-002, while not having an adverse impact on the land on the east and south of the property, which are used for Delmarva Power lines. If the parcel is rezoned and consolidated with parcel 11-025.00-002, also owned by The Delaware Land Company, LLC, several nonconformities would be rectified.

The 2022 Update to the New Castle County Comprehensive Development Plan describes land designated as Business Flex as:

These are areas of existing and potential nonresidential development. These areas are essential to the county's continued economic viability, as such, the County Code needs to accommodate changes in form and function of these sites. While the County supports the evolution of these sites to meet future needs, Heavy Industrial uses are not permitted in this District.

Rezoning parcel 11-025.00-026, from residential to a nonresidential zoning designation serves to contribute to the county's continued economic viability.

Standards of Review

Pursuant to Section 40.31.410 of the New Castle County Code, in determining whether an amendment to the zoning map shall be recommended or approved, the following factors shall be considered:

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

Parcel 11-025.00-026 is designated as Business Flex by the Future Land Use Maps. Residential zoning designations are not permissible within this designation. Residential districts such as Commercial Neighborhood are appropriate for the land designated as Business Flex. The County has determined that land use policy for land with the Future Land Use designation of Business Flex, is to represent areas of existing and potential nonresidential development that when considered as a whole are essential to the county's continued economic viability. The rezoning of parcel 11-025.00-026 proposed by Ordinance 24-040 is consistent with the Future Land Use Map, as well as the Comprehensive Development Plan as a whole.

B. Consistency with the character of the neighborhood.

Parcel 11-025.00-026 is located to the rear of parcel 11-025.00-002, which abuts Route 40 and contains a longstanding commercial establishment and is under common ownership with the subject parcel. The subject parcel is also adjacent to nonresidential development to the west of the property in Maryland. The subject property is adjacent to residentially zoned land, however, that land is owned by Delmarva Power and contains Delmarva powerlines. Rezoning this parcel is consistent with the character of their surrounding neighborhoods.

C. Consistency with zoning and use of nearby properties.

Parcel 11-025.00-026 is adjacent to Commercial Neighborhood zoned land (parcel 11-025.00-002) under common ownership. Rezoning parcel 11-025.00-026, from Suburban to Commercial Neighborhood to support commercial uses, is consistent with the zoning and commercial zoning and use of the adjacent parcel.

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

While there is no specific proposed use for parcel 11-025.00-026, it meets the minimum site area and lot size to be zoned Commercial Neighborhood making it suitable, if rezoned for uses permitted in the Commercial Neighborhood district.

E. *Effect on nearby properties.*

The rezoning of parcel 11-025.00-026 to Commercial Neighborhood, to permit commercial uses will likely have little to no impact on nearby properties and could, if consolidated with parcel 11-025.00-002 eliminate existing nonconformities.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E of the *Unified Development Code*, the Future Land Use Map, the comments received from outside agencies, and the comments received by the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of Ordinance 24-040.

PLANNING BOARD RECOMMENDATION

At a business meeting held on July 16, 2024, the Planning Board considered the recommendation provided by the Department of Land use as well as comments from outside agencies and the public.

On a motion made by Ms. Drake and seconded by Mr. Cochran, the Board voted to recommend **APPROVAL** of Ordinance 24-040 as recommended by the Department of Land Use.

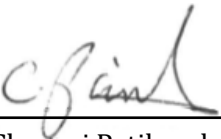
The motion was adopted by a vote of 5-0-0-4 (In Favor: Cantrell, Cochran, Drake, Gray, Visvardis; In Opposition: None; Abstention: None; Absent: Cahill-Krout, Daigle, Peterson, Snowden).

Prior to the vote the following discussion occurred:

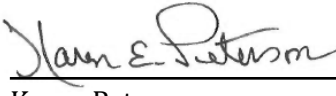
Matthew Rogers read the Department of Land Use recommendation into the record. There were no questions from the Board.

STATUTORY GUIDELINES

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

 08/12/2024

Charuni Patibanda date
General Manager
Department of Land Use

 08/9/2024

Karen Peterson date
Chair
Planning Board

Prime Sponsor(s): Ms. George
Requested by: Land Use
Date of introduction: March 26, 2024

ORDINANCE NO. 24-041

**COMPREHENSIVE REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING
MAPS IN COUNTY COUNCIL DISTRICT 5 REGARDING THE FOLLOWING
TAX PARCEL: WHITE CLAY CREEK HUNDRED: 09-033.00-038 (475 GENDER RD,
BREEZEWOOD SEC III)**

1 **WHEREAS**, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as
2 amended by Floor Amendment No. 1 ("New Castle County Comprehensive Plan" or "the
3 Plan"), on July 26, 2022, and the County Executive approved the Ordinance on August
4 4, 2022; and
5

6 **WHEREAS**, the Future Land Use Element and Map Series of the New Castle
7 County Comprehensive Plan designates proposed future general distribution, location
8 and extent of the uses of land consistent with goals, policies and measurable objectives
9 enumerated in the Plan; and
10

11 **WHEREAS**, the New Castle County Comprehensive Plan guides and encourages
12 sustainable economic development sensitive to the context of neighboring residential
13 developments; and
14

15 **WHEREAS**, the New Castle County Comprehensive Plan guides and encourages
16 preservation efforts to best protect important ecological habitats; and
17

18 **WHEREAS**, 9 *Del. C. § 2660* requires New Castle County to amend its official
19 zoning map within eighteen months of the date of adoption of a revision to the county
20 comprehensive plan "to rezone all lands in accordance with the uses and intensities of
21 uses provided for in the future land use element for the County"; and
22

23 **WHEREAS**, Ordinance No. 23-083 was introduced on June 13, 2023, to amend
24 the official zoning map in accordance with the uses and intensities of uses provided for in
25 the future land use element of the New Castle County Comprehensive Plan; and

26 **WHEREAS**, the County can foster more informed participation by the public,
27 including increased opportunities for review, by amending the zoning map in smaller
28 portions, such as by Councilmanic District; and
29

30 **WHEREAS**, this County-initiated rezoning is intended to guide and control future
31 growth consistent with the spirit and intent of the Comprehensive Development Plan as
32 provided by State law; and

33 **WHEREAS**, County Council has determined that the amendments to the zoning
34 map substantially advance, and are reasonably and rationally related to, legitimate
35 government interests (i.e., promoting the health, safety, morals, convenience, order,
36 prosperity and/or welfare of the present and future inhabitants of this State).
37

38 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
39

40 Section 1. The Zoning Maps of Pencader Hundred and White Clay Creek
41 Hundred, are hereby amended by changing the zoning classification of the land shown
42 on attached Exhibit "A", Map 1 dated 3/13/2024, as set forth therein.
43

44 Section 2. This Ordinance shall become effective immediately upon passage by
45 New Castle County Council and approval of the County Executive, or as otherwise
46 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:

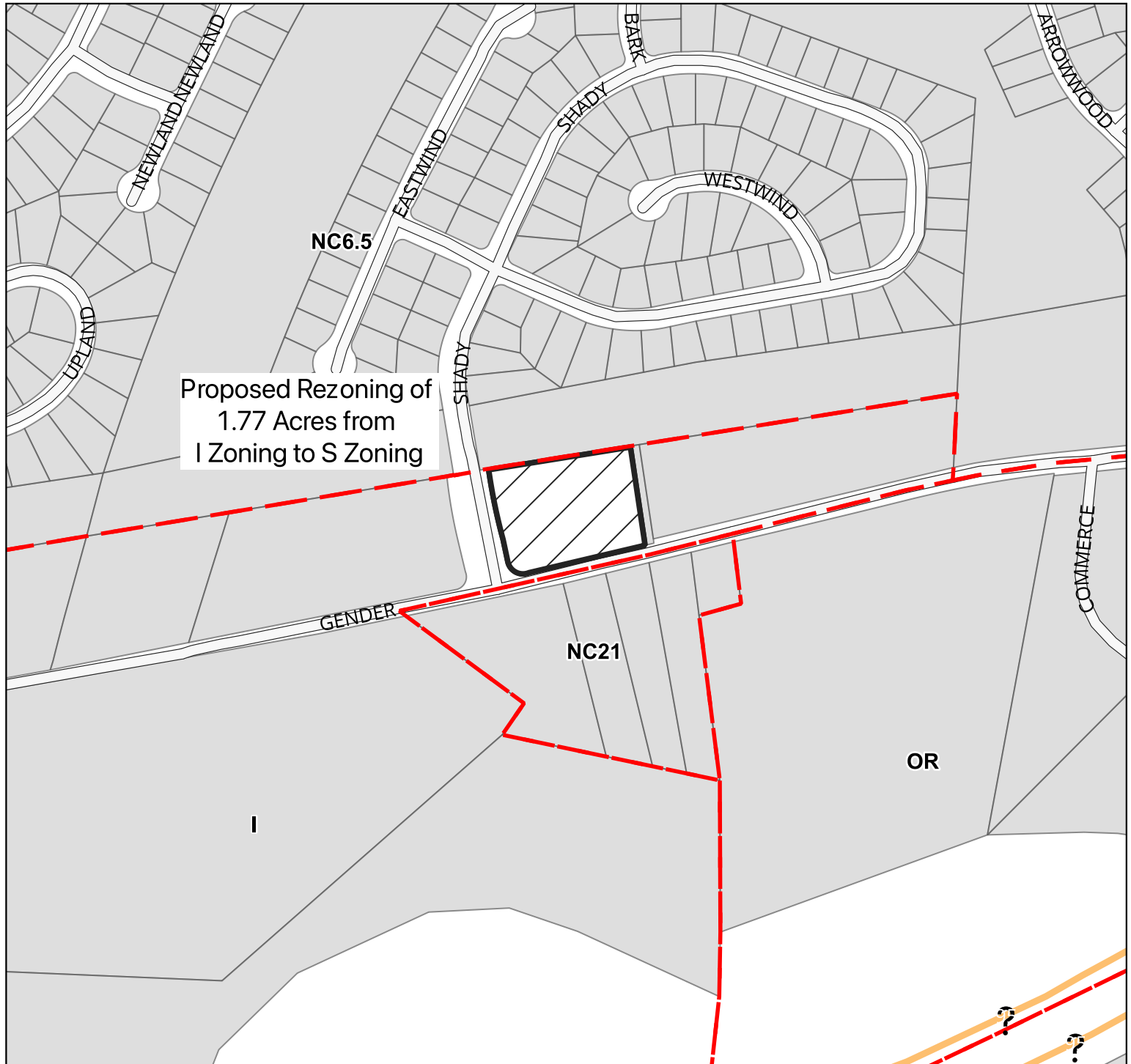
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: Same as title.

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

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: I ZONING TO S ZONING

APPLICATION NO. 2024-0158-Z
TAX PARCEL NO: 09-033.00-038



HUNDRED: WHITE CLAY CREEK
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3864
Prepared by: Matthew Rogers

Date: 3/13/2024



PERMANENT ORDINANCE NO. 24-041
Date Adopted by County Council:
Date Approved by County Executive:



Department of Land Use

**JOINT DEPARTMENT OF LAND USE / PLANNING BOARD
RECOMMENDATION**

**Ordinance No. 24-041
Application No. 2024-0158-Z
Comprehensive Rezoning**

July 16, 2024

Sponsor: Councilwoman George (District 5)

Description: Amend the Zoning Map for County Council District 5 consistent with the Future Land Use Map

EXECUTIVE SUMMARY

The 2022 Update to the New Castle County Comprehensive Development Plan (NCC2050) was the product of more than 2 years of extensive public outreach interacting with thousands of County residents through a variety of virtual and in person meetings.

Ordinance 24-041 proposes to amend the County's official zoning map to rezone lands in County Council District 5 in accordance with the uses and intensities of uses provided for in the Future Land Use Element in the 2022 Update to the New Castle County Comprehensive Development Plan. While the Future Land Use map itself is by Code *not a rezoning*¹ it effectuates future development, preservation, and rezonings in the County.² It further prescribes a range of permissible zoning districts within each designation. The County rezoning process and standards are how the appropriate district for each parcel is designated.

The 2022 Update to the New Castle County Comprehensive Development Plan designates parcel 09-033.00-038 as Resource Preservation in the Future Land Use Map. This designation described in the Comprehensive Plan as:

These areas include existing preserved lands as well as those appropriate for future preservation. Land within this district includes important environmental and agricultural resources as well as National Scenic Byway areas. Land Use policies shall discourage development and incentivize preservation of these resources.

¹ Del Code, Title 9, Chapter 26, § 2656, New Castle County Code Chapter 28, & NCC2050 Future Land Use Element Page 86.

² Farmers For Fairness v. Kent County Levy Court, 2012 WL 295060: Chancery Court discussed that since no development can occur that is inconsistent with the Land Use Map, that it can be an "effective rezoning"

Rezoning parcel 09-033.00-038, from a nonresidential (Industrial) to residential zoning designation (Suburban) will better preserve and protect these open space, environmental, and historical resources, while discouraging development that could be detrimental.

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

DESCRIPTION

Ordinance 24-041 is a rezoning ordinance that rezones 1 parcel (09-033.00-038) from a nonresidential designation to a residential designation consistent with the Future Land Use map and pursuant to Delaware State Law.³

BACKGROUND

The history of the comprehensive rezoning process dates to the 1950s. Subsequent sections examine how State and County codes evolved over time as well as important comprehensive rezonings in New Castle County history.

Establishment of Zoning & the Rezoning Process

The process and set of standards established in Delaware State Code for rezonings has largely been unchanged since 1951. On June 5, 1951, the State of Delaware granted the Levy Court of New Castle County the authority to adopt zoning regulations and provided a process and legal notice requirements for the establishment and amendment of zoning maps. The process required that the Levy Court establish a Zoning Plan, have a public hearing with the Zoning Commission with notice at least 15 days prior to the hearing in the newspaper of general circulation in the County and adoption by the Levy Court. The process for amendments to the zoning map largely mirrored that of establishing zoning, except for reducing the notice requirement to seven days prior to the Zoning Commission hearing.⁴ New Castle County adopted zoning regulations in September of 1954.

³ Ibid.

⁴ Zoning Enabling Legislation: <https://legis.delaware.gov/SessionLaws/Chapter?id=33182> Dillon's Rule additional reading: <https://www.planning.org/planning/2020/mar/tools-legal-lessons/>

*Levy Court to County Executive/Council/Planning Board & Comprehensive Planning*⁵

In 1965, the structure of New Castle County government was reorganized, replacing the Levy Court with a County Executive and County Council. The rezoning regulations were revised to accommodate this change. This legislation also set forth the requirement that the County adopt a Comprehensive Plan to guide future development but provided limited guidance regarding the drafting or utility of the document.

*Quality of Life Act of 1988*⁶

Delaware State government adopted the Quality of Life Act in 1988 to further “*strengthen the existing role, processes, and powers of County governments in the establishment and implementation of comprehensive planning programs to guide and control future development.*” Adoption of the Quality of Life Act largely established and standardized the requirements, elements, and overall utility of the County’s Comprehensive Development Plan that exists today. A key provision in the Quality of Life Act detailed the effect of the adoption of comprehensive plan’s land use maps:

*After a comprehensive plan or element or portion thereof has been adopted by County Council or Levy Court in conformity with this Act, the land use map or map series forming part of the comprehensive plan as required by this Act shall have the **force of law**, and no development, as defined in this Act, shall be permitted except in conformity with the land use map or map series and with land development regulations enacted to implement the other elements of the adopted comprehensive plan.*⁷

The Delaware Chancery Court confirmed that the land use element/map had the force of law, and that no development is permitted that is not in conformity to it.⁸ When the Quality of Life Act was adopted, there was no time requirement for the zoning map to be brought into conformity with the land use map. In 2001, State Code was revised to read:

Within 18 months of the date of adoption of the county comprehensive plan or revisions thereof, New Castle County shall amend its official zoning map(s) to rezone all lands in accordance with the uses and intensities of uses provided for in the future land use element for the county. In the event that the comprehensive plan includes provisions governing the rate of growth of particular planning districts or sub-areas of the county, the County's zoning

⁵ Reorganization Of The Government Of New Castle County And Amending And Repealing Existing Laws Pertaining Thereto: <https://legis.delaware.gov/SessionLaws/Chapter?id=17035>

⁶ Quality of Life Act of 1988: <https://legis.delaware.gov/SessionLaws/Chapter?id=22445>

⁷ Ibid. Emphasis added.

⁸ In *Farmers for Fairness v. Kent County Levy Court*, 2012 WL 295060, the Court of Chancery stated; *The Act is unambiguous. The land use map or map series has “the force of law,” and the County may not permit development contrary to that provided for in the land use map. The statutory language ...is straightforward and uncomplicated. The “force of law” means that any provisions in the land use map or map series have a “legally binding effect.”*

district regulations shall be amended to reflect the timing elements of the comprehensive plan.⁹

Rezoning in New Castle County

Since the adoption of zoning in 1954, all changes to New Castle County's zoning map have fundamentally followed the process that was originally established in 1951, whether for 1 or 100,000 parcels. The utility of these rezonings ranged from larger initiatives, such as the adoption of the UDC, Diversified Planned Unit Developments, Hometown and Historic Overlays to smaller initiatives such as to legalize existing uses or to support the subsequent recordation of a plan that provides for important residential and nonresidential development.

2022 Update to the New Castle County Comprehensive Plan

The 2022 Update to the New Castle County Comprehensive Plan (The Plan) was the product of more than two years of extensive public outreach. During that process, the Department made extensive efforts to reach out and garner public feedback on not only the overall Goals/Objectives/Strategies expressed in the plan, but also the Future Land Use map and Element.

The Future Land Use map prescribed changing designations from residential to nonresidential in instances where property owners believed that development was likely within the next ten years, to avoid repetitive amendments to the Future Land Use map outside of the formal comprehensive planning process.

The Future Land Use map prescribed changing designations from nonresidential to Resource Preservation in recognition of protected open space and to further protect ecological resources such as Critical Natural Areas.

Ordinance 23-083 Comprehensive Rezoning

Ordinance 23-083 was introduced on June 13, 2023, proposing the rezoning 33 parcels from residential zoning designations to nonresidential zoning designations and 61 parcels from nonresidential designations to residential designations consistent with the Future Land Use map and pursuant to Delaware State Law.¹⁰ The Ordinance was reviewed and recommended for approval by the Department of Land Use and the Planning Board, however was subsequently withdrawn on February 13, 2024, by County Council to facilitate the Department pursuing the *Take 2* initiative. This effort includes conducting additional public outreach and dividing rezoning effort by County Council District.

⁹ <https://legis.delaware.gov/SessionLaws/Chapter?id=19151>

¹⁰ Ibid.

Ordinance 24-041 Comprehensive Rezoning County Council District 5

Ordinance 24-041 was introduced on March 26, 2024, proposing to rezone 1 parcel from residential to nonresidential zoning designation:

Parcel 09-033.00-038- 1.77 acres from Industrial (I) to Suburban (S)
Owner: New Castle County
Address: 475 Gender Road

Take 2 Community Meeting

On May 22, 2024, in coordination with County Councilmembers, the Department held a community meeting at the Delaware State Police Troop 2 Building regarding the Group 3 Comprehensive Rezonings (*Ordinances; 24-040, 24-041, 24-042, and 24-043*). Residents had the opportunity to review maps of the proposed rezonings and have their questions answered by Department of Land Use staff.

PLUS REVIEW (Preliminary Land Use Service)

The Rezoning proposed by *Ordinance 24-041* was originally proposed by Ordinance 23-083 and as such the PLUS Report, dated August 23, 2023, contains relevant comments from State agencies. The Office of State Planning Coordination reiterated their support for the 2022 New Castle County Comprehensive Plan and its goals and strategies as well as for the rezonings proposed. No other State agency had any comments.¹¹

PLANNING BOARD PUBLIC HEARING – June 4, 2024

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use and hyperlinked below.¹²

Presentation

Matthew Rogers, Planner for the Department of Land Use, presented the *Ordinance 24-041*, discussing the process, outreach, and the site proposed to be rezoned as well as the rationale for the rezoning. There were no questions or comments from the Planning Board following Mr. Rogers' presentation.

