



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

July 8, 2025
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

°25-094: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), SECTION 40.27.540 ("CHANGES TO OPEN SPACE OR COMMON FACILITIES") REGARDING PROPOSED PLAN CHANGES

Prime Sponsor(s): Mr. Caneco, Ms. Durham

°25-095: AMENDING NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), SECTION 14.01.014 ("TAX STABILIZATION RESERVE ACCOUNT") REGARDING THE TAX STABILIZATION ACCOUNT AND REASSESSMENTS

Prime Sponsor(s): Mr. Smiley

°25-096: AMEND THE FY2026 APPROVED OPERATING BUDGET APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY TO REFRESH VIDEO PRODUCTION EQUIPMENT

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

E. Consent Calendar

R25-116: CELEBRATING BISHOP BOSTON FORD, JR.'S 40 YEARS OF LEADERSHIP IN MINISTRY

Prime Sponsor(s): Mr. Hollins

R25-117: RECOGNIZING AND CELEBRATING THE LIFE OF RAYMOND “DICKIE” BURRIS

Prime Sponsor(s): Mr. Carter, Ms. Williams-Johns, Mr. Caneco

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.

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

R25-118: PLAN OF DELAWARE STORAGE SOLUTIONS; MILL CREEK HUNDRED; NORTHWESTERLY CORNER OF OLD CAPITOL TRAIL AND OLD HARMONY ROAD; COMBINE THE EXISTING TWO LOTS AND CONSTRUCT A THREE-STORY, 49,989 SQUARE FOOT SELF-STORAGE BUILDING WITH ASSOCIATED IMPROVEMENTS; CN ZONING; [APPLICATION NO. 2021-0070-S](#); COUNCIL DISTRICT 9

Prime Sponsor(s): Mr. Sheldon

R25-119 : TO TERMINATE THE CROSS ACCESS EASEMENT AND MAINTENANCE DECLARATION FOR LOTS 23 AND 24 – APPLECROSS SUBDIVISION; TAX PARCEL NOS. 07-27.00-097 AND 07-027.00-026; 1 AND 9 GREAT BARN LANE; COUNCIL DISTRICT 2

Prime Sponsor(s): Ms. Durham

G. Time Sensitive Congratulatory/Honorary Resolutions

H. Presentations

I. Consideration of Ordinances

°25-090: (STATUS: TO BE TABLED) AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE FOR THE CLASS SPECIFICATION OF DIRECTOR OF PUBLIC SAFETY FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF ADMINISTRATION

Prime Sponsor(s): Ms. Williams-Johns

°25-091: AMEND THE GRANTS BUDGET: FOR FY2025, APPROPRIATE \$5,504 IN FEDERAL FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT WITHIN THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) AMERICAN RESCUE PLAN ACT (ARPA) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

Prime Sponsor(s): Mr. Hollins, Mr. Street

°25-092: AMEND THE GRANTS BUDGET: APPROPRIATE UP TO \$150,000 ANTICIPATED TO BE RECEIVED FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION THROUGH THE STATE OF DELAWARE, DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH TO THE WASTEWATER GRANT DHSS 2025 FOR THE DEPARTMENT OF PUBLIC WORKS

Prime Sponsor(s): Mr. Sheldon, Mr. Carter

°25-093: TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF COUNTY COUNCIL AND CREATE THE CLASS

SPECIFICATION OF LEGAL ASSISTANT TO COUNSEL TO COUNCIL

Prime Sponsor(s): Ms. George, Ms. Kilpatrick

°22-006: REVISE ZONING MAP: BRANDYWINE HUNDRED, WEST SIDE OF NEWARK UNION PUBLIC ROAD, NORTH OF THE INTERSECTION WITH BAYNARD BOULEVARD; 8 & 20 NEWARK UNION PUBLIC ROAD, TAX PARCELS 06-103.00-101 & 06-103.00-100, 2.31+ ACRES FROM NC10 (NEIGHBORHOOD CONSERVATION) TO NC10 (NEIGHBORHOOD CONSERVATION) AND H (HISTORIC OVERLAY ZONE); COUNCIL DISTRICT 8 (The property owner is requesting the H (Historic Overlay Zone) for the subject parcels. 2021-0557-R/Z)