Public Comment

There was no public comment on the application at the public hearing.

¹¹ PLUS Report: <https://www3.newcastlede.gov/project/details/default.aspx?ProjectKey=770318>

¹² May 5, 2024, Planning Board Public Hearing:
<https://www3.newcastlede.gov/project/details/default.aspx?ProjectKey=791079>

Written Public Comment:

The Department of Land Use did not receive written public comment while the record was open.

ANALYSIS

Ordinance 24-041 proposes rezoning parcel 09-033.00-038 from a nonresidential designation Industrial (I), to a residential zoning designation Suburban (S), consistent with the 2022 Update to the New Castle County Comprehensive Plan, which designated the parcel as Resource Preservation.

Parcel 09-033.00-038 was originally rezoned from Residential (R-2) to Manufacturing (M-1) in 1968 (Ord. 68-028) as part of the Breezewood development. New Castle County acquired the property in 1987, and it has served as open space since that date. In 1997, with the adoption of the Unified Development Code the property was zoned Industrial. Parcel 09-033.00-038 is adjacent to Neighborhood Conservation zoned land to the north and south and Industrial zoned land to the east and west. The Unified Development Code does not permit rezoning land to Neighborhood Conservation, and since the site is within the Sewer Service Area, Suburban is the appropriate residential zoning designation.

The 2022 Update to the New Castle County Comprehensive Development Plan describes land designated as Resource Preservation as:

These areas include existing preserved lands as well as those appropriate for future preservation. Land within this district includes important environmental and agricultural resources as well as National Scenic Byway areas. Land Use policies shall discourage development and incentivize preservation of these resources.

Rezoning parcel 09-033.00-038, from nonresidential to a residential zoning designation serves to better preserve and protect these open space, environmental, and historical resources, while discouraging development that could be detrimental.

Standards of Review

Pursuant to Section 40.31.410 of the New Castle County Code, in determining whether an amendment to the zoning map shall be recommended or approved, the following factors shall be considered:

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

Parcel 09-033.00-038 is designated as Resource Preservation by the Future Land Use Maps. Nonresidential zoning designations are not permissible within this designation. Residential districts such as Suburban are appropriate for the land designated as Resource Preservation.

The County has determined that land use policy for land with the Future Land Use designation of Resource Preservation, is to encourage the preservation of environmental, agricultural, and historic resources and would permit development consistent and sensitive to existing community character. The rezoning of parcel 09-033.00-038 proposed by Ordinance 24-041 is consistent with the Future Land Use Map, as well as the Comprehensive Development Plan as a whole.

B. Consistency with the character of the neighborhood.

Parcel 09-033.00-038 has served as open space adjacent to the Breezewood Sec III development, owned by New Castle County, for nearly 40 years, and is to remain in that capacity. Rezoning this parcel is consistent with the character of their surrounding neighborhoods.

C. Consistency with zoning and use of nearby properties.

Parcel 09-033.00-038 has served as open space for nearly 40 years, rezoning it from Industrial to Suburban is consistent with neighboring residential uses. While parcel 09-033.00-038 is adjacent to Neighborhood Conservation zoned land, the Unified Development Code does not permit rezoning land to Neighborhood Conservation. Since it is within the Sewer Service Area, Suburban is the appropriate residential zoning designation.

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

Parcel 09-033.00-038 serves as open space and the rezoning of this parcel is consistent with the current and future use of the property.

E. Effect on nearby properties.

The rezoning of parcel 09-033.00-038 to Suburban, discouraging development and encouraging preservation of the land will not have a negative impact on nearby properties, and will be consistent with their current use and that of nearby properties.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E of the *Unified Development Code*, the Future Land Use Map, the comments received from outside agencies, and the comments received by the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of Ordinance 24-041.

PLANNING BOARD RECOMMENDATION

At a business meeting held on July 16, 2024, the Planning Board considered the recommendation provided by the Department of Land use as well as comments from outside agencies and the public.

On a motion made by Ms. Drake and seconded by Mr. Cantrell, the Board voted to recommend **APPROVAL** of Ordinance 24-041 as recommended by the Department of Land Use.

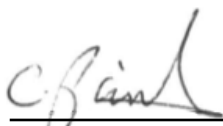
The motion was adopted by a vote of 5-0-0-4 (In Favor: Cantrell, Cochran, Drake, Gray, Visvardis; In Opposition: None; Abstention: None; Absent: Cahill-Krout, Daigle, Peterson, Snowden).

Prior to the vote the following discussion occurred:

Matthew Rogers read the Department of Land Use recommendation into the record. There were no questions from the Board.

STATUTORY GUIDELINES

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


08/12/2024

Charuni Patibanda date
General Manager
Department of Land Use


08/9/2024

Karen Peterson date
Chair
Planning Board

SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-057

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), ARTICLE 7 (“TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES”), ARTICLE 8 (“NONCONFORMING SITUATIONS”), ARTICLE 22 (“DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”) AND ARTICLE 33 (“DEFINITIONS”), REGARDING DEVELOPMENT AND REDEVELOPMENT

WHEREAS, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as amended by Floor Amendment No. 1 (“New Castle County Comprehensive Plan” or “the Ordinance”), on July 26, 2022, and the County Executive approved the Ordinance on August 4, 2022; and

WHEREAS, the Concord Pike (US 202) Corridor Master Plan and the New Castle County Comprehensive Plan identify the need for revisions to the redevelopment provisions in the Unified Development Code and recommend context sensitive development design that is consistent with the Guiding Principles for Development; and

WHEREAS, the New Castle County Comprehensive Plan encourages redevelopment of industrial land, strip malls, office parks, and other “greyfields” to strengthen community cohesion, environmental quality, fiscal productivity, and quality of life; and

WHEREAS, the New Castle County Comprehensive Plan calls on the County to enact land use policies and regulations that incentivize infill and redevelopment in and around job centers; and

WHEREAS, the New Castle County Comprehensive Plan guides development and redevelopment to be sensitive to the context of neighboring residential development; and

WHEREAS, existing redevelopment provisions in the Unified Development Code are not applicable for developments that require variances, thereby reducing potential economic and design improvements in the County; and

WHEREAS, the County recognizes the importance of updating its development regulations to be consistent with, and implement, the New Castle County Comprehensive Plan; 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. *New Castle County Code* Chapter 40 (“Unified Development Code or “UDC”), Article 3 (“Use Regulations”), Division 40.03.100 (“Use Regulations”), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.03.110. Use table.

Table 40.03.110 lists the type...

Table 40.03.110 A GENERAL USE TABLE									Table 40.03.110 B GENERAL USE TABLE							Table 40.03.110 C GENERAL USE TABLE		
Zoning District (Urban and Suburban- Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory,									Zoning District (Suburban and Special Character)							Additional Standards (all districts)		
Land Use	* TN	S T	M M	ON	OR	C R	B P	I	C N	*** S	S E	** N C	HI	EX	S R	Parking	Limited & Special Use Standards	
Commercial									Commercial							Commercial		
...Mixed use	L	N	N	L	L	L	N	N	L	N	N	N	N	N	N	Table 40.03.522	Section 40.03.318, Division 40.25.200	
<u>Multifamily conversion</u>	<u>L</u>	<u>N</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>N</u>	<u>N</u>	<u>L</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Section 40.03.340</u>	
Restaurants...	L	N	N	N	L	Y	L	L	Y	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Division 40.25.200	
Public interest and special events	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Table 40.03.522	Section 40.03.330	
Temporary miscellaneous sales	L	N	N	N	N	L	N	N	L	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.331	
NOTES: * Refer to Article 25 for design standards for TN District. ** Refer to Section 40.02.241 for identification of permitted residential uses by specific NC zoning district. *** See Division 40.25.100 for Village and Hamlet Standards.																		

Section 2. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 3 (“Use Regulations”), Division 40.03.300 (“Additional limited and special use standards”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.03.318. Mixed uses

[All mixed uses shall meet the following requirements] Mixed use is intended to facilitate development that is planned, designed and managed as an integrated development comprised of residential and nonresidential uses oriented to a pedestrian precinct and

intended to provide convenient shopping, employment and residential opportunities while reducing vehicular trip generation. For all proposed mixed uses, the following apply:

- A. The mixed use development shall include a minimum of five (5) dwelling units comprising a minimum of twenty-five (25) percent or a maximum of ~~[fifty]~~seventy-five (~~[50]~~75) percent of the total gross floor area on the site.
- B. In addition to the residential requirements above, mixed use development shall include a minimum of three (3) different uses ~~[from at least two (2) of the following land use categories: Commercial retail and service, Section 40.33.240 (E); Office, Section 40.33.240 (L); Restaurant, Section 40.33.240 (K); Craft alcohol production establishment (CAPE), Section 40.33.240 (M); Institutional neighborhood, Section 40.33.230 (E); Public Service, Section 40.33.230 (H)]~~. Gas stations, single use (e.g. stand-alone or pad site) restaurants, and restaurants with drive through service ~~[shall]~~must not ~~[be permitted in]~~ exceed ten (10) percent of GFA within a mixed use development.
- C. Residential uses shall provide outdoor areas...
- D. In the OR and ON zoning districts, [a minimum of sixty-seven (67) percent of the nonresidential gross floor area of the mixed use development]at least twenty-five percent (25%) of the total gross floor area shall consist of office uses. Developments proposing more than twenty-five percent (25%) of the total gross floor area as nonresidential must provide a minimum of fifty percent (50%) of the nonresidential GFA as office use(s).
- E. A CAPE shall include a tasting room...
- F. Loading areas shall not be oriented toward a public street...
- G. In districts where mixed uses are specifically permitted, a density bonus is contained in Table 40.04.110.

...

Sec. 40.03.340. Multifamily conversion.

Multifamily conversions are intended to facilitate and encourage the redevelopment of existing office and commercial sites and increase the diversity in housing opportunities in the county where supporting infrastructure exists. The following requirements apply to all multifamily conversions:

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a Heavy Industry zoned parcel or a parcel with a Heavy Industry Use as defined in Section 40.33.270.C.
- B. Excluding mixed use developments, legally existing commercial or office GFA may be converted to apartments or residential condominiums subject to Section 40.31.711.

- C. A land development application that proposes new GFA as part of a multifamily conversion is reviewed under the standards for “other permitted use” in the underlying zoning district set forth in Table 40.04.110, and is reviewed in accordance with the process and standards for a Resubdivision Plan, a Minor Land Development Plans or a Major Land Development Plan.
- D. Multifamily conversion may yield one dwelling unit for every eight hundred (800) square feet of GFA. The average size of an apartment or residential condominium unit in a multifamily conversion must be at least eight hundred (800) square feet of GFA.
- E. At least two hundred (200) square feet of yard space, balcony, deck space or roof top area for each apartment or residential condominium unit must be provided.
- F. A multifamily conversion is required to provide Moderately Priced Dwelling Units in accordance with Article 7.

Section 3. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 7 (“Transfer of Development Rights and Other Incentives And Bonuses”), Division 40.07.500 (“Traditional Neighborhood Housing Program”), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.07.510. Mandatory applicability.

Required Moderately Priced Dwelling Units (“MPDUs”). MPDUs shall be required subject to the following conditions.

- A. On all rezoning applications ...
- E. This Section shall not apply to the acreage ...
- F. On a multifamily conversion application proposing twenty-five (25) or more residential units, ten (10) percent of all units must be set aside as MPDUs.
- G. On a mixed use or transit oriented development application proposing one hundred (100) or more residential units, ten (10) percent of all units must be set aside as MPDUs.

...

Sec. 40.07.560. Affordability period and controls.

MPDUs established by a multifamily conversion, mixed use, or transit oriented development must remain subject to the restrictions contained in this Division for a fifteen (15) year affordability period calculated from the date of first sale or rental of each unit. All other MPDUs shall remain subject to the restrictions contained in this Division for a ten (10) year affordability period calculated from the date of first sale. All resales during the affordability period shall be subject to the following restrictions...

Section 4. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 7 (“Transfer of Development Rights and Other Incentives And Bonuses”), Division 40.07.600 (“Infill development bonus”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth

below:

Division 40.07.600. ~~[Infill-d]~~Development bonuses.

This Division provides incentives for ~~[infill and mixed-use type]~~ developments that combat sprawl, enhance the viability of older ~~[neighborhoods]~~commercial areas, provide employment opportunities, or encourage transit use.

Sec. 40.07.610. Eligibility.

~~[Areas designated by the Department for infill]~~ The following development types shall be eligible for a development bonus. [The infill development shall be for one (1) of five (5) types:]

A. ~~[Mixed uses development. Mixed uses sites are zoned CR, ON, OR, BP, or I. The frontage adjoining the site must be in nonresidential use for a total distance of one thousand (1,000) feet including the site.~~

B. ~~Redevelopment. Refer to Subsection 40.08.130.B.6 for qualification standards and the process for review and approval of redevelopment sites.]~~

Community Development. These sites are located in areas identified by the Comprehensive Plan as Community Development Areas.

~~[C]B.~~[Infill]Corridor Redevelopment. These sites are ~~[zoned S, ST, or TN. Individual properties shall have a site size able to accommodate twenty-five (25) dwelling units at the open space planned development]~~nonresidential zoned sites located in Type 1 Commercial Corridor Development Areas.

~~[D]C.~~Transit oriented infill. ...

~~[E]D.~~Employment infill. ...

Sec. 40.07.620. ~~[Mixed use bonus.~~

~~A mixed use development in a generally nonresidential area shall be permitted subject to an increase in the floor area as a result of permitting. In districts where mixed uses are specifically permitted, a bonus is contained in Table 40.04.110. If mixed uses are not permitted in the district, they shall be permitted as a bonus to encourage infill development.~~

A. ~~Uses with at grade parking. If the use incorporates at grade parking, the following shall be used to calculate the new intensity of use.~~

1. ~~The landscaped surface ratio shall be reduced by multiplying by eighty-five hundredths (0.85), while keeping the landscape planting requirements at the same number of plants as would have been the case without the area reduction. The reduced landscape surface ratio cannot be less than that required to protect natural resources, Table 40.05.420.~~

2. ~~The developer shall calculate the parking ratios for each use and follow Section 40.22.616 for reduced parking with mixed uses.~~

3. ~~The project shall be allowed one (1) additional story to exceed the floor area ratio by the area of that floor and to exceed the height requirement of Table 40.04.110. The floor area increase shall be measured at the top floor.~~

B. ~~Uses with structured parking.~~

1. ~~Shall conform to 1 and 2 above.~~

2. ~~The project shall be allowed two (2) additional stories to exceed the floor area ratio by the area of those floors, and to exceed the height requirement of Table 40.04.110. The floor area increase shall be measured at the top floor.]~~

Community Development incentive.

Except for uses identified in Section 40.33.270, a land development plan in an area identified as a Community Development Area and consistent with the Community Area Master Plan Key Recommendations in the Comprehensive Plan are eligible for the Community Development incentive. The following apply to land a development plan that includes the Community Development incentive:

A. A nonresidential land development plan is reviewed as a redevelopment plan under Section 40.08.130.B.6 without the requirement to demolish GFA.

B. The permitted density or floor area ratio is increased by fifteen (15) percent.

C. The minimum open space ratio or landscape surface ratio in Article 4, Table 40.04.110A is reduced to 0.15.

D. The development must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.

...

Sec. 40.07.640. [Infill bonus]Corridor Redevelopment incentive.

[Infill development may receive an eight (8) percent bonus where the developer uses land that has remained undeveloped for a period of at least twenty-five (25) years, and there are no utility, transportation, or environmental constraints. The Department in coordination with the Historic Review Board shall use the following standards in determining whether to grant the bonus] Corridor Redevelopment occurs on developed nonresidential land identified by the Comprehensive Development Plan as a Type 1 Commercial Corridor Development Area. The following apply to land development plans that include the Corridor Redevelopment incentive:

A. [In no case shall the open space required by Article 5 be reduced] A nonresidential land development plan is reviewed as a redevelopment plan under Section 40.08.130.B.6 without the requirement to demolish GFA.

B. ~~[The site shall meet all capacity constraints of Article 5.]~~

~~[C.]The development [scale, design, and landscaping is compatible and enhances the character of the neighborhood]must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.~~

Sec. 40.07.650. Transit oriented infill.

A bonus for transit oriented development shall be provided as follows:

A. Rail transit oriented infill shall receive a bonus of up to thirty (30) percent to be granted pursuant to the rules of this Section.

1. The development shall be zoned and built to Suburban Transition (ST), Commercial Neighborhood (CN), or Commercial Regional (CR) standards, except:

a. The ~~[maximum]~~minimum open space in Table 40.04.110 shall be reduced ~~[from twenty-five (25) or thirty-five (35) percent to fifteen (15) or]by twenty-five (20)5) percent to accommodate the extra density.~~

b. Mixed uses within four hundred (400) feet ...

c. Multi-family developments shall meet

2. ~~The minimum parking for[The] mixed use, higher density, attached or multi-family units [shall have structured parking] is reduced by 12%.~~

3. The rail transit station ~~[shall]~~may have structured parking ~~[and may]~~ incorporated ~~[it]~~ into a mixed use building. The Department may modify the mixed use requirements to provide the needed commercial and residential parking in close proximity to the station.

B. Bus transit oriented infill...

Section 5. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 8 ("Nonconforming Situations"), Division 40.08.100 ("General Regulations"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.08.130. Alterations, enlargements, or extensions.

A. *Nonconforming use.* ...

B. *Nonconforming building, structure, or situation.* A nonconforming building, structure or situation other than a nonconforming use may be enlarged, extended or replaced only as provided below:

1. *Extension or enlargement...*

- 323
324 2. *Alteration.* ...
325
326 3. *Restoration.* ...
327
328 4. *Replacement or repair.* ...
329
330 5. *Reconstruction.* ...
331
332 6. *Redevelopment and Brownfields.*
333

- 334 a. *Purpose.* Redevelopment is intended to facilitate and encourage the
335 continued viability of previously developed land by granting a credit for ~~[both~~
336 ~~]extractive use sites, [and] Brownfields, [; and for sites with legally existing~~
337 ~~gross floor area (GFA) that has been demolished by more than fifty (50)~~
338 ~~percent of its GFA. New construction may be configured or located~~
339 ~~elsewhere on the site although] and nonconforming nonresidential sites.~~
340 The rehabilitation or restoration of existing structures is highly
341 recommended. [Improvements to select design elements shall be
342 incorporated that acknowledge the unique characteristics of each
343 previously developed site. The record plan shall indicate that the plan has
344 been reviewed and approved according to the redevelopment standards in
345 this section with improvements to design elements noted on plan.]
346 Redevelopment is also intended to facilitate and encourage the
347 improvement of former or existing extractive use or Brownfield sites that
348 may lack any current or prior GFA.~~[A site capacity analysis pursuant to~~
349 ~~Division 40.05.400 may be required to determine permitted GFA for~~
350 ~~extractive use sites.]~~
351
352 b. *Applicability.* ~~[The standards of this section are limited to r]~~Redevelopment
353 ~~[to]of nonresidential uses and sites [are]is subject to the following:[- The~~
354 ~~standards of this section shall apply only to sites that have been: (i)~~
355 ~~designated as a Brownfield; (ii) developed under the Former Code; (iii)~~
356 ~~developed prior to adoption of New Castle County development regulations;~~
357 ~~or, (iv) are former or existing extractive use sites.]~~
358
359 i. The site and all buildings on the site ~~[shall]~~must be first evaluated for
360 historical significance ~~[pursuant to]~~under Article 15.
361
362 ii. The applicant ~~[shall be]~~is permitted to utilize all ~~[of the]~~legally
363 established ~~[square footage]~~GFA for the site ~~[provided that said~~
364 ~~square footage]~~if the GFA is existing or has existed on the site.
365 Unbuilt GFA may not be utilized.
366
367 iii. Except as otherwise provided in Subsection B.6.b.iv below, for
368 Commercial Neighborhood (CN) and Office Neighborhood (ON)
369 zoned sites, at least fifteen (15) percent of built GFA that is not
370 determined to be historically significant must be demolished. For all
371 other zoning districts, at least fifty (50) percent built GFA that is not
372 determined to be historically significant must be demolished.
373

- iv. Legally existing GFA on extractive use, Brownfield, or nonresidential sites identified by the Comprehensive Plan as either a Community Development Area or Type 1 Commercial Corridor Development Area need not be demolished for the site to be eligible for redevelopment.
- v. For ~~[office or commercial]~~nonresidential zoned sites that are currently used for residential purposes and abut residentially zoned property, the applicant must provide the entire required buffer against the residential land.
- vi. The redevelopment of a site ~~[pursuant to]~~under Subsection 40.08.130 B.6. permits the continuation of certain nonconforming situations, but prohibits the creation of any new nonconformity or the expansion of an existing nonconformity. In the event a plan proposes development that does not otherwise comply with this Chapter ~~[resulting in an application for a variance, the provisions of Subsection 40.08.130 B.6. shall not be applicable and the owner/developer shall instead apply for all variances necessary to develop the property.]~~, the applicant may submit a variance application, if the plan includes elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.
- vii. Levels of proportional compliance are required to meet or exceed the provisions provided for in Subsection B.6.e. In lieu of this section, an applicant may choose to redevelop the site in full compliance with the UDC.
- viii. For sites requiring fifty (50) or more parking spaces, the maximum parking permitted for a redevelopment plan is one hundred and fifteen (115) percent of the minimum parking required by this Chapter.
- ix. For land identified by the Comprehensive Development Plan as a Corridor Area, the property owner must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.
- x. Excluding parking structures, Commercial Regional (CR) zoned land within one thousand (1,000) feet of a parcel with a passenger rail station can only be redeveloped as a permitted or limited use.
- xi. The record plan must indicate that the plan has been reviewed and approved according to the redevelopment standards in this section with improvements to design elements noted on plan.
- c. *Redevelopment plans.* Redevelopment plans shall be reviewed as minor or major land development plans as defined in Article 33 unless the following criteria apply:
- i. Minor redevelopment land development.

- (a) The plan proposes GFA...
- (b) The plan proposes credit ...
- (c) The creation of a business park or industrial park regardless of the number of lots or square footage ~~[unless it is in conflict with Subsection B.6.e.7].~~
- ii. Major redevelopment land development —With net increase.
- ~~[(a)]~~ The plan proposes credit for legally established GFA plus additional new GFA of greater than fifty thousand (50,000) square feet but not to exceed the permitted FAR in Table 40.04.110 and provided no special studies are needed.
- ~~[(b)]~~ ~~Major land development plans that are not subject to a rezoning may proceed directly to record plan submission following exploratory plan approval. A PLUS hearing shall be scheduled during the exploratory plan review stage.]~~
- d. *Review process...*
- e. *Design element improvements.* Improvements toward further code compliance...
- i. The exploratory sketch plan ~~[shall]~~must identify ...
- ii. The Department may require ...
- iii. For a Brownfield site, [T]the applicant [shall submit]must provide documentation from DNREC identifying and confirming the status [Brownfield]of the site as part of the exploratory plan submission [prior to review].
- iv. ~~[A site resource capacity analysis need not be conducted (see Section 40.05.050 A).]~~
- ~~[v.]~~ The redevelopment of a Brownfield site in a floodplain ~~[shall]~~must comply ...
- v[i]. [All-i]Impact fees [as]are only required for GFA that exceeds existing legally established GFA on the site [by Article 14 shall be waived] (see Article 14 [Table 40.14.210]).
- vi[i]. An operational analysis or a traffic impact study ~~[shall be]~~is required if requested by DeIDOT or the Department. Proposed development that exceeds the legally approved GFA is subject to DeIDOT transportation impact standards, and the County may limit or restrict development to less GFA if that is recommended by DeIDOT. As a result, DeIDOT may require transportation improvements as a

condition of its letter of no objection. For major plans or rezonings, [I]
if an existing Level of Service (LOS) is A, B, C, or D, the proposed
development may not cause that LOS to become E or F. If the
existing LOS is E, the proposed development may not cause that
LOS to become F.

vii[i]. The redevelopment of a site within six hundred sixty (660) feet ...

f. *Permitted uses for Brownfields.* The I (Industrial) zoning district office use restriction of Section 40.03.321 shall not apply. General office uses will be permitted without limitation. ~~[Mixed use development shall be permitted in the I zoning district subject to the same standards for mixed use in the OR zoning district including Section 40.03.318 and Tables 40.04.110 and 111.]~~ In the HI ~~[D]~~district, the applicant may utilize the standards for lot size and setbacks from the I district. All uses permitted in the I district ~~[except for mixed use]~~, including office use as enumerated above, shall be permitted in the HI district.

g. *Density bonuses.* A redevelopment density bonus in any zoning district not to exceed twenty-five (25) percent of the maximum nonresidential GFA or multifamily dwelling density allowed in Table 40.04.110 A or twenty-five (25) percent of the legally established nonresidential GFA or multifamily dwelling density on the site, whichever is greater, ~~[shall be]~~is permitted. Any redevelopment project that includes a density bonus as provided for in this Section shall be reviewed and evaluated ~~[pursuant to Section 40.25.410]~~ under Appendix 7, Guiding Principles.

h. *Annual report.* The Department ~~[and the Redevelopment Office]~~ shall provide County Council with an annual report on the use and effectiveness of the redevelopment section which shall be discussed at a Council Committee Meeting open to the public. The annual report may also recommend amendments to this Division and this Chapter based upon the success or failure of redevelopment plans to meet stated goals and objectives.

7. *Bridge reconstruction...*

TABLE 40.08.130 B Work Table to Calculate Value of Individual Design Element Improvements and Total Aggregate Percent Improvement for Redevelopment Land Development Plans					
(a) <i>Improvement Design Elements (at least four (4) separate design element improvements shall be made.)</i>	(b) <i>UDC Site Specific Requirements and Standards</i>	(c) <i>Current or Existing Situation</i>	(d) <i>Proposed Improvement to Existing Situation</i>	(e) <i>Percent Improvement (d/b)</i>	(f) <i>Comments</i>
Parking					
Number of required spaces...					
* Architectural					
** Guiding Principles					
* Energy efficient design					
Other					
Other					
Other					
<i>Total Aggregate Percent Improvement (column e), must exceed four hundred (400) percent =</i>					
<i>* Maximum allowable percent improvement for these elements is 50%.</i> <i>** Not applicable for plans subject to Sections 40.08.130.B.6.b.vi and ix.</i>					

Section 6. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 22 (“Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting”), Division 40.22.610 (“Parking and Loading”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.22.615. Parking Reduction

Where a unique situation is proposed or exists which will not generate the need for as many parking spaces as required by this Article, the applicant may petition the Department to authorize such reduction. The request for a parking reduction shall include a parking demand and needs analysis (PDNA) as described in this subsection which shall be submitted to the Department for review and approval. The Department

shall be authorized to grant a reduction to the parking requirements when a PDNA shows that the requirements, as applied to the particular use, would exceed the minimum necessary to conveniently serve the customers, clients, visitors and employees. ~~The components of a~~ A PDNA must include ~~[at least]~~ the following components:

- A. A narrative discussion ...
- D. Proposed means of parking/traffic mitigation ...
- E. With the exception of plans where the Comprehensive Plan identifies a site as being in either a Type 1 Commercial Corridor Development or Community Development Area, and includes elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7, ~~[T]he number of required parking spaces reduced by an approved PDNA, [no longer required as a result of the PDNA analysis and the uses proposed]~~ must ~~[still]~~be shown on-site as potential parking to accommodate future parking needs. ~~[should]~~ If the proposed uses identified in the PDNA change ~~[and]~~ the reductions granted will no longer be applicable.

Section 7. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 31 ("Procedures and Administration"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.31.320. Applications generally.

- A. *Forms...*
- E. *Withdrawal of application. ...*
- F. *Public notice of land development plans.*
 - 1. *Online notice.* The Department shall post the receipt of all major and minor land development plans and Resubdivision Plans on a web page established for legal notices on the County's website within five (5) days of the receipt of a completed application.
 - 2. *Posted notice.* The applicant shall erect a posted notice sign for all major and minor land development plans and Resubdivision Plans within ten (10) days of submission of a completed initial exploratory sketch plan to the Department. ...

Sec. 40.31.711. Resubdivision plan.

Proposed revisions to previously recorded plans and previously platted parcels that will not result in any new lots or additional gross floor area shall be considered resubdivisions and shall be reviewed as minor plans for any of the following purposes:

- A. Lot line changes....
- F. Amendments to notes...

581
582 G. Multifamily conversions proposed under Section 40.03.340.B.
583 ...
584

585 **Sec. 40.31.716. Record plan modification.**
586

587 The General Manager of the Department shall have the authority to approve record
588 plan modifications to correct errors and to allow minor revisions to previously-recorded
589 plans.
590

591 A. A record plan modification shall be permitted for any of the following purposes.
592

- 593 1. To correct typographical errors or missing or incorrect bearings and distances
594 or building restriction lines.
595
596 2. To adjust lot lines to correct surveying errors or omissions.
597
598 3. To adjust plan phasing for plans that are of a single use category, with the
599 exception of mixed use projects.
600
601 4. To correct site data and plan notes that were made in error.
602
603 5. To eliminate or relocate any private easements depicted on a record plan.
604
605 6. Making changes to open space or common facilities by maintenance
606 organizations, condominium or third-party conservancies (Section
607 40.27.540.B).
608
609 7. Relocating nonresidential accessory structures, waste storage, and HVAC
610 equipment (Section 40.03.430 and Section 40.03.431).
611
612 8. Converting temporary outdoor restaurant seating established in Section
613 40.03.329 to permanent outdoor seating.
614
615
616

617 B. Record plan modifications shall be reviewed as minor plans. ...
618

619 **Sec. 40.31.820. Land Development Improvement Agreement (LDIA).**
620

621 Except for minor residential subdivisions or plans for which a governmental entity is
622 the applicant or property owner, all improvements contemplated in minor or major land
623 development plans as required by this Chapter for sewer, drainage and detention, as
624 well as for other improvements such as stormwater management facilities, parking,
625 curbing, paving, sidewalks, open space improvements and common facilities, property
626 monuments, earthwork, lighting, landscaping and bufferyards (except for replacement of
627 on-lot residential landscaping), and any other improvements required by this Chapter
628 ("the Improvements") shall be subject to a performance guarantee.
629

630 A. The developer's engineer shall submit an itemized cost estimate for [~~water,~~
631 ~~sewer, storm drainage, detention, lighting, any off-site~~] the I[i]mprovements, [and
632 any other improvements required by this Chapter]. The designers of the

~~[landscapes, buffers, and/or other i]~~Improvements shall submit cost estimates. Valid bids from contractors may be substituted for cost estimates. The Department shall review all bids, checking for consistency with similar bids or public bids to ensure they are reasonable.

B. In the alternative, ~~[the]~~a formula as established by the Department may be used in lieu of cost estimates.

C. The developer ~~[shall]~~ must establish a performance guarantee acceptable to the County to guarantee and warrant the costs of constructing ~~[and/]~~or reconstructing all improvements shown on the record plan. The performance guarantee shall be provided in one ~~[(1)]~~of two ~~[(2)]~~ ways:

1. The developer may submit the performance guarantee prior to plan recordation. In accordance with the construction phasing plan, the performance guarantee may be tied to the cost of the ~~[i]~~Improvements for phases of the minor or major land development plans, as shown on such plans, in which case a surety in the amount of one hundred twenty (120) percent for a particular phase ~~[shall]~~must be available upon recordation of the record plan and subsequent phase sureties posted at the time of pre-construction request or building permit; or

2. In lieu of Subsection C.1, the developer ~~[shall]~~must, prior to plan recordation, submit a performance guarantee in the sum of five thousand dollars (\$5,000.00). The developer shall then submit the full performance guarantee under Subsection C.1., prior to the preconstruction meeting or building permit application. An annual administrative fee ~~[of two hundred fifty dollars (\$250.00) shall be]~~ is required in an amount set forth in Appendix 2 until the full performance guarantee is provided.

D. The performance guarantee ~~[shall]~~must remain posted with the Department until such time that all open space and common facilities have been inspected and receive final approval and in accordance with the construction phasing plan. The amount of the surety shall be required ~~[and determined]~~ by the Department in the amount of one hundred twenty (120) percent of the ~~[cost estimates and/or the cost of completing the open space and common facilities and in accordance with the construction phasing plan]~~dollar amount calculated under Subsection A or B above.

1. ~~[The surety shall be reduced to the amount of the maintenance guarantee as outlined below and the remainder returned to the developer after the completed work has been]~~ After all open space and common facilities have been constructed and approved by the Departments of Public Works and Land Use, the surety may be reduced or released.

2. [The]A maintenance guarantee is required in an amount [will be] equal to twenty (20) percent of the [cost of constructing the stormwater management facilities] performance guarantee provided under Subsection A or B above. [and shall serve as the maintenance guarantee that a]All [i]Improvements [are]except for landscaping must be free from defects for a minimum [of five (5) years]period of time after the date of the Department of Public Works' inspection and acceptance of the final

improvement to be constructed. For non-residential projects, the minimum period is three (3) years; for residential projects, five (5) years. The Department of Public Works may extend the maintenance guarantee period as deemed necessary by the General Manager as defects are discovered. The purpose of this surety is to ensure that the facilities are constructed as designed and ~~constructed to~~ function as intended.

3. All reductions in the amount or releases of the letter of credit or other surety ~~[shall]~~must be approved by the General Manager of the Department of Public Works.
- E. Each ~~[surety]~~performance guarantee provided prior to plan recordation ~~[shall]~~must be for a period of not less than three (3) years, unless a longer time is requested by the Department.
- F. The bond, letter of credit or other surety ~~[shall]~~must be executed by the applicant and a corporate surety or financial institution licensed to do business in the State that is not associated with the developer.
- G. Prior to the approval of a minor or major land development plan, the LDIA must be reviewed and approved by the County and recorded in the Office of the Recorder of Deeds.

Section 8. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 33 ("Definitions"), Division 40.33.300 ("General definitions"), is hereby amended by adding the material that is underscored, as set forth below:

Division 40.33.300. General definitions.

This Division contains the definition of words used in this Chapter. ...

Abandonment. That the use, structure, or sign...

Minor land development. A plan that proposes one (1) or more of the following:

- A. A subdivision of land resulting in five (5) lots or less and not creating new street rights-of-way.
- B. Except for single-family dwellings and accessory structures ...
- C. Any major utility except electric power generating facilities. ...
- D. A minor utility that is...
- E. Large scale solar energy systems.

Motor vehicle. For purposes of Section 40.03.440...

Mulch operations. A process that results in a product ...

735 *Multifamily Conversion.* The conversion of office or commercial GFA to apartments or
736 residential condominium units.

737
738 *Multi-modal transportation.* The availability or use of more than one ...

739
740 *National Geodetic Vertical Datum (NGVD).* Elevations referenced ...

741
742 Section 9. Consistent with Comprehensive Development Plan. New Castle County
743 Council finds that the provisions of this Ordinance are consistent with the spirit and intent
744 of the New Castle County Comprehensive Development Plan.

745
746 Section 10. Inconsistent Ordinances and Resolutions Repealed. All ordinances or
747 parts of ordinances and all resolutions or parts of resolutions that may be in conflict
748 herewith are hereby repealed except to the extent they remain applicable to land use
749 matters reviewed under previous Code provisions as provided in Chapter 40 of the *New*
750 *Castle County Code*.

751
752 Section 11. Severability. The provisions of this Ordinance shall be severable. If
753 any provision of this Ordinance is found by any court of competent jurisdiction to be
754 unconstitutional or void, the remaining provisions of this Ordinance shall remain valid,
755 unless the court finds that that the valid provisions of this Ordinance are so essentially
756 and inseparably connected with, and so dependent upon, the unconstitutional or void
757 provision that it cannot be presumed that County Council would have enacted the
758 remaining valid provisions, without the unconstitutional or void one, or unless the court
759 finds that the remaining valid provisions, standing alone, are incomplete and incapable of
760 being executed in accordance with the County Council's intent. If any provision of this
761 Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all
762 applicable former ordinances, resolutions, zoning maps or portions thereof shall become
763 applicable and shall be considered as continuations thereof as not as new enactments
764 regardless if severability is possible.

765
766 Section 12. Effective Date. This Ordinance shall become effective immediately
767 upon its adoption by County Council and approval by the County Executive or as
768 otherwise provided in 9 *Del. C.* § 1156 and shall only apply to Land Use applications
769 submitted after such date(s) unless the applicant by written request agrees to submit to
770 the provisions of this Ordinance.

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

Sec. 40.03.110. This amendment establishes which zoning districts permit Multifamily Conversions.

Sec. 40.03.318. This amendment clarifies that the density bonus for mixed use development is located in Table 40.04.110, allows ten percent of a mixed use development to gas stations, single use (e.g. stand-alone or pad site) restaurants, and restaurants with drive through service, adjusts the minimum percent of nonresidential gross floor area from 67% to 50%, and requires a minimum of 25% of GFA to consist of office uses in the OR and ON zoning districts.

Sec. 40.03.340. This amendment establishes Limited Use standards for Multifamily Conversions.

Sec. 40.07.510. This amendment requires 10% of all units be MPDUs on any multifamily conversion application proposing 25 or more residential units.

Sec. 40.07.560. This amendment sets an affordability period for MPDUs established by a Multifamily conversion to be 15 years.

Sec. 40.07.610. This amendment eliminates redundant language regarding Mixed Use and Redevelopment bonuses, establishes eligibility for density bonuses associated with community development and replaces the infill bonus with the Type 1 Commercial Corridor Development Area bonus.

Sec. 40.07.620. This amendment eliminates mixed use bonus language that is addressed elsewhere in the code. This amendment also establishes a bonus and standards for development in areas identified a Community Development Area and consistent with the Community Area Master Plan Key Recommendations in the Comprehensive Plan.

Sec. 40.07.640. This amendment redefines the Infill bonus to be the Corridor Redevelopment incentive. This amendment also establishes review standards and limits the bonus locations to the Type 1 Commercial Corridor Development Areas identified in the Comprehensive Plan.

Sec. 40.08.130. This amendment clarifies the section caption, clarifies that nonconforming uses are not included among the nonconforming situations that may be

expanded, clarifies that enlargements less than 1,000 square feet GFA must comply with this Chapter, provides that enlargements in certain districts greater than 5,000 square feet GFA must be brought into proportional compliance, expands the use of redevelopment provisions to CN and ON sites demolished more than fifteen percent of GFA, and breaks up large paragraphs into subparagraphs. Paragraph B.6 clarifies that nonresidential sites rendered nonconforming may also qualify for redevelopment, that extractive use and brownfield sites without demolished GFA may qualify, that—when required—only fifteen percent of GFA must be demolished in CN and ON zoned sites, that the percentage of GFA to be demolished is determined exclusive of historically significant GFA to promote historic preservation, provides that redevelopment plans may now seek variances if the plan complies with Appendix 7 with respect to design principles for the Character Area, and establishes a parking maximum. Table 40.08.130 is expanded to include Guiding Principles and energy efficient design. Additionally, this amendment clarifies that GFA proposed by a redevelopment plan exceeding the legally approved GFA is subject to traffic impact standard, and that DelDOT may require transportation improvements for major plans or rezonings that decrease Level of Service to a certain extent.

Sec. 40.22.615. This amendment provides that parking spaces eliminated as a result of the PDNA analysis on a nonresidential development plan need not be depicted on a plan where certain requirements are met.

Sec. 40.31.320. This amendment expands online and posted notification requirements to include Resubdivision Plans.

Sec. 40.31.711. This amendment identifies multifamily conversions proposed under Section 40.03.340.B as Resubdivision Plans.