Prime Sponsor(s): Mr. Cartier

Co-sponsor(s): Ms. Durham

°25-017: REVISE ZONING MAP: NEW CASTLE HUNDRED, WEST SIDE OF OLD STATE ROAD, APPROXIMATELY 200 FEET SOUTH OF LLANGOLLEN BOULEVARD; REZONE 11.06 ACRES OF TAX PARCEL 10-034.00-067 FROM SUBURBAN (S) TO COMMERCIAL REGIONAL (CR); APPLICATION NO. 2023-0005-S/Z; COUNCIL DISTRICT 7 (The Exploratory Minor Land Development Plan with Rezoning for Old State Road LLC proposes to create a parking area for outside storage of vehicles, and rezone tax parcel 10-034.00-067 from Suburban (S) to Commercial Regional (CR))

Prime Sponsor(s): Mr. Smiley

°25-082: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 26 ("HUMAN RESOURCES"), ARTICLE 4 ("PENSIONS") REGARDING PLAN CHANGES TO THE COUNTY 2011 PLAN

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

J. Introduction/Consideration of Emergency Ordinances

K. Public Comment/Other

L. Motion to Adjourn

AGENDA POSTED: July 1, 2025

*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. 25-094

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), SECTION 40.27.540 (“CHANGES TO OPEN SPACE OR COMMON FACILITIES”) REGARDING PROPOSED PLAN CHANGES

1 **WHEREAS**, *New Castle County Code* Chapter 40, Article 27 establishes particular
2 requirements and obligations relating to private open space and common facilities set
3 aside as part of a subdivision or land development plan; and
4

5 **WHEREAS**, among these, Article 27 identifies the responsibilities and obligations
6 of the developer and the maintenance corporation, both before and subsequent to
7 conveyance by the developer of the open space; and
8

9 **WHEREAS**, Article 27 further provides that any plan submission that proposes
10 changes to private open spaces or common facilities delineated on an existing plan must
11 be accompanied by a petition that has been signed by the homeowners of at least two-
12 thirds of the lots of the existing plan who have an interest in the private open space or
13 common facilities; and
14

15 **WHEREAS**, Article 27 would benefit from clarification that the above-mentioned
16 petition must be signed by the homeowners of at least two-thirds of the ***occupied*** lots of
17 the existing plan who have an interest in the private open space or common facilities;
18 and
19

20 **WHEREAS**, the *County Code* and, thus, the citizens of the County would benefit
21 from the proposed clarifications to further enhance the Unified Development Code
22 standards and procedures; and
23

24 **WHEREAS**, County Council has determined that the provisions of this Ordinance
25 substantially advance, and are reasonably and rationally related to, legitimate
26 government interests (*i.e.*, promoting the health, safety, morals, convenience, order,
27 prosperity and/or welfare of the present and future inhabitants of this State).
28

29 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
30

31 Section 1. *New Castle County Code* Chapter 40 (“Unified Development Code”),
32 Section 40.27.540 (“Changes to Open Space or Common Facilities”) is hereby amended
33 by adding the material that is underscored and deleting the material that is stricken, as
34 set forth below.
35

36 **Sec. 40.27.540. - Changes to open space or common facilities.**

37 A. Developer. If a plan proposes changes to private open spaces or common facilities
38 delineated on an existing plan, a petition supporting the record plan changes shall be
39 included with the submission. The petition shall be executed by the homeowners,
1

40 which shall not include a developer, of at least two-thirds (~~2/3~~) of the occupied lots of
41 the existing plan having an interest in the private open space or common facilities. In
42 DPUD's or phased developments, if the private open space or common facility is
43 predominately designed for use by lot or homeowners of a delineated section or
44 phase, consent of two-thirds (~~2/3~~) of the lot or homeowners of the occupied lots in the
45 section or phase containing the private open space or community facility shall be
46 required. The Department may allow substitutions of plant material on the landscape
47 plan without a petition if the plant substitutions conform to the plant list in Appendix
48 3.