Sec 40.31.820. This amendment clarifies that 20% of the performance guarantee is to be reserved as a maintenance guarantee, that the developer may either reduce its surety or provide a new surety to serve as the maintenance guarantee, references Appendix 2 for the annual fee and provides minor edits for readability.

Sec. 40.33.300. This amendment defines multifamily conversions and revises the definition for Minor Land Development to include Large Scale Solar Energy Systems.

Substitute No. 1. The following changes are included in Substitute No. 1:

Sec. 40.03.318. This amendment clarifies that in the OR and ON zoning districts, at least twenty-five percent (25%) of the total gross floor area must consist of office uses. For mixed use developments proposing more than twenty-five percent (25%) of the total gross floor area as nonresidential a minimum of fifty percent (50%) of the nonresidential GFA must consist of office uses.

Sec. 40.07.510. This amendment requires 10% of all units be MPDUs on any mixed use and transit oriented development proposing 100 or more residential units.

Sec. 40.07.560. This amendment sets an affordability period for MPDUs established by a mixed use or transit oriented development to be 15 years.

Sec. 40.07.650. This amendment revises the transit oriented infill bonus for rail transit oriented development to be allowed in Commercial Neighborhood (CN) and Commercial Regional (CR) zoned land. This amendment reduces the minimum open space requirement for TOD development by 25%. This amendment also removes the requirement rail transit oriented development with mixed use, higher density, attached or multi-family units have structured parking and reduces the minimum parking requirements by 12% for those types of developments.

Sec. 40.08.130. This amendment requires that the redevelopment of Commercial Regional (CR) zoned parcels greater than fifteen (15) acres in size, and within two thousand (2,000) feet of a passenger rail station must be developed as mixed use.

Sec 40.31.716. This amendment allows maintenance organizations, condominium or third-party conservancies to make changes to open space or common facilities through the recordation of a Record Plan Modification. This amendment also allows nonresidential uses to relocate accessory nonresidential structures and convert temporary seating through the recordation of a Record Plan Modification

Sec 40.31.820. This amendment sets the minimum maintenance guaranteed period for nonresidential projects at 3 years.

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

**FLOOR AMENDMENT NO. 1 TO
SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-057**

Substitute No. 1 to Ordinance No. 24-057 is amended at lines 109-111, line 433, and line 477, respectively, by adding the material that is underlined and highlighted in yellow and by deleting the material with strikethroughs and highlighted in red, as follows.

Sec. 40.03.340. Multifamily conversion.

Multifamily conversions are intended to facilitate and encourage the redevelopment of existing office and commercial sites and increase the diversity in housing opportunities in the county where supporting infrastructure exists. The following requirements apply to all multifamily conversions:

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of ~~a Heavy Industry~~ an Industrial zoned parcel or a parcel with ~~a Heavy Industry~~ an Industrial Use as defined in Sections 40.33.270.C. and D.

Sec. 40.08.130. Alterations, enlargements, or extensions.

c. *Redevelopment plans.* Redevelopment plans shall be reviewed as minor or major land development plans as defined in Article 33 unless the following criteria apply:

- i. Minor redevelopment land development.
- (a) The plan proposes GFA...
 - (b) The plan proposes credit ...
 - (c) The creation of a business park or industrial park regardless of the number of lots or square footage ~~[unless it is in conflict with Subsection B.6.e.7].~~
 - (d) The proposed plan relates to a warehouse.

e. *Design element improvements.* Improvements toward further code compliance...

- vi[i]. An operational analysis or a traffic impact study ~~[shall be]~~ is required if requested by DeIDOT or the Department. Proposed development that exceeds the legally approved GFA is subject to DeIDOT transportation impact standards, and the County may limit or restrict development to less GFA if that is recommended by DeIDOT. As a result, DeIDOT may require transportation improvements as a condition of its letter of no objection. ~~For major plans or rezonings, [i]~~
i If an existing Level of Service (LOS) is A, B, C, or D, the proposed development may not cause that LOS to become E or F. If the existing LOS is E, the proposed development may not cause that LOS to become F.

ORDINANCE NO. 24-057

**TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED
DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”),
ARTICLE 7 (“TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES
AND BONUSES”), ARTICLE 8 (“NONCONFORMING SITUATIONS”), ARTICLE 22
 (“DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND
LIGHTING”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”) AND
ARTICLE 33 (“DEFINITIONS”), REGARDING DEVELOPMENT AND
REDEVELOPMENT**

WHEREAS, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as amended by Floor Amendment No. 1 (“New Castle County Comprehensive Plan” or “the Ordinance”), on July 26, 2022, and the County Executive approved the Ordinance on August 4, 2022; and

WHEREAS, the Concord Pike (US 202) Corridor Master Plan and the New Castle County Comprehensive Plan identify the need for revisions to the redevelopment provisions in the Unified Development Code and recommend context sensitive development design that is consistent with the Guiding Principles for Development; and

WHEREAS, the New Castle County Comprehensive Plan encourages redevelopment of industrial land, strip malls, office parks, and other “greyfields” to strengthen community cohesion, environmental quality, fiscal productivity, and quality of life; and

WHEREAS, the New Castle County Comprehensive Plan calls on the County to enact land use policies and regulations that incentivize infill and redevelopment in and around job centers; and

WHEREAS, the New Castle County Comprehensive Plan guides development and redevelopment to be sensitive to the context of neighboring residential development; and

WHEREAS, existing redevelopment provisions in the Unified Development Code are not applicable for developments that require variances, thereby reducing potential economic and design improvements in the County; and

WHEREAS, the County recognizes the importance of updating its development regulations to be consistent with, and implement, the New Castle County Comprehensive Plan; 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. *New Castle County Code* Chapter 40 (“Unified Development Code or “UDC”), Article 3 (“Use Regulations”), Division 40.03.100 (“Use Regulations”), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.03.110. Use table.

Table 40.03.110 lists the type...

Table 40.03.110 A GENERAL USE TABLE										Table 40.03.110 B GENERAL USE TABLE								Table 40.03.110 C GENERAL USE TABLE		
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory,										Zoning District (Suburban and Special Character)								Additional Standards (all districts)		
Land Use	* TN	S T	M M	ON	OR	C R	B P	I	C N	*** S	S E	** N C	HI	EX	S R	Parking	Limited & Special Use Standards			
Commercial										Commercial								Commercial		
...Mixed use	L	N	N	L	L	L	N	N	L	N	N	N	N	N	N	Table 40.03.522	Section 40.03.318, Division 40.25.200			
<u>Multifamily conversion</u>	<u>L</u>	<u>N</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>N</u>	<u>N</u>	<u>L</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Section 40.03.340</u>			
Restaurants...	L	N	N	N	L	Y	L	L	Y	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Division 40.25.200			
Public interest and special events	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Table 40.03.522	Section 40.03.330			
Temporary miscellaneous sales	L	N	N	N	N	L	N	N	L	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.331			
NOTES: * Refer to Article 25 for design standards for TN District. ** Refer to Section 40.02.241 for identification of permitted residential uses by specific NC zoning district. *** See Division 40.25.100 for Village and Hamlet Standards.																				

Section 2. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 3 (“Use Regulations”), Division 40.03.300 (“Additional limited and special use standards”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.03.318. Mixed uses

[All mixed uses shall meet the following requirements] Mixed use is intended to facilitate development that is planned, designed and managed as an integrated development comprised of residential and nonresidential uses oriented to a pedestrian precinct and

intended to provide convenient shopping, employment and residential opportunities while reducing vehicular trip generation. For all proposed mixed uses, the following apply:

- A. The mixed use development shall include a minimum of five (5) dwelling units comprising a minimum of twenty-five (25) percent or a maximum of ~~[fifty]~~seventy-five (~~[50]~~75) percent of the total gross floor area on the site.
- B. In addition to the residential requirements above, mixed use development shall include a minimum of three (3) different uses ~~[from at least two (2) of the following land use categories: Commercial retail and service, Section 40.33.240 (E); Office, Section 40.33.240 (L); Restaurant, Section 40.33.240 (K); Craft alcohol production establishment (CAPE), Section 40.33.240 (M); Institutional neighborhood, Section 40.33.230 (E); Public Service, Section 40.33.230 (H)]~~. Gas stations, single use (e.g. stand-alone or pad site) restaurants, and restaurants with drive through service ~~[shall]~~must not ~~[be permitted in]~~ exceed ten (10) percent of GFA within a mixed use development.
- C. Residential uses shall provide outdoor areas...
- D. In the OR and ON zoning districts, ~~[a minimum of sixty-seven (67) percent of the nonresidential gross floor area of the mixed use development]~~at least 25 percent (25%) of the total gross floor area and at least 50 percent (50%) of the nonresidential gross floor area of the mixed use development shall consist of office uses.
- E. A CAPE shall include a tasting room...
- F. Loading areas shall not be oriented toward a public street...
- G. In districts where mixed uses are specifically permitted, a density bonus is contained in Table 40.04.110.
- ...

Sec. 40.03.340. Multifamily conversion.

Multifamily conversions are intended to facilitate and encourage the redevelopment of existing office and commercial sites and increase the diversity in housing opportunities in the county where supporting infrastructure exists. The following requirements apply to all multifamily conversions:

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a Heavy Industry zoned parcel or a parcel with a Heavy Industry Use as defined in Section 40.33.270.C.
- B. Excluding mixed use developments, legally existing commercial or office GFA may be converted to apartments or residential condominiums subject to Section 40.31.711.

- C. A land development application that proposes new GFA as part of a multifamily conversion is reviewed under the standards for “other permitted use” in the underlying zoning district set forth in Table 40.04.110, and is reviewed in accordance with the process and standards for a Resubdivision Plan, a Minor Land Development Plans or a Major Land Development Plan.
- D. Multifamily conversion may yield one dwelling unit for every eight hundred (800) square feet of GFA. The average size of an apartment or residential condominium unit in a multifamily conversion must be at least eight hundred (800) square feet of GFA.
- E. At least two hundred (200) square feet of yard space, balcony, deck space or roof top area for each apartment or residential condominium unit must be provided.
- F. A multifamily conversion is required to provide Moderately Priced Dwelling Units in accordance with Article 7.

Section 3. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 7 (“Transfer of Development Rights and Other Incentives And Bonuses”), Division 40.07.500 (“Traditional Neighborhood Housing Program”), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.07.510. Mandatory applicability.

Required Moderately Priced Dwelling Units (“MPDUs”). MPDUs shall be required subject to the following conditions.

- A. On all rezoning applications ...
- E. This Section shall not apply to the acreage ...
- F. On a multifamily conversion application proposing twenty-five (25) or more residential units, ten (10) percent of all units must be set aside as MPDUs.

...

Sec. 40.07.560. Affordability period and controls.

MPDUs shall remain subject to the restrictions contained in this division for a ten (10) year affordability period calculated from the date of first sale. MPDUs established by a multifamily conversion must remain subject to the restrictions contained in this division for a fifteen (15) year affordability period calculated from the date of first sale or rental of each unit. All resales during the affordability period shall be subject to the following restrictions...

Section 4. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 7 (“Transfer of Development Rights and Other Incentives And Bonuses”), Division 40.07.600 (“Infill development bonus”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Division 40.07.600. ~~[Infill-d]~~Development bonuses.

This Division provides incentives for ~~[infill and mixed-use type]~~ developments that combat sprawl, enhance the viability of older ~~[neighborhoods]~~commercial areas, provide employment opportunities, or encourage transit use.

Sec. 40.07.610. Eligibility.

~~[Areas designated by the Department for infill]~~ The following development types shall be eligible for a development bonus. [The infill development shall be for one (1) of five (5) types:]

- A. ~~[Mixed uses development. Mixed uses sites are zoned CR, ON, OR, BP, or I. The frontage adjoining the site must be in nonresidential use for a total distance of one thousand (1,000) feet including the site.~~
- B. ~~Redevelopment. Refer to Subsection 40.08.130.B.6 for qualification standards and the process for review and approval of redevelopment sites.]~~

Community Development. These sites are located in areas identified by the Comprehensive Plan as Community Development Areas.

~~[G]B.~~[Infill]Corridor Redevelopment. These sites are ~~[zoned S, ST, or TN. Individual properties shall have a site size able to accommodate twenty-five (25) dwelling units at the open space planned development]~~nonresidential zoned sites located in Type 1 Commercial Corridor Development Areas.

~~[D]C.~~Transit oriented infill. ...

~~[E]D.~~Employment infill. ...

Sec. 40.07.620. ~~[Mixed use bonus.~~

~~A mixed use development in a generally nonresidential area shall be permitted subject to an increase in the floor area as a result of permitting. In districts where mixed uses are specifically permitted, a bonus is contained in Table 40.04.110. If mixed uses are not permitted in the district, they shall be permitted as a bonus to encourage infill development.~~

- A. ~~Uses with at-grade parking. If the use incorporates at-grade parking, the following shall be used to calculate the new intensity of use.~~

- 1. ~~The landscaped surface ratio shall be reduced by multiplying by eighty-five hundredths (0.85), while keeping the landscape planting requirements at the same number of plants as would have been the case without the area reduction. The reduced landscape surface ratio cannot be less than that required to protect natural resources, Table 40.05.420.~~

- 2. ~~The developer shall calculate the parking ratios for each use and follow Section 40.22.616 for reduced parking with mixed uses.~~

3. ~~The project shall be allowed one (1) additional story to exceed the floor area ratio by the area of that floor and to exceed the height requirement of Table 40.04.110. The floor area increase shall be measured at the top floor.~~

~~B. Uses with structured parking.~~

1. ~~Shall conform to 1 and 2 above.~~

2. ~~The project shall be allowed two (2) additional stories to exceed the floor area ratio by the area of those floors, and to exceed the height requirement of Table 40.04.110. The floor area increase shall be measured at the top floor.]~~

Community Development incentive.

Except for uses identified in Section 40.33.270, a land development plan in an area identified as a Community Development Area and consistent with the Community Area Master Plan Key Recommendations in the Comprehensive Plan are eligible for the Community Development incentive. The following apply to land a development plan that includes the Community Development incentive:

- A. A nonresidential land development plan is reviewed as a redevelopment plans under Section 40.08.130.B.6 without the requirement to demolish GFA.
- B. The permitted density or floor area ratio is increased by fifteen (15) percent.
- C. The minimum open space ratio or landscape surface ratio in Article 4, Table 40.04.110A is reduced to 0.15.
- D. The development must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.

...

Sec. 40.07.640. [Infill bonus]Corridor Redevelopment incentive.

~~[Infill development may receive an eight (8) percent bonus where the developer uses land that has remained undeveloped for a period of at least twenty-five (25) years, and there are no utility, transportation, or environmental constraints. The Department in coordination with the Historic Review Board shall use the following standards in determining whether to grant the bonus]~~ Corridor Redevelopment occurs on developed nonresidential land identified by the Comprehensive Development Plan as a Type 1 Commercial Corridor Development Area. The following apply to land development plans that include the Corridor Redevelopment incentive:

- A. ~~[In no case shall the open space required by Article 5 be reduced]~~ A nonresidential land development plan is reviewed as a redevelopment plan under Section 40.08.130.B.6 without the requirement to demolish GFA.
- B. ~~[The site shall meet all capacity constraints of Article 5.]~~

~~[C.]The development [scale, design, and landscaping is compatible and enhances the character of the neighborhood]must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.~~

Section 5. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 8 (“Nonconforming Situations”), Division 40.08.100 (“General Regulations”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.08.130. Alterations, enlargements, or extensions.

A. Nonconforming use. ...

B. Nonconforming building, structure, or situation. A nonconforming building, structure or situation other than a nonconforming use may be enlarged, extended or replaced only as provided below:

1. *Extension or enlargement...*

2. *Alteration.* ...

3. *Restoration.* ...

4. *Replacement or repair.* ...

5. *Reconstruction.* ...

6. *Redevelopment and Brownfields.*

a. *Purpose.* Redevelopment is intended to facilitate and encourage the continued viability of previously developed land by granting a credit for ~~[both] extractive use sites, [and] Brownfields, [; and for sites with legally existing gross floor area (GFA) that has been demolished by more than fifty (50) percent of its GFA. New construction may be configured or located elsewhere on the site although]~~ and nonconforming nonresidential sites. The rehabilitation or restoration of existing structures is highly recommended. [Improvements to select design elements shall be incorporated that acknowledge the unique characteristics of each previously developed site. The record plan shall indicate that the plan has been reviewed and approved according to the redevelopment standards in this section with improvements to design elements noted on plan.] Redevelopment is also intended to facilitate and encourage the improvement of former or existing extractive use or Brownfield sites that may lack any current or prior GFA. ~~[A site capacity analysis pursuant to Division 40.05.400 may be required to determine permitted GFA for extractive use sites.]~~

b. *Applicability.* ~~[The standards of this section are limited to r]~~ Redevelopment [te]of nonresidential uses and sites [are]is subject to the following:[-. The standards of this section shall apply only to sites that have been: (i) designated as a Brownfield; (ii) developed under the Former Code; (iii)

developed prior to adoption of New Castle County development regulations;
or, (iv) are former or existing extractive use sites.]

- i. The site and all buildings on the site ~~[shall]~~ must be first evaluated for historical significance ~~[pursuant to]~~ under Article 15.
- ii. The applicant ~~[shall be]~~ is permitted to utilize all ~~[of the]~~ legally established ~~[square footage]~~ GFA for the site ~~[provided that said square footage]~~ if the GFA is existing or has existed on the site. Unbuilt GFA may not be utilized.
- iii. Except as otherwise provided in Subsection B.6.b.iv below, for Commercial Neighborhood (CN) and Office Neighborhood (ON) zoned sites, at least fifteen (15) percent of built GFA that is not determined to be historically significant must be demolished. For all other zoning districts, at least fifty (50) percent built GFA that is not determined to be historically significant must be demolished.
- iv. Legally existing GFA on extractive use, Brownfield, or nonresidential sites identified by the Comprehensive Plan as either a Community Development Area or Type 1 Commercial Corridor Development Area need not be demolished for the site to be eligible for redevelopment.
- v. For ~~[office or commercial]~~ nonresidential zoned sites that are currently used for residential purposes and abut residentially zoned property, the applicant must provide the entire required buffer against the residential land.
- vi. The redevelopment of a site ~~[pursuant to]~~ under Subsection 40.08.130 B.6. permits the continuation of certain nonconforming situations, but prohibits the creation of any new nonconformity or the expansion of an existing nonconformity. In the event a plan proposes development that does not otherwise comply with this Chapter ~~[resulting in an application for a variance, the provisions of Subsection 40.08.130 B.6. shall not be applicable and the owner/developer shall instead apply for all variances necessary to develop the property].~~ the applicant may submit a variance application, if the plan includes elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.
- vii. Levels of proportional compliance are required to meet or exceed the provisions provided for in Subsection B.6.e. In lieu of this section, an applicant may choose to redevelop the site in full compliance with the UDC.
- viii. For sites requiring fifty (50) or more parking spaces, the maximum parking permitted for a redevelopment plan is one hundred and fifteen (115) percent of the minimum parking required by this Chapter.

- ix. For land identified by the Comprehensive Development Plan as a Corridor Area, the property owner must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.
- x. The record plan must indicate that the plan has been reviewed and approved according to the redevelopment standards in this section with improvements to design elements noted on plan.
- c. *Redevelopment plans.* Redevelopment plans shall be reviewed as minor or major land development plans as defined in Article 33 unless the following criteria apply:
- i. Minor redevelopment land development.
- (a) The plan proposes GFA...
- (b) The plan proposes credit ...
- (c) The creation of a business park or industrial park regardless of the number of lots or square footage ~~[unless it is in conflict with Subsection B.6.e.7].~~
- ii. Major redevelopment land development —With net increase.
- ~~[(a)]~~ The plan proposes credit for legally established GFA plus additional new GFA of greater than fifty thousand (50,000) square feet but not to exceed the permitted FAR in Table 40.04.110 and provided no special studies are needed.
- ~~[(b)]~~ ~~Major land development plans that are not subject to a rezoning may proceed directly to record plan submission following exploratory plan approval. A PLUS hearing shall be scheduled during the exploratory plan review stage.]~~
- d. *Review process...*
- e. *Design element improvements.* Improvements toward further code compliance...
- i. The exploratory sketch plan ~~[shall]~~must identify ...
- ii. The Department may require ...
- iii. For a Brownfield site, [T]the applicant [shall submit]must provide documentation from DNREC identifying and confirming the status ~~[Brownfield]~~of the site as part of the exploratory plan submission ~~[prior to review].~~
- iv. ~~[A site resource capacity analysis need not be conducted (see Section 40.05.050 A).]~~

[v.] The redevelopment of a Brownfield site in a floodplain ~~[shall]~~must comply ...

v[i]. ~~[All-i]~~Impact fees ~~[as]~~are only required for GFA that exceeds existing legally established GFA on the site ~~[by Article 14 shall be waived]~~ (see Article 14 ~~[Table 40.14.210]~~).

vi[i]. An operational analysis or a traffic impact study ~~[shall be]~~is required if requested by DelDOT or the Department. Proposed development that exceeds the legally approved GFA is subject to DelDOT transportation impact standards, and the County may limit or restrict development to less GFA if that is recommended by DelDOT. As a result, DelDOT may require transportation improvements as a condition of its letter of no objection. For major plans or rezonings, ~~[I]~~ if an existing Level of Service (LOS) is A, B, C, or D, the proposed development may not cause that LOS to become E or F. If the existing LOS is E, the proposed development may not cause that LOS to become F.

vii[i]. The redevelopment of a site within six hundred sixty (660) feet ...

f. *Permitted uses for Brownfields.* The I (Industrial) zoning district office use restriction of Section 40.03.321 shall not apply. General office uses will be permitted without limitation. ~~[Mixed use development shall be permitted in the I zoning district subject to the same standards for mixed use in the OR zoning district including Section 40.03.318 and Tables 40.04.110 and 111.]~~ In the HI ~~[D]~~district, the applicant may utilize the standards for lot size and setbacks from the I district. All uses permitted in the I district ~~[except for mixed use]~~, including office use as enumerated above, shall be permitted in the HI district.

g. *Density bonuses.* A redevelopment density bonus in any zoning district not to exceed twenty-five (25) percent of the maximum nonresidential GFA or multifamily dwelling density allowed in Table 40.04.110 A or twenty-five (25) percent of the legally established nonresidential GFA or multifamily dwelling density on the site, whichever is greater, ~~[shall be]~~is permitted. Any redevelopment project that includes a density bonus as provided for in this Section shall be reviewed and evaluated ~~[pursuant to Section 40.25.410]~~ under Appendix 7, Guiding Principles.

h. *Annual report.* The Department ~~[and the Redevelopment Office]~~ shall provide County Council with an annual report on the use and effectiveness of the redevelopment section which shall be discussed at a Council Committee Meeting open to the public. The annual report may also recommend amendments to this Division and this Chapter based upon the success or failure of redevelopment plans to meet stated goals and objectives.

7. *Bridge reconstruction...*

TABLE 40.08.130 B Work Table to Calculate Value of Individual Design Element Improvements and Total Aggregate Percent Improvement for Redevelopment Land Development Plans					
(a) <i>Improvement Design Elements (at least four (4) separate design element improvements shall be made.)</i>	(b) <i>UDC Site Specific Requirements and Standards</i>	(c) <i>Current or Existing Situation</i>	(d) <i>Proposed Improvement to Existing Situation</i>	(e) <i>Percent Improvement (d/b)</i>	(f) <i>Comments</i>
Parking					
Number of required spaces...					
* Architectural					
** Guiding Principles					
* Energy efficient design					
Other					
Other					
Other					
Total Aggregate Percent Improvement (column e), must exceed four hundred (400) percent =					
<i>* Maximum allowable percent improvement for these elements is 50%.</i> <i>** Not applicable for plans subject to Sections 40.08.130.B.6.b.vi and ix.</i>					

Section 6. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 22 (“Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting”), Division 40.22.610 (“Parking and Loading”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.22.615. Parking Reduction

Where a unique situation is proposed or exists which will not generate the need for as many parking spaces as required by this Article, the applicant may petition the Department to authorize such reduction. The request for a parking reduction shall include a parking demand and needs analysis (PDNA) as described in this subsection which shall be submitted to the Department for review and approval. The Department

shall be authorized to grant a reduction to the parking requirements when a PDNA shows that the requirements, as applied to the particular use, would exceed the minimum necessary to conveniently serve the customers, clients, visitors and employees. ~~[The components of a]~~A PDNA must include ~~[at least]~~ the following components:

- A. A narrative discussion ...
- D. Proposed means of parking/traffic mitigation ...
- E. With the exception of plans where the Comprehensive Plan identifies a site as being in either a Type 1 Commercial Corridor Development or Community Development Area, and includes elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7, ~~[T]he number of required parking spaces reduced by an approved PDNA, [no longer required as a result of the PDNA analysis and the uses proposed]~~ must ~~[still]~~be shown on-site as potential parking to accommodate future parking needs. ~~[should]~~If the proposed uses identified in the PDNA change ~~[and]~~ the reductions granted will no longer be applicable.

Section 7. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 31 ("Procedures and Administration"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.31.320. Applications generally.

- A. *Forms...*
- E. *Withdrawal of application. ...*
- F. *Public notice of land development plans.*
 - 1. *Online notice.* The Department shall post the receipt of all major and minor land development plans and Resubdivision Plans on a web page established for legal notices on the County's website within five (5) days of the receipt of a completed application.
 - 2. *Posted notice.* The applicant shall erect a posted notice sign for all major and minor land development plans and Resubdivision Plans within ten (10) days of submission of a completed initial exploratory sketch plan to the Department. ...

...

Sec. 40.31.711. Resubdivision plan.

Proposed revisions to previously recorded plans and previously platted parcels that will not result in any new lots or additional gross floor area shall be considered resubdivisions and shall be reviewed as minor plans for any of the following purposes:

- A. Lot line changes....

F. Amendments to notes...

G. Multifamily conversions proposed under Section 40.03.340.B.

...

Sec. 40.31.820. Land Development Improvement Agreement (LDIA).

Except for minor residential subdivisions or plans for which a governmental entity is the applicant or property owner, all improvements contemplated in minor or major land development plans as required by this Chapter for sewer, drainage and detention, as well as for other improvements such as stormwater management facilities, parking, curbing, paving, sidewalks, open space improvements and common facilities, property monuments, earthwork, lighting, landscaping and bufferyards (except for replacement of on-lot residential landscaping), and any other improvements required by this Chapter ("the Improvements") shall be subject to a performance guarantee.

- A. The developer's engineer shall submit an itemized cost estimate for ~~[water, sewer, storm drainage, detention, lighting, any off-site]~~ the [i]mprovements, ~~[and any other improvements required by this Chapter]~~. The designers of the ~~[landscapes, buffers, and/or other i]~~ mprovements shall submit cost estimates. Valid bids from contractors may be substituted for cost estimates. The Department shall review all bids, checking for consistency with similar bids or public bids to ensure they are reasonable.
- B. In the alternative, ~~[the]~~ a formula as established by the Department may be used in lieu of cost estimates.
- C. The developer ~~[shall]~~ must establish a performance guarantee acceptable to the County to guarantee and warrant the costs of constructing ~~[and/]or~~ reconstructing all improvements shown on the record plan. The performance guarantee shall be provided in one ~~[(1)]~~ of two ~~[(2)]~~ ways:
 1. The developer may submit the performance guarantee prior to plan recordation. In accordance with the construction phasing plan, the performance guarantee may be tied to the cost of the ~~[i]~~ mprovements for phases of the minor or major land development plans, as shown on such plans, in which case a surety in the amount of one hundred twenty (120) percent for a particular phase ~~[shall]~~ must be available upon recordation of the record plan and subsequent phase sureties posted at the time of pre-construction request or building permit; or
 2. In lieu of Subsection C.1, the developer ~~[shall]~~ must, prior to plan recordation, submit a performance guarantee in the sum of five thousand dollars (\$5,000.00). The developer shall then submit the full performance guarantee under Subsection C.1., prior to the preconstruction meeting or building permit application. An annual administrative fee ~~[of two hundred fifty dollars (\$250.00) shall be]~~ is required in an amount set forth in Appendix 2 until the full performance guarantee is provided.
- D. The performance guarantee ~~[shall]~~ must remain posted with the Department until such time that all open space and common facilities have been inspected and

receive final approval and in accordance with the construction phasing plan. The amount of the surety shall be required ~~[and determined]~~ by the Department in the amount of one hundred twenty (120) percent of the ~~[cost estimates and/or the cost of completing the open space and common facilities and in accordance with the construction phasing plan]~~ dollar amount calculated under Subsection A or B above.

1. ~~[The surety shall be reduced to the amount of the maintenance guarantee as outlined below and the remainder returned to the developer after the completed work has been]~~ After all open space and common facilities have been constructed and approved by the Departments of Public Works and Land Use, the surety may be reduced or released.
2. The maintenance guarantee amount will be equal to twenty (20) percent of the ~~[cost of constructing the stormwater management facilities]~~ performance guarantee provided under Subsection A or B above and ~~[shall]~~ will serve as the maintenance guarantee that all improvements are free from defects for a minimum of five (5) years after the date of the Department of Public Works' inspection and acceptance of the final improvement to be constructed. The Department of Public Works may extend the maintenance guarantee period as deemed necessary by the General Manager as defects are discovered. The purpose of this surety is to ensure that the facilities are designed and constructed to function as intended.
3. All reductions in the amount or releases of the letter of credit or other surety ~~[shall]~~ must be approved by the General Manager of the Department of Public Works.

- E. Each ~~[surety]~~ performance guarantee provided prior to plan recordation ~~[shall]~~ must be for a period of not less than three (3) years, unless a longer time is requested by the Department.
- F. The bond, letter of credit or other surety ~~[shall]~~ must be executed by the applicant and a corporate surety or financial institution licensed to do business in the State that is not associated with the developer.
- G. Prior to the approval of a minor or major land development plan, the LDIA must be reviewed and approved by the County and recorded in the Office of the Recorder of Deeds.

Section 8. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 33 ("Definitions"), Division 40.33.300 ("General definitions"), is hereby amended by adding the material that is underscored, as set forth below:

Division 40.33.300. General definitions.

This Division contains the definition of words used in this Chapter. ...

Abandonment. That the use, structure, or sign...

Minor land development. A plan that proposes one (1) or more of the following:

- 644
- 645 A. A subdivision of land resulting in five (5) lots or less and not creating new
- 646 street rights-of-way.
- 647
- 648 B. Except for single-family dwellings and accessory structures ...
- 649
- 650 C. Any major utility except electric power generating facilities. ...
- 651
- 652 D. A minor utility that is...
- 653
- 654 E. Large scale solar energy systems.
- 655

656 *Motor vehicle.* For purposes of Section 40.03.440...

657

658 *Mulch operations.* A process that results in a product ...

659

660 *Multifamily Conversion.* The conversion of office or commercial GFA to apartments or

661 residential condominium units.

662

663 *Multi-modal transportation.* The availability or use of more than one ...

664

665 *National Geodetic Vertical Datum (NGVD).* Elevations referenced ...

666

667 Section 9. Consistent with Comprehensive Development Plan. New Castle County

668 Council finds that the provisions of this Ordinance are consistent with the spirit and intent

669 of the New Castle County Comprehensive Development Plan.

670

671 Section 10. Inconsistent Ordinances and Resolutions Repealed. All ordinances or

672 parts of ordinances and all resolutions or parts of resolutions that may be in conflict

673 herewith are hereby repealed except to the extent they remain applicable to land use

674 matters reviewed under previous Code provisions as provided in Chapter 40 of the *New*

675 *Castle County Code.*

676

677 Section 11. Severability. The provisions of this Ordinance shall be severable. If

678 any provision of this Ordinance is found by any court of competent jurisdiction to be

679 unconstitutional or void, the remaining provisions of this Ordinance shall remain valid,

680 unless the court finds that that the valid provisions of this Ordinance are so essentially

681 and inseparably connected with, and so dependent upon, the unconstitutional or void

682 provision that it cannot be presumed that County Council would have enacted the

683 remaining valid provisions, without the unconstitutional or void one, or unless the court

684 finds that the remaining valid provisions, standing alone, are incomplete and incapable of

685 being executed in accordance with the County Council's intent. If any provision of this

686 Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all

687 applicable former ordinances, resolutions, zoning maps or portions thereof shall become

688 applicable and shall be considered as continuations thereof as not as new enactments

689 regardless if severability is possible.

690

691 Section 12. Effective Date. This Ordinance shall become effective immediately

692 upon its adoption by County Council and approval by the County Executive or as

693 otherwise provided in 9 Del. C. § 1156 and shall only apply to Land Use applications

694 submitted after such date(s) unless the applicant by written request agrees to submit to
695 the provisions of this Ordinance.

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

Sec. 40.03.110. This amendment establishes which zoning districts permit Multifamily Conversions.

Sec. 40.03.318. This amendment clarifies that the density bonus for mixed use development is located in Table 40.04.110, allows ten percent of a mixed use development to gas stations, single use (e.g. stand-alone or pad site) restaurants, and restaurants with drive through service, adjusts the minimum percent of nonresidential gross floor area from 67% to 50%, and requires a minimum of 25% of GFA to consist of office uses in the OR and ON zoning districts.

Sec. 40.03.340. This amendment establishes Limited Use standards for Multifamily Conversions.

Sec. 40.07.510. This amendment requires 10% of all units be MPDUs on any multifamily conversion application proposing 25 or more residential units.

Sec. 40.07.560. This amendment sets an affordability period for MPDUs established by a Multifamily conversion to be 15 years.

Sec. 40.07.610. This amendment eliminates redundant language regarding Mixed Use and Redevelopment bonuses, establishes eligibility for density bonuses associated with community development and replaces the infill bonus with the Type 1 Commercial Corridor Development Area bonus.

Sec. 40.07.620. This amendment eliminates mixed use bonus language that is addressed elsewhere in the code. This amendment also establishes a bonus and standards for development in areas identified a Community Development Area and consistent with the Community Area Master Plan Key Recommendations in the Comprehensive Plan.

Sec. 40.07.640. This amendment redefines the Infill bonus to be the Corridor Redevelopment incentive. This amendment also establishes review standards and limits the bonus locations to the Type 1 Commercial Corridor Development Areas identified in the Comprehensive Plan.

Sec. 40.08.130. This amendment clarifies the section caption, clarifies that nonconforming uses are not included among the nonconforming situations that may be expanded, clarifies that enlargements less than 1,000 square feet GFA must comply with this Chapter, provides that enlargements in certain districts greater than 5,000 square feet GFA must be brought into proportional compliance, expands the use of redevelopment provisions to CN and ON sites demolished more than fifteen percent of GFA, and breaks up large paragraphs into subparagraphs. Paragraph B.6 clarifies that nonresidential sites rendered nonconforming may also qualify for redevelopment, that extractive use and brownfield sites without demolished GFA may qualify, that—when required—only fifteen percent of GFA must be demolished in CN and ON zoned sites, that the percentage of GFA to be demolished is determined exclusive of historically significant GFA to promote historic preservation, provides that redevelopment plans may now seek variances if the plan complies with Appendix 7 with respect to design principles for the Character Area, and establishes a parking maximum. Table 40.08.130 is expanded to include Guiding Principles and energy efficient design. Additionally, this amendment clarifies that GFA proposed by a redevelopment plan exceeding the legally approved GFA is subject to traffic impact standard, and that DelDOT may require transportation improvements for major plans or rezonings that decrease Level of Service to a certain extent.

Sec. 40.22.615. This amendment provides that parking spaces eliminated as a result of the PDNA analysis on a nonresidential development plan need not be depicted on a plan where certain requirements are met.

Sec. 40.31.320. This amendment expands online and posted notification requirements to include Resubdivision Plans.

Sec. 40.31.711. This amendment identifies multifamily conversions proposed under Section 40.03.340.B as Resubdivision Plans.

Sec 40.31.820. This amendment clarifies that 20% of the performance guarantee is to be reserved as a maintenance guarantee, that the developer may either reduce its surety or provide a new surety to serve as the maintenance guarantee, references Appendix 2 for the annual fee and provides minor edits for readability.

Sec. 40.33.300. This amendment defines multifamily conversions and revises the definition for Minor Land Development to include Large Scale Solar Energy Systems.

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



Department of Land Use

**DEPARTMENT OF LAND USE
RECOMMENDATION REPORT**

**Ordinance No. 24-057
Application No. 2024-0225-T
Development and Redevelopment**

July 16, 2024

Sponsor: Councilman Tackett (District 11), Councilwoman Kilpatrick (District 3)

Description: To Amend New Castle County Code Chapter 40 (also known as the Unified Development Code or "UDC) Regarding Development and Redevelopment

EXECUTIVE SUMMARY

When the County adopted the Unified Development Code (Ordinance 97-172) on December 31, 1997, it substantially altered its zoning scheme, creating nonconforming situations along many of its vital commercial corridors. Over the last nearly 27 years, the County has adopted 8 ordinances to create a balanced approach to repurposing existing nonresidential sites in a manner that is sensitive to neighboring communities. The County furthered that commitment during the public planning process for the 2022 Update to the New Castle County Comprehensive Development Plan, and in subsequent outreach efforts in the 2 years since its adoption. The result of this outreach is Ordinance 24-057 which amends the redevelopment provisions and incentives in the UDC to:

- Guide development in the State Strategy Level 1 and 2 areas through expanding redevelopment opportunities in a manner that is sensitive to the context of neighboring communities,
- Encourage and incentivize the implementation of the Community Area Master Plans,
- Guide development to be more sustainable through repurposing existing sites,
- Diversify housing opportunities through encouraging mixed-use development and repurposing of vacant office and retail space for multifamily dwellings (apartments), and
- Expanding quality rental affordable housing opportunities in the County.

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the *New Castle County Code* and comments received from other agencies and the public. Based on this analysis, the Department recommends **CONDITIONAL APPROVAL** of Ordinance No. 24-057, with the condition that County Council consider amending the ordinance to:

- A. Revise the existing transit-oriented infill incentive with respect to rail transit-oriented infill (Section 40.07.650.A) as follows:
1. The development shall be zoned and built to Suburban Transition (ST), Commercial Neighborhood (CN) or Commercial Regional (CR) standards, except;
 - a. The maximum open space
 - b. Mixed uses within four hundred (400) feet ...
 - c. Multi-family developments shall...
 2. The minimum parking for[T] mixed use, higher density, attached or multi-family units [shall have structured parking] is reduced by 12%.
 3. The rail transit station ~~[shall]~~ may have structured parking ~~[and may]~~ incorporated [it] into a mixed-use building. The Department may modify the mixed-use requirements to provide the needed commercial and residential parking in close proximity to the station.
- B. Amend Section 40.31.820 to better clarify the purpose of the maintenance guarantee including improvements other than landscaping and provides a three-year maintenance period for non-residential projects.

DESCRIPTION

Ordinance 24-057 (Application 2024-0225-T) is an implementation product of the Concord Pike Master Plan and the 2022 New Castle County Comprehensive Plan. The ordinance proposes the following primary objectives:

- Guide development in the State Strategy Level 1 and 2 areas through expanding redevelopment opportunities in a manner that is sensitive to the context of neighboring communities,
- Encourage and incentivize the implementation of the Community Area Master Plans,
- Guide development to be more sustainable through repurposing existing sites,
- Diversify housing opportunities through encouraging mixed-use development and repurposing of vacant office and retail space for multifamily dwellings (apartments), and
- Expanding quality rental affordable housing opportunities in the County.

BACKGROUND

With the adoption of the Unified Development Code (Ordinance 97-172) on December 31, 1997, the County substantially altered its zoning scheme, thereby creating nonconforming situations along many of its vital commercial corridors. During the first couple of years after adoption, the County saw a significant number of plans requiring variances to retain existing nonconformities, resulting in projects that were not in line with the intent of the UDC. County Council recognized

the importance of incentivizing the redevelopment of existing sites, while improving on their design.

Adoption of Redevelopment Provisions - Ordinance 01-098

On April 9, 2002, the County adopted its first redevelopment provisions to facilitate the repurposing of existing nonresidential sites that had been rendered nonconforming by the adoption of the UDC (Ord. 01-098). One of the primary concerns was that the development provisions in the UDC resulted in many existing sites needing “*numerous zoning and/or subdivision variances*” and that the granting of those variances resulted in the lack of “*substantial improvement*” of those properties. Ordinance 01-098 allowed nonresidential development predating the adoption of the UDC to receive credit for existing gross floor area (GFA), provided that the plan included 400% improvement on the site as listed in Table 40.08.130.B. Redevelopment Plans were to be reviewed as Minor or Major Land Development Plans, with the differentiation being a 20,000 net increase in GFA. Additionally, all redevelopment plans required a public hearing with the Planning Board.

Brownfields - Ordinances 03-069 & 04-054

On October 28, 2003, the County adopted Ordinance 03-069 to expand redevelopment opportunities to Brownfield sites. While expanding the applicability of the provisions it also established specific submission requirements and limitations of permitted uses, most of which exist in the code today.

On July 13, 2004, the County adopted Ordinance 04-054 further incentivizing the redevelopment of Brownfield sites by making the creation of business or industrial parks on Brownfields a minor redevelopment plan regardless of the number of lots or GFA proposed. It also increased the threshold for being considered a major redevelopment plan from a net increase of 20,000 sf to 50,000 sf of GFA.

Redevelopment Process - Ordinance 06-007

On March 28, 2006, the County adopted Ordinance 06-007, revising the processing of redevelopment plans. The primary changes in this ordinance exempted redevelopment plans that required rezonings from the triannual rezoning dates, consolidated the redevelopment bonuses originally listed in Article 7 with the provisions of Article 8, and increased the density bonus from 15% to 25%.

Extractive Uses - Ordinance 08-001

On March 25, 2008, the County adopted Ordinance 08-001 with the primary purpose of incorporating the repurposing of extractive use sites into the redevelopment provisions. The ordinance also, importantly, quantified the amount of the existing structure to be demolished

(50%), whereas, prior to the adoption of Ordinance 08-001, the UDC only required that the existing structure be “partially or in whole” demolished.

County Code Republication - Ordinance 10-113

On January 18, 2011, the County adopted Ordinance 10-113, a full republication of the County Code. Changes to the redevelopment provisions included replacing references to the Technical Advisory Committee (TAC) with Preliminary Land Use Service (PLUS), and eliminating the triannual rezoning reference.¹

Variances and Redevelopment Ordinance 11-020

On July 26, 2011, the County adopted Ordinance 11-020, which had two important impacts on the processing of redevelopment plans. It clarified the traffic requirements for redevelopment plans with respect to Level of Service and traffic impact studies, and it removed plans requiring variances from being eligible for redevelopment.

Redevelopment and Scenic Byways - Ordinance 22-072

On October 11, 2022, the County adopted Ordinance 22-072, which provided protection of designated scenic byways. The ordinance required compliance with the new byway protection provisions for redevelopment plans within 660 feet of the right-of-way of a designated byway.

Enhancing the Redevelopment Provisions and Large Industrial Buildings - Ordinances 23-053 and 23-104

Ordinance 23-053 was introduced on April 25, 2023, to both provide greater public participation opportunities and to address the impact of large industrial buildings. It also proposed important updates to the redevelopment provisions in the UDC including:

- Allowing applicants to apply to the Board of Adjustment for variances if a project includes Guiding Principal elements from the Comprehensive Plan.
- Reducing the percentage of GFA required to be demolished for ON and CN zoned land from 50% to 15%.
- Requiring redevelopment plans along Corridor Areas designated by the Comprehensive Plan to include Guiding Principles elements.
- Enhancing parking requirements for redevelopment plans based on a parking demands analysis.
- Excluding historically significant structures from the gross floor area required to be demolished to encourage preservation.

¹ The triannual rezoning limitation for rezoning applications was eliminated elsewhere in the UDC with Ordinance 09-006.

- Providing redevelopment credit for plans that include elements of energy efficient design, such as: green roof technology, white roofing, solar panels, etc.
- Clarifying that existing GFA on Extractive Use or Brownfield sites need not be demolished to pursue redevelopment.

During the public process it was determined that the best course of action to ensure that the impact of large industrial buildings and redevelopment were evaluated on their own merits was to split the ordinance into two new ordinances addressing each topic individually. This approach permitted significant improvements to both. Large industrial structure development was addressed in Ordinance 23-104, which was adopted in January of 2024, which provided enhanced design and buffering standards from what was proposed in Ordinance 23-053.

Targeted Redevelopment and Affordable Housing Opportunities - Ordinance 24-057

The Department of Land Use, in coordination with County Council, commenced efforts to craft an ordinance that included the important changes proposed by Ordinance 23-053, while refining and enhancing the provisions to better encourage development consistent with community area plans such as the North Claymont Master Plan and the Route 9 Master Plan. Additionally, the Department explored opportunities to repurpose vacant office and retail space for multifamily dwelling units, with a requirement for a portion of the units to be Moderately Priced Dwelling Units (MPDUs).

The Department of Land Use took great efforts to ensure a comprehensive and inclusive approach to crafting the ordinance through outreach and coordination with the public, business community, government agencies and presentations at a variety of monitoring committees (Concord Pike, Churchmans Crossing, Route 9, and Claymont). The Department also hosted three public workshops in the Fall of 2023:

1. Brandywine Hundred Library - September 27
2. Newark Free Library - October 4
3. Bear Library - October 11

The Department incorporated feedback from these outreach efforts, and in coordination with Councilman Tackett and Councilwoman Kilpatrick drafted Ordinance 24-057, which includes significant improvements from what was proposed in Ordinance 23-053, specifically addressing:

- Community Development Area Incentives (Route 9 and North Claymont)
- Corridor Redevelopment (Concord Pike, Kirkwood Highway, Philadelphia Pike, etc...)
- Repurposing Vacant and Under-utilized Office and Retail Spaces

Ordinance 24-057 also provides refinements to recommended changes to the redevelopment provisions proposed in Ordinance 23-053. Ordinance 24-057 was introduced at County Council on April 9, 2024.

PLUS REVIEW (Preliminary Land Use Service)

The PLUS Report, dated June 21, 2024, contains comments from several State agencies. The Office of State Planning Coordination reiterated their support for the 2022 New Castle County Comprehensive Plan and its goals and strategies and commended the County's efforts to make infill development and redevelopment a priority. They further stated that the ordinance will help increase development activity in Investment Level 1 and 2 areas consistent with State Strategies.

The Department of Natural Resources and Environmental Control (DNREC) commended the County for:

“not only for addressing Delaware’s shortage of affordable housing but also doing so in a way that improves Delaware’s natural environment. DNREC reviewers hope that this redevelopment ordinance can also serve as a model for local municipalities to adopt similar language for lands within their own jurisdiction.”

DNREC further provided additional recommendations for reference purposes that will be helpful in considerations of future legislation.

The Delaware State Housing Authority (DHSA) supported the ordinance stating that it:

“is excellent and would increase opportunities for successful redevelopment while addressing multiple objectives of the County’s Comprehensive Plan (NCC2050) – such as the creation of a variety of attractive housing options, including moderately-priced housing.”

DHSA specifically identified support for the following:

- Required MPDUs for the Multifamily Conversion Development Option
- The incentives for Community Development Areas and Type 1 Corridors in potentially increasing redevelopment activity and the availability of affordable housing.
- The inclusion of Guiding Principles for Redevelopment Plans as being critical in ensuring redevelopment will result in cohesive, vibrant, mixed-use communities where families can thrive.
- The importance of separating Heavy Industry from affordable housing units

All other agencies had no objection to the approval of the ordinance.

Planning Board Public Hearing - July 2, 2024

Matthew Rogers, Planner for the Department of Land Use presented Ordinance 24-057 at the July 2nd New Castle County Department of Land Use and Planning Board Public Hearing. During his

presentation, he discussed how the ordinance was derived from recommendations of the New Castle County Comprehensive Plan, public workshops and working with the business community.

Planning Board members had several questions and comments in response to the presentation. Mr. Cantrell inquired about the 1,000-foot separation distance requirement from Heavy Industry, with respect to Multifamily Conversions. Mr. Rogers explained that the 1,000-foot distance was chosen based on an evaluation of the distance between existing commercial corridors and location of Heavy Industrially zoned land, with the intent of providing adequate protection for newly created affordable housing units, while not foreclosing on the opportunity to redevelop too many sites. He stated that the Department, consistent with the recommendations of the Delaware State Housing Authority, would continue to monitor if the distance is adequate and propose an increase should it be needed. Charuni Patibanda, General Manager for the Department of Land Use further explained that the Department let DHSA know that we are open to making changes if they had a better buffering requirement.

Support

At the Public Hearing seven (7) members of the public spoke in favor of Ordinance 24-057: (1) Councilman Cartier, (2) Frederick Mitsdarfer, III, Esq. (3) Councilman Carter, (4) Stephanie Rizzo, (5) Dale Swain, (6) Jamie Kegerlie, and (7) Elizabeth Heller. Councilman Cartier expressed his strong support for the ordinance but asked that the Department consider revisions to section 40.07.650 to better address transit-oriented development adjacent to the Claymont train station. Frederick Mitsdarfer, III, representing Tarabiccios Grosso, LLP voiced support for the ordinance, recommending that the maximum percentage of residential be increased to 85-90% and that additional restrictions be added to drive thru sites. He also voiced his concerns regarding the required yard space for Multifamily Conversions and made recommendations regarding parking plans. Councilman Carter voiced support for the ordinance, however had concerns about pollution burden with respect to HI uses. Stephanie Rizzo, New Castle County Community Services, Administrator for the Inclusionary Housing Program, voiced support for the ordinance and the potential impact that it could have on affordable housing. Elizabeth Heller, Committee of 100 voiced support for Ordinance 24-057, however asked that the Department consider changes requested in their written support letter.

Opposition

There were no comments in opposition to the ordinance.

Rebuttal

After the public comment period Mr. Rogers provided a rebuttal for the Department of Land Use. He committed to work with Councilman Cartier to revise the incentives for transit-oriented infill. He explained that the ordinance would not preclude redevelopment of Heavy Industrial sites, however they would not be eligible for the Multifamily Conversion option. He also discussed the

requests made by the Committee of 100 including: reconfiguration of existing space (Commercial Fitout - internal, or Resubdivision Plan- external), eligibility for JobsNow (JobsNow is a policy and shouldn't be in an ordinance), and clarifications regarding nonconforming situations and uses (would merit its own ordinance if considered).

Comments received while the record was open

The Department of Land Use received written correspondence supporting Ordinance 24-057 from the Committee of 100, Jerome Heisler Jr., and the New Castle County Housing Advisory Board.

Analysis

Ordinance 24-057 (Application 2024-0225-T) is an implementation product of substantial outreach and public feedback regarding economic development and affordable housing received during and after the comprehensive planning process. During the public planning process it was apparent that New Castle County faces many of the same concerns faced in the years just after the adoption of the UDC. Although there are incentives in the existing redevelopment provisions of the UDC, the inability to receive a variance and utilize the redevelopment provisions has restricted the repurposing of existing sites and limited the ability of the County to guide good site design, consistent with objectives of the Unified Development Code and Comprehensive Plan. It also, in many cases, disadvantages redevelopment in favor of greenfield development.

Ordinance 24-057 is the product of extensive work and feedback with the public, business community, State agencies and the New Castle County Housing Advisory Board. From the feedback that was received, the ordinance was written with the following objectives:

1. Expand the opportunity for the well-designed redevelopment of sites where the plan includes elements of building design, site design and amenities.
2. Better encourage the rehabilitation of existing structures on low intensity commercial and office sites.
3. Ensure that redevelopment occurring along major commercial and employment corridors is well designed and sensitive to the context of adjacent residential neighborhoods.
4. Reduce adverse groundwater and climate impacts including the creation of heat islands and impacts of redevelopment resulting from excessive parking.
5. Encourage the preservation of historic resources on redevelopment sites.
6. Further encourage redevelopment of extractive use or Brownfield sites.
7. Enable the repurposing of vacant retail and office space to expand affordable housing opportunities.

Redevelopment

Ordinance 24-057 proposes many important changes to the redevelopment provisions in the UDC (Section 40.08.130.B.6) that will help achieve the objectives of the ordinance. It will increase the number of developments eligible to be reviewed as Redevelopment Plans, while requiring them to include improvements consistent with the Guiding Principles. This requirement better ties redevelopment to good site and building design, that is sensitive to adjacent residential developments regardless of whether a development receives variances. Since development design is essential to good corridor design, the ordinance also requires redevelopment in the Corridor Areas identified in the Comprehensive Plan to be consistent with the Guiding Principles.

Ordinance 24-057 encourages more sustainable redevelopment in the County in several ways. For small scale commercial and office sites, it reduces the required percentage of GFA to be demolished from 50-15%, thereby allowing more of the existing structure to be reused. Additionally it removes the requirement for demolishing GFA on Redevelopment Plans for areas identified as Type 1 Commercial Corridors and for Community Development Areas. Ordinance 24-057 also caps parking on redevelopment plans to 115% of the minimum parking for the site. It expands opportunities for sites in Type 1 Commercial Corridors and for Community Development Areas to utilize parking needs and demand analysis studies in order to support site designs providing only the parking that the site needs, thereby reducing impervious surface areas, and heat islands.

Ordinance 24-057 permits existing GFA of historical structures to remain and be used to reduce the required GFA to be demolished. It clarifies that existing GFA on Extractive Use and Brownfield sites is not required to be demolished in order to be processed as a Redevelopment plan.

Targeted Development Incentives

The Comprehensive Development Plan identifies Type 1 Commercial Corridors and Community Development Areas (North Claymont and Route 9) as areas in vital need for redevelopment. These are areas in Level 1 and 2 State Strategy investment areas, meaning that they have existing infrastructure to support development. As discussed above, Ordinance 24-057 does not require that existing GFA be demolished in those areas to be reviewed as a Redevelopment Plan, provided that the plan includes improvements consistent with the Guiding Principles. In addition to this, in Community Development Areas the proposed plan needs to be consistent with the adopted Community Area Master Plan, and not be an industrial use. Redevelopment Plans in Community Development Areas that meet those requirements would be eligible for a 15% increase in GFA or density coupled with a reduction of the Landscape Surface Area Ratio to 15%.

Councilman Cartier aptly pointed out that there is a need to revise the Transit Oriented Development (TOD) incentives with respect to rail stations in order to facilitate development adjacent to the Claymont Train Station that is consistent with the vision of the North Claymont Master Plan. The Department has committed to providing recommended changes to Section

40.07.650 that will incentivize well designed TOD for the North Claymont Train Station area and other passenger rail stop locations.

Affordable Housing/Repurposing Vacant Office and Retail Space

The 2022 Update to the New Castle County Comprehensive Plan identifies the need for the County to diversify housing stock, increase affordable housing opportunities and address vacant office and retail space. Ordinance 24-057 creates a new development option that permits existing office or commercial retail GFA to either be redeveloped or repurposed for multifamily dwelling units (apartments or condominiums). These plans can be reviewed as either a Resubdivision or Land Development Plan as provided for in the UDC. The units must have an average size of 800 sf, with 200 sf of yard space per unit. Improvements to the development must be consistent with the Guiding Principles, and not within 1,000 ft of Heavy Industry zoned land to prevent constructing affordable housing near heavy industry. Additionally, 10% of the dwelling units are required to be Moderately Priced Dwelling Units for a minimum of 15 years.

Effectiveness of the Proposed Changes – Does it Work?

The Department recognized the importance of knowing the potential impact that updating the redevelopment provisions in the UDC would have, and as such enlisted the help of 4Ward planning to evaluate Ordinance 24-057. The firm was presented with several sites under evaluation in the current master planning effort in the Claymont area. The Department provided scenarios built on the provisions proposed in Ordinance 24-057, tied to the redevelopment the identified sites. 4Ward Planning evaluated the scenarios, market, and if they were viable. Their conclusions were as follows:

- All the scenarios modeled are deemed feasible, with respect to build-out.
- All redevelopment scenarios subject to the proposed zoning and based on the mixed-use square footage ratio identified above exhibited positive and relatively strong financial return rates.
- Ordinance 24-057 significantly improves the ability of property owners to fully utilize their site areas.
- The scenarios are in line with the residential unit capture estimate identified in 4ward Planning's market study.
- Each of the mixed-use development yields are deemed market receptive – that is, likely to be absorbed in a reasonable period if built.
- Ordinance 24-057 provides property owners with a better ability to increase their capital investment return than current regulations

The importance of this analysis is that the requirements and incentives both have the potential to make important impacts and are fiscally viable considering the existing market and the measures proposed.

Additionally, Ordinance 24-057 includes clerical changes to the LDIA requirements and other provisions in the Code.

Standards of Review

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all of the following factors shall be considered:

A. Implementation of a new portion of the Comprehensive Development Plan.

While previous Comprehensive Plans have recommended incentivizing strong economic development and redevelopment policies, the 2022 Update to the New Comprehensive Development Plan wholistically ties these to existing and planned infrastructure (State Strategy Levels 1 & 2), sensitivity to neighboring communities, and affordable housing. Ordinance 24-057, through both incentives and regulation will be an important step in achieving balanced development and redevelopment.

B. Implementation and achievement of the Comprehensive Plan's goals and objectives.

As discussed above, Ordinance 24-057 includes important changes and incentives in the UDC that serve to:

- Guide development in the State Strategy Level 1 and 2 areas through expanding redevelopment opportunities in a manner that is sensitive to the context of neighboring communities,
- Encourage and incentivize the implementation of the Community Area Master Plans,
- Guide development to be more sustainable through repurposing existing sites,
- Diversify housing opportunities through encouraging mixed-use development and repurposing of vacant office and retail space for multifamily dwellings (apartments), and
- Expanding quality rental affordable housing opportunities in the County.

Within those broader objectives there are important changes that will reduce impervious surfaces as a result of reduced parking on redevelopment sites. As such, Ordinance 24-057 is an important step in achieving a multitude of goals in the 2022 New Castle County Comprehensive Development Plan, by incentivizing context sensitive repurposing of existing sites and structures along our major corridors. Additionally, it includes a new development option that further diversifies our housing stock and increases the quantity of affordable housing, while bringing viability to vacant commercial and office sites. This will help the County achieve Goals 2, 4, 5, and 10:

Goal 2 - The natural environment of the county continues to be a distinguishing characteristic of our community, and the quality of our natural resources— air, water, land, ecosystems (plants and animals)—are continually improving and meeting the needs of present and future generations. Development/redevelopment patterns that consume less unbuilt “greenfields” and resource lands support conservation of our important natural resources.

2.2. Objective: Improve surface water quality and reduce stormwater runoff from developed lands, with recognition that community revitalization and stream/ecosystem restoration are linked.

2.2.1. Strategy: Eliminate parking minimums for certain smaller buildings and in town centers; establish parking caps.

2.2.2. Strategy: Discourage development in areas that lack water and/or sewer service.

Goal 4 - Healthy, safe housing options throughout the County are diverse, meeting needs of people of all incomes, ages, abilities, and races, while maintaining design and form of the built environment that integrates with existing communities.

4.1. Objective: Increase variety and range of price points of safe, quality housing options, in a diversity of locations.

4.1.3. Strategy: Enable and pursue innovative housing types to help meet demand now and in the future.

4.2. Objective: Increase proximity of quality housing to other daily needs throughout the county, especially jobs and quality education, to support overall cost of living affordability. Better balance of jobs and housing can support residents and their access to both quality/affordable living and living-wage jobs as well as employers and their workforce.

4.2.1. Strategy: Incentivize mixed-use development areas that balance jobs, housing, shopping and services at varying income levels.

4.2.2. Strategy: Support the creation and enhancement of transit-oriented development and mixed income development, such as by allowing multi- family housing within a distance of all transit centers/stations and specific transit lines.

Goal 5 - New Castle County is a strong, resilient hub of the regional economy that provides a range of jobs and services to County residents.

5.3. Objective: Increase the percentage of jobs located in Delaware Level 1 State Strategies Investment Areas, ensuring job centers are located near inclusive transit options and existing infrastructure/services.

5.3.1. Strategy: Encourage redevelopment of industrial land, strip malls, office parks, and other “greyfields” to strengthen community cohesion, environmental quality, fiscal productivity, and quality of life

5.3.2. Strategy: Enact land use policies and regulations that incentivize infill and redevelopment in and around job centers

Goal 8 - All New Castle County residents will have safe, efficient, inclusive access to employment, retail services, parks, and other daily needs including walking, bicycling, public transit, and emerging modes. The transportation and land use systems are integrated and support each other to create livable places and a vibrant county.

8.2.6. Strategy: Incentivize mixed-use and transit oriented/supportive development areas that balance mix of jobs, housing, and other uses that support access to daily needs.

Goal 10 - Land uses, transportation, and other infrastructure complement each other, and neighborhoods and areas across the county are distinctive, attractive, functional, comfortable, and human scale. The physical environment is high quality, inclusively designed, retains value, and is fiscally sustainable.

10.1. Objective: Redevelop and infill key areas of the county (identified in Community Plans and other studies/analyses) and struggling industrial land, strip malls, office parks, and other “greyfields” to achieve connected places, continuity of design, and sense of place.

10.1.1. Strategy: Incentivize/encourage growth and redevelopment in those targeted areas through public investment and flexible policies that work toward achieving other goals (e.g. preservation, environmental enhancements, watershed improvements, placemaking, walkability/ bikeability, etc.).

10.1.4. Strategy: Ensure that as change occurs, communities and neighborhoods evolve intentionally toward the community’s vision; change aligns with local needs as well as part of the broader countywide vision

10.1.5. Strategy: Focus on implementation in areas where sub-area plans exist (master plan, corridor plan, etc.)

10.2. Objective: Increase compact development in places where it is appropriate and will support the range of community goals (like transit, affordable housing/lifestyles, non-motorized accessibility, enhancement of place, etc.).

10.2.2. Strategy: Support the creation and enhancement of transit-oriented development.

10.2.3. Strategy: Direct residential development in and around existing job centers in a manner that is complementary with county and municipal development patterns.

C. Consistency with the provisions of this Chapter and the standards for similar uses.

While Ordinance 24-057 proposes important changes to redevelopment, they are applicable for all plans processed as redevelopment plans. Incentives included in the ordinance are additionally consistent with incentives provided for other development types.

D. Necessity to respond to State and/or Federal legislation.

N/A

E. Flexibility in meeting the objectives of this Chapter.

The intent of the Unified Development Code, as stated in Section 40.01.015 is:

“to protect the interests of both current and future County residents and neighbors from the potential adverse impacts of land uses...”

“to encourage greater flexibility and more development options while minimizing development impact on current property owners and the environment...”

Section 40.01.015.A expands on these principles:

Economic development. In order to provide for desirable growth and employment opportunities, this Chapter is intended to:

- Encourage development of an economically stable and healthy community; and
- Encourage and assist in the facilitation, attraction, and retention of economic activities that provide desirable employment, expand the tax base, and serve to meet the goals of the Comprehensive Development Plan.

Affordable housing. This Chapter is intended to:

- Ensure that there is adequate affordable housing;
- Provide options for special housing types that provide affordable housing that are consistent with the character of the area; and
- Provide bonuses to developers willing to provide affordable housing.

As discussed above Ordinance 24-057 will expand and enhance the redevelopment provisions in the UDC, while requiring the incorporation of improvements consistent with the Guiding Principles, leading to better overall designed sites and buildings. Additionally, the ordinance includes a new development option for repurposing existing retail or office sites for multifamily dwellings, with the requirement that development includes affordable housing units.

F. Changes to conditions, interpretations, and/or clarifications to existing language for new uses.

N/A

G. Consideration of specific problems found in this Chapter.

N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the *New Castle County Code* and comments received from other agencies and the public. Based on this analysis, the Department recommends **CONDITIONAL APPROVAL** of Ordinance No. 24-057, with the condition that County Council consider amending the ordinance to:

- A. Revise the existing transit-oriented infill incentive with respect to rail transit oriented infill (Section 40.07.650.A) as follows:
 1. The development shall be zoned and built to Suburban Transition, Commercial Neighborhood or Commercial Regional standards, except;
 - d. The maximum open space
 - e. Mixed uses within four hundred (400) feet ...
 - f. Multi-family developments shall...

2. The minimum parking for~~[T]~~he mixed use, higher density, attached or multi-family units ~~[shall have structured parking]~~ is reduced by 12%.
 3. The rail transit station ~~[shall]~~ may have structured parking ~~[and may]~~ incorporated ~~[it]~~ into a mixed use building. The Department may modify the mixed use requirements to provide the needed commercial and residential parking in close proximity to the station.
- B. Amend Section 40.31.820 to better clarify the purpose of the maintenance guarantee including improvements other than landscaping and provides a three-year maintenance period for non-residential projects.

PLANNING BOARD RECOMMENDATION

At the business meeting held on July 16, 2024, the Planning Board considered the recommendation provided by the Department of Land Use as well as comments from outside agencies and the public.

On a motion made by Ms. Gray and seconded by Ms. Visvardis, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 24-057 pursuant to the rationale and conditions recommend by the Department of Land Use.

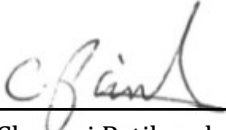
The motion was adopted by a vote of 6-0-0-3 (In Favor: Peterson, Cantrell, Cochran, Drake, Gray, Visvardis; In Opposition: None; Abstention: None; Absent: Cahill-Krout, Daigle, Snowden).

Prior to the vote, the following discussion occurred:

Matthew Rogers read the Department of Land Use recommendation into the record.

STATUTORY GUIDELINES

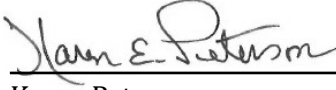
In the phraseology of 9 Delaware Code, Section 2603(a), the Department finds that this text amendment would promote the convenience, order, and welfare of the present and future inhabitants of this state.



Charuni Patibanda
General Manager
Department of Land Use

8/16/2024

date



Karen Peterson
Chair
Planning Board

8/16/2024

date

Prime Sponsor(s): Mr. Hollins
Requested by: Land Use
Date of introduction: May 28, 2024

ORDINANCE NO. 24-087

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), ARTICLE 4 (“DISTRICT AND BULK STANDARDS”), ARTICLE 33 (“DEFINITIONS”), AND APPENDIX 7 (“GUIDING PRINCIPLES FOR DEVELOPMENT”) , REGARDING EXPANDING THE ACCESSORY DWELLING UNIT REGULATIONS TO PROVIDE EQUITABLE AFFORDABLE HOUSING OPPORTUNITIES AND THE ABILITY TO AGE IN PLACE, AND UPDATING THE GUIDING PRINCIPLES TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN

1 **WHEREAS**, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as
2 Amended by Floor Amendment No. 1 (“New Castle County Comprehensive Plan 2050”
3 or “Comprehensive Plan”), on July 26, 2022, and the County Executive approved the
4 Ordinance on August 4, 2022; and
5

6 **WHEREAS**, in April of 2007, County Council adopted Substitute No. 1 to
7 Ordinance No. 07-001 creating the Accessory Dwelling Unit (“ADU”) provisions to:
8

- 9 • Provide senior homeowners with a means of obtaining rental income,
10 companionship, security, and services, thereby enabling them to stay more
11 comfortably in homes and neighborhoods they might otherwise be forced to leave;
12
- 13 • Create additional housing units in areas where infrastructure is already in place;
14
- 15 • Provide housing units for persons with special needs facilitate the supply of
16 housing available to households with moderate incomes; and
17

18 **WHEREAS**, in March of 2017, County Council adopted Ordinance No. 16-117 to
19 increase the cap on ADUs from 0.2 percent single family detached homes to 0.4 percent
20 of single family detached homes; and
21

22 **WHEREAS**, in the seventeen years since adoption of the ADU provisions, fewer
23 than 400 accessory dwelling unit permits have been issued, about one quarter of which
24 were for detached ADUs; and
25

26 **WHEREAS**, the Delaware Housing Needs Assessment 2015-2022, issued by the
27 Delaware State Housing Authority, indicates an existing need for affordable housing in
28 New Castle County; and
29

30 **WHEREAS**, the New Castle County Comprehensive Plan directs the County to
31 increase the variety and range of safe, quality housing options for all, in a diversity of
32 locations; focus on revitalizing and preserving areas already developed, while responsibly
33 guiding future development in a manner that is consistent with adjacent communities; and
34

35 **WHEREAS**, the New Castle County Comprehensive Plan identified ADUs as a
36 method for addressing the affordable housing needs in the County; and
37

38 **WHEREAS**, the County recognizes the importance of updating its development
39 regulations to be consistent with, and implement, the New Castle County Comprehensive
40 Plan; and
41

42 **WHEREAS**, County Council has determined that the provisions of this Ordinance
43 substantially advance, and are reasonably and rationally related to, legitimate
44 government interests (i.e., promoting the health, safety, morals, convenience, order,
45 prosperity and/or welfare of the present and future inhabitants of this State).
46

47 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
48

49 **Section 1.** *New Castle County Code* Chapter 40 (“Unified Development Code”
50 or “UDC”), Article 3 (“Use Regulations”), Division 40.03.100 (“Use Regulations”), is
51 hereby amended by adding the material that is underscored and deleting the material
52 that is bracketed and stricken, as set forth below:

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table							Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory									Zoning District (Suburban and Special Character)							Additional Standards (all districts)	
Land Use	TN*	ST	MM	ON	OR	CR	BP	I	CN	S***	SE	NC**	HI	EX	SR	Parking	Limited & Special Use Standards
... Residential									Residential							Residential	
...Manufactured home park	N	N	L	N	N	N	N	N	N	N	N	L	N	N	N	2.25/du.	Section 40.03.306
Small single-family <u>detached dwelling</u>	L	L	N	N	N	[L]N	N	N	[L]N	L	N	L	N	N	N	2.0/du.	[---]Only permitted as an ADU (Section 40.03.410) ...

Section 2. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 3 (“Use Regulations”), Division 40.03.400 (“Individual Use Standards”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.03.410. Accessory uses, residential.

Residential uses may have accessory buildings and accessory uses provided they conform to the following standards...

I. *Accessory dwelling unit (ADU).*

1. Only one (1) ADU is permitted per single-family ...
7. On any lot ~~[greater than two (2)]~~ one half (1/2) of an acre or more, one (1) freestanding accessory structure may be constructed or used as an ADU ~~[-The freestanding-]~~ provided that the dwelling unit [may be located in any yard, provided that it] meets the same front, street, side and rear yard setbacks as required for the principal dwelling. ...
12. ~~[The total number of building permits issued for ADUs in unincorporated New Castle County shall not exceed four tenths (0.4) percent of the total of single family detached homes in the County based an assessment records.]~~ A detached ADU may be either a Small Single-Family or Single-Family Detached dwelling.
13. An ADU is the only detached accessory residential structure that may provide quarters for sleeping.
14. Ardens exception for existing ADUs. ...
- ~~[14. The Department of Land Use shall advise New Castle Council in writing ADUs are reaching the cap; the Department at that time will render a recommendation to Council on whether the cap should be raised and if so, by how much.]~~

Section 3. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 4 (“District and Bulk Standards”), Division 40.04.100 (“District performance standards”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

97 **Sec. 40.04.110. District and bulk standards.**

98
99 This Section contains the basic district standards applicable to all uses. Table 40.04.110
100 contains intensity, lot, bulk and exterior storage standards. These standards may be
101 modified by the Department pursuant to Article 26.

102
103 A. *Minimum open space ratio.* ...

104
105 B. ~~[Minimum-s]~~Site area. ~~[Minimum-s]~~Site area is the [minimum] area required
106 ~~[before]~~for any new uses recognized by this Chapter ~~[may]~~to be permitted in the
107 zoning district. The number identified is the minimum site area unless otherwise
108 specified.

109 No land shall be rezoned unless the proposed zoning district meets minimum site
110 area requirements. In determining minimum site area requirements for rezoning
111 applications, contiguous parcels of the same zoning shall be considered in the
112 calculation.

113
114 C. Maximum building height. ...

115
116 D. Minimum lot area. ...

Table 40.04.110A. DISTRICT AND BULK STANDARDS								Table 40.04.110B. DISTRICT AND BULK STANDARDS								Table 40.04.110C. DISTRICT AND BULK STANDARDS	
District Standards								Lot, and Building Standards								Storage and Comments	
		Density		Floor Area Ratio				Minimum							Max.	Exterior Storage	Notes
Zoning District & Type	Min. OSR/LSR	Max. Gross	Max Net	Max. Gross	Max Net	Utilities (on-site, public)	[Min.] Site Area	Lot Area	Lot Width (feet)	Front and Street Yards (feet)	Side Yard (feet)	Rear Yard (feet)	Paving street yard/ other yard (feet)	Unit Mix (%)	Build-ing Height (feet)	Percent of Lot Area	
Suburban Reserve (SR)...								Suburban Reserve (SR)...								Suburban Reserve (SR)...	

Section 4. New Castle County Code Chapter 40 (“Unified Development Code” or “UDC”), Article 33 (“Definitions”), Division 40.33.200 (“Use definitions”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.33.220. Residential uses.

A. *Single-family detached*. These are detached dwelling...

K. *Manufactured home park*. A development designed...

L. *Small single-family*. The small single-family house is an affordable unit specially designed and built to serve the needs of individuals or small households who need small, compact, affordable housing. It is not intended to meet the needs of large families. ~~[Three (3)]~~ Two (2) types of housing are provided: single-family detached one (1) story[,] and single-family detached two (2) story[, ~~and single-story attached~~]. The small scale of these units permits them to fit into existing neighborhoods without threatening the neighborhood character.

M. *Accessory dwelling unit (ADU)*. This is a second, subordinate...

Section 5. New Castle County Code Chapter 40 (“Unified Development Code” or “UDC”), 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 bracketed and stricken, as set forth below:

Division 40.33.300. General definitions.

This Division contains the definition of words used in this Chapter ...

Dwelling, single-family detached. A dwelling unit, including a manufactured home, designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. ~~[With the exception of small single-family housing (Section 40.07.340), the following shall apply]:~~

A. It has a minimum of seven hundred fifty (750) square feet of gross floor area.

B. It has a minimum width along any exterior front, side and rear elevation of twenty (20) feet, exclusive of any garage area. If applicable, it ~~[shall]~~ must be multiple transportation sections at least ten (10) feet wide unless transportable in three (3) or more sections, in which case only one (1) section need be ten (10) feet wide.

C. It is permanently ...

Dwelling, small single-family detached. A one (1) or two (2) story dwelling unit, designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The following applies:

- A. It has a minimum of four hundred (400) square feet of gross floor area and less than seven hundred fifty (750) square feet of gross floor area.
- B. It is of light-frame or masonry construction and permanently mounted on a solid foundation or pier foundation system in accordance with Chapter 6.
- C. All utilities must be permanently connected in accordance with the County plumbing and mechanical codes.
- D. The dwelling must have a weather-resistant exterior covering material comparable in appearance, quality and durability to brick, stone, treated lumber, masonry, or masonry veneer, which shall extend to the foundation.
- E. The siding of all dwellings must be continuous so as to enclose any joining of two (2) or more sections.
- F. It complies with all other pertinent sections of the building and housing codes of the County, and the fire and health codes of the State.

Dwelling unit. One (1) or more rooms physically...

Lot, flag. ...

Lot line. A property line dividing one (1) lot from another or from a street or other public place. A lease line shall not be interpreted to be a lot line. There are basically four (4) types of lot lines—front, rear, side, and street. See Figure 40.33.312.

- A. Front lot line.* The street lot line from which the unit takes access[; or w]. Where more than one (1) street yard could safely provide [this] access, the street serving the smallest traffic volume unless otherwise determined by the Department. For parcels with no street frontage the front lot line must be determined by the Department.
- B. Rear lot line.* The lot line opposite or nearly opposite the front lot line. In the case of a lot without a clearly identified rear lot line, that line shall be construed to be a ten (10) foot long line drawn parallel with the front street line.
- C. Side lot line.* The lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street or rear lot line.
- D. Street lot line.* Any lot line that is also a street right-of-way line.

Lot-line house....

209
210 *Yard. ...*

211
212 *Yard, front.* A yard extending the full width of the lot between the front lot line and the
213 parts of the principal building erected thereon.

214
215 *Yard, rear.* A yard extending the full width of the lot between the rear lot line and the
216 parts of the principal building erected thereon. For a corner lot, the rear yard shall not
217 extend beyond the building setback line on the side street.

218
219 *Yard, side.* A yard between the parts of the principal building and the adjacent side lot
220 line [ef the lot] and extending from the front yard to the rear yard.

221
222 *Yard, street.* A yard extending the full width of the lot between the street lot line and
223 the parts of the principal building erected thereon setting back from and nearest such
224 street line.

225
226 *Zero (0) lot line. ...*

227
228 **Section 6. New Castle County Code** Chapter 40 (“Unified Development Code
229 or “UDC”), Appendix 7 (“Guiding Principles for Development”), is hereby amended by
230 adding the material that is underscored and deleting the material that is bracketed and
231 stricken, as set forth below:

232
233 **APPENDIX 7: GUIDING PRINCIPLES FOR DEVELOPMENT**

234
235 **1. Purpose and Applicability. ...**

236
237 **2. Character Areas.**

238
239 A. The Comprehensive Development Plan ...

240
241 B. The Guiding Principles achieve the foregoing through dividing the County into
242 [five (5)]six (6) Character Areas, consistent with the [eight (8) future land use
243 categories designated by the Comprehensive Development Plan: Residential
244 Neighborhood, Mixed Residential Neighborhood, Corridor, Center, and New
245 Community Development]Future Land Use Designations and policies in the New
246 Castle County Comprehensive Development Plan. For additional clarity, the
247 relationship between zoning districts, future land use categories, and their
248 corresponding character area designations, are shown below:
249

250
251
252
253

Table 1
Character Area Relationships

Zoning Districts	Strategies for State Policies and Spending Areas	Comprehensive Development Plan Future Land Use Categories	General Description	Guiding Principles Character Areas
<u>S, ST, TN</u>	<u>Levels 1 & 2</u>	<u>Hamlets & Villages/ Residential Developed/ Residential Developed</u>	<u>Moderate to High Density/Mix of Dwelling Unit Types/Neighborhood Scale Commercial and Office Uses Areas providing walkable, transit-supportive, community centers that transition to surrounding suburban areas</u>	<u>Traditional Community Development</u>
<u>S</u>	<u>Levels 1 & 2</u>	<u>Residential/Residential Developed</u>	<u>Low to Moderate Density Residential/Mix of Dwelling Unit Types</u>	<u>Suburban Community Development</u>
<u>S, SE, SR, NC</u>	<u>Levels 1,2,3, & 4</u>	<u>Residential/Residential Developed</u>	<u>Very Low to Moderate Density Residential/Mix of Dwelling Unit Types</u>	<u>Residential Neighborhood</u>
<u>All</u>	<u>Levels 1,2,3, & 4</u>	<u>Resource Preservation</u>	<u>Discourage New Development/Protect natural resources and preserve green fields</u>	<u>Resource Preservation</u>
[SE, SR, S, applicable NC districts]	[Levels 1, 2 & 3]	[Very Low Density Residential]	☐ [0-1 dwelling units/acre] ☐ [Protect natural resources and preserve green fields]	[Residential Neighborhood]
[S, ST applicable NC districts]	[Levels 1 & 2]	[Low Density Residential]	☐ [1-3 dwelling units/acre-] ☐ [Minimize new development until population and employment growth justifies expansion of the public sewer system] ☐ [Protect natural resources and preserve green fields]	[Residential Neighborhood]
[ST, TN, applicable NC districts]	[Levels 1 & 2]	[Medium Density Residential]	[2-8 dwelling units/acre]	[Residential Mixed Neighborhood]

[ST, TN, applicable NC districts]	[Levels 1 & 2]	[High Density Residential]	[> 8 dwelling units/acre]	[Residential Mixed Neighborhood]
CN, CR, ON, OR, BP, I, applicable NC Districts	Levels 1 & 2	Type 1 (Commercial Corridor Development)/Type 2 (Employment-based Corridor Development)/Community Development Areas	• Higher densities • Redevelopment or mixed-use centers • Transit supportive	Corridor
CN, CR, ON, OR, BP, I, and HI	Levels 1 & 2	Business Flex and Manufacturing	• High intensity commercial and employment-based uses permitting integrated residential • Redevelopment or mixed-use centers • Transit supportive	Commercial and Employment Centers
[CN, CR, ON, OR, BP]	[Levels 1 & 2]	[New Community Development Area]	• [Density goal 3-5 dwelling units per acre] • [Areas providing walkable, transit-supportive, community centers that transition to surrounding suburban areas]	[New Community Development]
[SE, SR]	[Levels 2, 3 & 4]	[Resource & Rural Preservation]	☐ [Minimize new development] ☐ [Protect natural resources and preserve green fields]	[Not addressed — regulated by existing UDC standards]

C. The Comprehensive Development Plan has ...

3. Guiding Principles and Character Areas.

A. ~~[The Guiding Principles align]~~ This Appendix provides specific guidance on four (4) of the six (6) ~~[five (5)]~~ character areas ~~[to the future land use categories in the Comprehensive Development Plan:]~~; Residential Neighborhood, ~~[Mixed Residential Neighborhood]~~ Suburban Community Development, Commercial and Employment Centers, and Corridors, and New Community Development. This ~~[e]~~ Appendix does not address ~~[Heavy Industrial and]~~ Resource ~~[& Rural]~~ Preservation category ~~[ies are not addressed here because they are regulated by the UDC, and do not require the kind of design and amenity regulations established in these Guiding Principles]~~ since land use policy set by the Comprehensive Development Plan is to encourage preservation efforts in

268 Resource Preservation Areas. Design standards for Traditional Community
269 Development are in Article 25 Design.

270
271 B. The following table summarizes the Guiding Principles for each character area:

272
273

Table 2
Summary of Design Principles

	Residential Neighborhood	[Mixed Residential Neighborhood] Suburban Community Development	Corridors	Commercial and Employment Centers	[New] Traditional Community Development
Vision	[Primarily Single-Family detached, low densities] <u>Very Low to Moderate Density Residential/Mix of Dwelling Unit Types</u>	[Mix of residential types, from high density single family to apartments, with small scale commercial] <u>Low to Moderate Density Residential/Mix of Dwelling Unit Types</u>	Mix of commercial and employment-based uses with supportive residential higher densities Redevelopment or mixed-use centers transit supportive	High intensity commercial and employment-based uses permitting integrated residential Redevelopment or mixed-use centers Transit supportive	Mix of <u>residential and institutional uses may include supportive commercial or employment-based uses</u> [; may include supportive residential]
Building:					
Facade Design	No special considerations except in Home Town or Neighborhood Preservation districts	Highly articulated facade with a high level of transparency	Highly articulated facade with a high level of transparency, with more flexible standards away from the corridor	Moderately to highly articulated facade with a high level of transparency, with flexible standards for designated “B” streets	Moderately articulated facade with transparency, with flexible standards for designated “B” streets
Orientation	No special considerations except in Home Town or	Front-facing entry element (porch, stoop, etc.)	High level of ground floor pedestrian interest and transparency	High level of ground floor pedestrian interest and transparency	Accessible by vehicles with ground floor pedestrian

	Residential Neighborhood	[Mixed Residential Neighborhood] Suburban Community Development	Corridors	Commercial and Employment Centers	[New] Traditional Community Development
	Neighborhood Preservation districts		with front-facing entries (canopy, courtyard, etc.)	with front-facing entries (canopy, courtyard, etc.)	interest and transparency internal to the development
Transition Adjacent to Single-Family	No special considerations	Lower scale adjacent to Residential Neighborhoods	Lower scale adjacent to Residential Neighborhoods	Lower scale adjacent to Residential Neighborhoods	Lower scale adjacent to Residential Neighborhoods
Site:					
Building Placement	Buildings located to allow for front and rear yards	Buildings located near the sidewalk edge or set back	Buildings located near the sidewalk edge	Buildings set back from the sidewalk edge or along sidewalks at exterior	Buildings set back from the sidewalk edge or along sidewalks at exterior
Parking	No special considerations	Parking dispersed in small modules / [Quantity limited]	Parking located to the rear or side of buildings in small modules	Parking located to the rear of buildings in small modules or Parking set back from the sidewalk edge in landscaped lots	Parking set back from the sidewalk edge in landscaped lots / Sufficient quantity
Pedestrian & Bicycle Circulation	Sidewalks and paths provide multi-modal connections	Sidewalks and paths provide multi-modal connections	Buildings are connected to the street & transit / sidewalks, bike lanes and multi-	Buildings are connected to the street & transit / sidewalks, bike lanes and multi-	Multi-modal paths and sidewalks connect buildings and parking

	Residential Neighborhood	[Mixed Residential Neighborhood] Suburban Community Development	Corridors	Commercial and Employment Centers	[New] Traditional Community Development
			modal paths connect to greenways and neighborhoods	modal; paths connect to greenways & neighborhoods	
Vehicular Circulation	Streets provide sufficient connectivity / narrow drive lanes for new subdivisions	Narrow drive lanes / street provide sufficient connectivity	Narrow drive lanes / limited curb cuts / off-street connections between parcels	Narrow drive lanes / limited curb cuts / off-street connections between parcels	Narrow drive lanes / limited curb cuts / off- street connections between parcels
Stormwater Management	Stormwater management practices should be integrated into site features such as rooftops, landscape islands, and paved areas, to intercept and retain rainfall runoff throughout the site in order to mimic pre-developed hydrology and reduce overall development costs associated with high land value.				
Amenities:					
Open / Civic Spaces	High level of passive open space oriented around natural features	Open space primarily provided as patios and courtyards limited urban landscaping to promote pedestrian orientation and reduce visual impacts of parking	Some open space provided as patios and courtyards significant landscaping to reduce visual impacts of parking and enhance community image	Significant perimeter landscaping to enhance community image or transition in scale where adjoining other uses.	Significant perimeter landscaping or transition in scale where adjoining other uses

275 **4. Residential Neighborhood.**

276
277 A. *Vision.*

- 278
279 1. The Residential Neighborhood designation [~~is for New Castle County's~~
280 ~~predominantly single-family neighborhoods. The designation]~~ applies to
281 areas primarily identified as Residential Developed in the Comprehensive
282 Development Plan~~[consisting primarily of single-family dwellings on~~
283 ~~individual lots and is intended to preserve and protect the existing~~
284 ~~character of the residential neighborhood. Typical uses include single~~
285 ~~family housing, parks, and compatible uses such as schools and daycare~~
286 ~~centers].~~
- 287
288 2. The vision is to protect the residential neighborhoods from encroaching
289 commercial uses and incompatible development that would compromise
290 the quality of life and character of these areas. This directs incompatible
291 development away from the neighborhoods to Corridor[, and Center[, and
292 ~~New Community Development]~~ character areas [and] providing[es] a
293 broad array of neighborhood conservation measures to control the pace
294 and type of change within existing residential areas.
- 295
296 3. At an appropriate scale and design, [~~however,~~]neighborhood-serving
297 retail, service, and institutional uses [~~should~~]may be located close to these
298 neighborhoods.
- 299
300 B. *Building Design.* Height and maximum allowable density are as set out in the
301 UDC for the Suburban (S), Suburban Estate (SE), Suburban Reserve (SR) and
302 applicable Neighborhood Conservation (NC) [~~and Suburban Transition (ST)]~~
303 districts. Building design generally is not regulated in these districts unless
304 specifically mentioned in the UDC.

305
306 C. *Site Design...*

307
308 **5. ~~[Mixed Residential Neighborhood]~~Suburban Community Development.**

309
310 A. *Vision.*

- 311
312 1. [~~This category]~~The Suburban Community Development applies to
313 undeveloped areas primarily identified as Residential ~~the high (9-plus~~
314 ~~dwelling units per acre) and medium (3-9 dwelling units per acre) density~~
315 ~~residential land use categories. These are identified as existing~~
316 ~~communities]~~ in the Comprehensive Development Plan and are primarily
317 located north of the Canal. [~~While t]~~The Comprehensive Development
318 Plan [~~identifies few policies specific to these land use categories, they~~
319 ~~do]~~encourages a diverse range of housing near employment and
320 commercial areas, [~~and]~~transit services, and affordable housing.

- 321
- 322 2. This designation is applied primarily to areas with a mix of housing types,
- 323 including multi-family housing. It is intended to preserve and protect the
- 324 existing character and state of the residential neighborhood. ~~[Typical uses~~
- 325 ~~include low and medium-scale apartments, semi-detached, twin, atrium,~~
- 326 ~~weak-link and townhouse types and quadraplexes. Pedestrian-oriented~~
- 327 ~~retail, institutional and commercial amenities are permitted only in TN-~~
- 328 ~~zoned parcels.]~~
- 329
- 330 3. New development ~~[will]~~should transition in mass and scale to adjacent
- 331 ~~[structures in]~~residential neighborhoods ~~[in a way that]~~to protect[s] the
- 332 neighborhood's aesthetic quality and livability~~[- New development will]~~
- 333 while providing[e] open space or recreational amenities for residents.
- 334
- 335 4. The development may include both "A" and "B" streets to offer design
- 336 flexibility while ensuring that the development provides high design quality
- 337 along streets with both vehicular and pedestrian traffic.
- 338

339 B. *Building Design.*

340

- 341 1. ~~[Make the building visually and architecturally pleasing by]~~Buildings should
- 342 ~~vary[ing the]~~ in height, color, setbacks, materials, texture, landscaping,
- 343 trim and roof shape.
- 344
- 345 2. Orientation...
- 346

347 C. Frontage

		<u>“A” Streets</u>	<u>“B” Streets</u>
<u>Awning/Canopy</u>	<u>Use of an awning or canopy above transparent glass windows or other ground floor pedestrian interest areas.</u>	■	■
<u>Balcony</u>	<u>An unenclosed platform that projects from the wall of a building a minimum of 6’ and is surrounded by a railing, balustrade, or parapet.</u>	■	■
<u>Courtyard</u>	<u>A court, patio or other indentation in the building facade at least 6’ deep – building entry doors may face onto the patio from any direction.</u>	■	■
<u>Gallery/Arcade</u>	<u>Roofed (or partially roofed), arcade, gallery, veranda or pergola elements that are not enclosed on more than two sides.</u>	■	■
<u>Front porch</u>	<u>A roofed but unenclosed entry element with a minimum depth of 8’.</u>	■	■
<u>Stoop</u>	<u>A raised and unenclosed (may be roofed) landing and stairway.</u>	■	■
<u>Projected entry</u>	<u>An entry that extends exterior from the front of the building plane, and has a height and width in scale to the dimensions of the building, such that its presence clearly indicates a primary entrance.</u>		■
<u>Recessed entry</u>	<u>An entry that recesses into the front of the building plane, and has a height and width in scale to the dimensions of the building, such that its presence clearly indicates a primary entrance. A Recessed Entry can be integrated with the building’s roof plane.</u>		■

[D]E.Amenities...

6. Corridor. ...

7. Commercial and Employment Centers. ...

8. [New]Traditional Community Development.

A. Vision.

1. [New]Traditional Community Development is the character area [of new growth south of the C & D Canal, and] that includes [those] areas currently served by sewer and [the proposed first phase expansion of the Southern Sewer Service Area] designated by the Future Land Use Map as either Residential or Hamlets & Villages and developed as either an Affordable Housing Planned Development, Hamlet or Village. Directing growth to these areas avoids land consumption and provides a fiscally responsible, compact development pattern. Accommodating development in a smaller geographic area reduces the size of the area that must be served by infrastructure, thereby decreasing development expenditures that are reflected in the cost of living for residents.

2. The development may include both "A" and "B" streets...

B. Building Design. ...

C. Site Design. ...

D. Amenities. ...

9. General Concepts....

10. Amenities....

Section 7. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 8. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

392 **Section 9. Severability.** The provisions of this Ordinance shall be severable. If
393 any provision of this Ordinance is found by any court of competent jurisdiction to be
394 unconstitutional or void, the remaining provisions of this Ordinance shall remain valid,
395 unless the court finds that that the valid provisions of this Ordinance are so essentially
396 and inseparably connected with, and so dependent upon, the unconstitutional or void
397 provision that it cannot be presumed that County Council would have enacted the
398 remaining valid provisions, without the unconstitutional or void one, or unless the court
399 finds that the remaining valid provisions, standing alone, are incomplete and incapable
400 of being executed in accordance with the County Council's intent. If any provision of this
401 Ordinance or any zoning map or portion thereof is found to be unconstitutional or void,
402 all applicable former ordinances, resolutions, zoning maps or portions thereof shall
403 become applicable and shall be considered as continuations thereof as not as new
404 enactments regardless if severability is possible.

405
406 **Section 10. Effective Date.** This Ordinance shall become effective immediately
407 upon its adoption by County Council and approval by the County Executive or as
408 otherwise provided in 9 *Del. C.* § 1156 and shall not apply to any land use application
409 filed prior to the adoption date of this Ordinance.

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
New Castle County

Approved on:

Matthew Meyer
County Executive
New Castle County

SYNOPSIS:

Sec. 40.03.110. This amendment removes small single-family from the Commercial Neighborhood (CN) and Commercial Regional (CR) zoning districts. This amendment also permits small single-family as an ADU.

Sec. 40.03.410. This amendment permits detached ADUs on lots one half (1/2) of an acre or larger. Removes cap on ADUs and requirement for the Department to provide an annual report. This amendment also clarifies that detached ADUs can be either single-family detached or small single-family detached dwelling units and that ADUs are the only permissible detached accessory structure providing quarters for sleeping.

Sec. 40.04.110. This amendment changes minimum site area to site area since this column has a maximum acreage as well as a minimum acreage. This amendment also provides front yard setback requirements.

Sec. 40.33.220. This amendment reduces the number of housing types available as small single family dwellings from three to two.

Div. 40.33.300. This amendment defines small single-family detached dwellings differentiating them from mobile homes. This amendment also defines front yard and requires that for lots that have no street frontage that the Department determines the front lot line.

Appendix 7. This amendment modifies the Guiding Principles for Development to be consistent with changes in the 2022 Update to the Comprehensive Development Plan.

FISCAL NOTE: This Ordinance will have no discernible fiscal impact.

RESOLUTION NO. 24-172

**HONORING THE LIFE OF WAYNE PHILIP “PHIL” PROUD, SR. AND
EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS**

1 **WHEREAS**, Wayne Philip “Phil” Proud, Sr., passed away suddenly at the age of
2 85 on Monday, September 16, 2024; and
3

4 **WHEREAS**, Phil was born into a large farming family of 5 brothers and 6 sisters.
5 He attended Commodore MacDonough and Delaware City High School in his younger
6 years; however, Phil made an easy decision to leave school and start his life-long farming
7 career; and
8

9 **WHEREAS**, Phil spent time working on his family’s farm prior to joining the U.S.
10 Army. While he was stationed in Germany, he was decorated with the medal of Good
11 Conduct, and the Marksman and Sharp Shooter awards. When Phil returned home from
12 the service, he married the love of his life Diana (Walker) in 1963. They lived in St.
13 George’s, DE for a short time and he worked alongside Albert Crumpton as a mechanic.
14 Phil joined his father-in-law Norman Walker (Florence) in New Castle on their family’s
15 Dairy Farm. With his years of experience, he started his own farming business and
16 became well known as Proud Farms by the community; and
17

18 **WHEREAS**, Phil was a member of the Delaware Farm Bureau and, in 2008,
19 received the the New Castle County Farm Family of the Year award; and
20

21 **WHEREAS**, Phil was a very hard-working man who loved spending time on his
22 farm. He loved working on machinery, hunting, and riding around in his John Deere
23 Gator with his dogs. He could certainly light up a room with his kind smile and warming
24 presence; and
25

26 **WHEREAS**, Phil is survived by his loving wife of 61 years Diana Proud, his sister
27 Doris Alls (Fred), his children Wayne Proud, Jr, Melissa Garvey (Matt), Chris Proud (Bill);
28 his grandchildren Ryan Ivey, Mark Garvey, Morgan Rorabaugh (Jake); his great
29 grandchildren Cooper and Charli Ivey; and his beloved furry friend, Max.
30

31 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
32 Castle County that the County Council hereby expresses its deepest sympathies to the
33 family and friends of Wayne Philip “Phil” Proud Sr., on his recent passing and honors him
34 for his service to the community.

Adopted by the 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 upon the adoption of this legislation.

RESOLUTION NO. 24-173

**HONORING THE LIFE OF CHIEF JASPER HERMAN LAKEY AND
EXPRESSING CONDOLENCES TO HIS FAMILY AND FRIENDS**

1 **WHEREAS**, Chief Jasper Herman Lakey passed away peacefully at the age of 93
2 on September 17, 2024, surrounded by his loving family; and
3

4 **WHEREAS**, Chief Lakey was born on July 11, 1931, in Wilmington Delaware to
5 the late Jasper M. and Mary A. (Zeuris) Lakey. He played baseball in Canada as a
6 pitcher. He served in the United States Marine Corps from May 30, 1952 until May 19,
7 1954. He was employed at the Delaware City Refinery as the Fire Chief until his
8 retirement; and
9

10 **WHEREAS**, Chief Lakey had a strong commitment to serving his community. He
11 was a Past President and Life Member of the Delaware City Fire Company. He joined
12 the Fire Company on April 27, 1948. During his 76 years of service, he served 2 different
13 terms as President, Vice President and was on the Board of Directors for over 40 years.
14 He also served as 2nd Assistant Chief. In addition to serving the Delaware City Fire
15 Company, he was Past President of New Castle County Firefighters Association, the
16 Delaware Volunteer Firefighters Association, New Castle County Fire Chiefs Association
17 and Delaware State Fire Chiefs Association. He also served 12 years on the Delaware
18 State Fire Commission, where he also served as Co-Chairman; and
19

20 **WHEREAS**, during Chief Lakey's years of service, he was recognized with many
21 awards. He received the State of Delaware's Fireman of the Year, the New Castle
22 County's Fireman of the Year, the Sonny Wilkins Longevity Award, the New Castle
23 County Fire Policeman of the Year, and the Delaware Fire Policeman of the Year Awards.
24 The Delaware City Fire Company recognized Chief Lakey with the President/Chiefs
25 Award, Presidents Award and Chiefs Award. He was also recognized as an Honorary
26 Member of the Ladies Auxiliary as well as a Life Member of the Odessa Fire Company;
27 Chief Lakey left an everlasting legacy with the Delaware City Fire Company and the
28 Delaware Fire Service; and
29

30 **WHEREAS**, Chief Lakey was preceded in death by his wife, Louise (Cathcart)
31 Lakey. He is survived his brother Edward A. Lakey (Jeanne) and sister, Mary Lou Bond,
32 and many nieces, nephews, and cousins.
33

34 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
35 Castle County that the County Council hereby expresses its deepest sympathies to the
36 family and friends of Chief Jasper Herman Lakey on his recent passing and honors Chief
37 Lakey for his service to his community, the County and the State of Delaware.

Adopted by the County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
New Castle County

SYNOPSIS: Same as title.

FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this legislation. Page 232 of 232