49 ...

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

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus A. Henry
County Executive
of New Castle County

SYNOPSIS: This Ordinance, if enacted, would bring clarity to *New Castle County Code* Section 40.27.540 by making clear that, if a plan proposes changes to private open space or common facilities delineated on an existing plan, a petition supporting the record plan changes shall be included with the plan submission, and the petition must be executed by the individual homeowners, which shall not include the developer, of at least two-thirds of the occupied lots of the existing plan who have an interest in the private open space or common facilities.

FISCAL NOTE: There is no discernible fiscal impact.

Acknowledged by the Chief Financial Officer June 30, 2025.

Prime Sponsor(s): Mr. Smiley
Date of introduction: July 8, 2025

ORDINANCE NO. 25-095

AMENDING NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), SECTION 14.01.014 ("TAX STABILIZATION RESERVE ACCOUNT") REGARDING THE TAX STABILIZATION ACCOUNT AND REASSESSMENTS

1 **WHEREAS**, it is crucial to New Castle County that it is able to fund a special
2 reserve account to ensure funding is available to cover reassessment related costs
3 and thereby best control any unexpected impacts to the County and its citizens; and
4

5 **WHEREAS**, County Council has determined that the provisions of this Ordinance
6 substantially advance and are reasonably and rationally related to legitimate government
7 interests, including promoting the health, safety, and welfare of present and future
8 inhabitants of New Castle County.
9

10 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
11

12 Section 1. *New Castle County Code* Chapter 14 ("Finance And Taxation"), Section
13 14.01.014 ("Tax Stabilization Reserve Account") is hereby amended by adding the
14 material that is underscored and deleting the material with strikethroughs, as set forth
15 below.
16

17 **Sec. 14.01.014. - Tax Stabilization Reserve Account.**
18

19 ...

20 D. Each July 1, \$5,000,000 or 50% of the total amount in the Tax Stabilization Reserve
21 Account, whichever is less, shall be transferred from the Tax Stabilization Reserve
22 Account to the Reassessment Reserve Account (Sec. 14.01.018). Such transfers
23 shall be mandated annually, on July 1, until the Reassessment Reserve Account
24 balance reaches \$15,000,000, at which time transfers will temporarily be
suspended.

25 Section 2. This Ordinance shall become effective immediately upon its adoption
26 by County Council and approval by the County Executive, or as otherwise provided in
27 9 *Del. C. § 1156*.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on

Marcus Henry
County Executive
of New Castle County

SYNOPSIS: This Ordinance provides that each July 1, the start of the County fiscal year, 50% of the total amount in the Tax Stabilization Reserve Account or \$5,000,000, whichever is less, must be transferred from the Tax Stabilization Reserve Account to the Reassessment Reserve Account. Such transfers are mandated each fiscal year, on July 1, until the Reassessment Reserve Account balance reaches \$15,000,000, at which time such transfers will be temporarily suspended.

The purpose of this Ordinance is to ensure funding is available for the special reserve account to cover reassessment related costs and thereby best control any unexpected impacts to the County and its citizens.

FISCAL NOTE: This Ordinance results in the transfer of funds from one established reserve to another. Separately, the Tax Stabilization Reserve and Reassessment Reserve each allows for the use of reserves by supermajority vote for the purposes of budget stabilization. Consequently, there is no discernable fiscal impact in the transfer of reserve funds.

Acknowledged by the Chief Financial Officer June 30, 2025.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Technology
Date of introduction: July 8, 2025

ORDINANCE NO. 25-096

**AMEND THE FY2026 APPROVED OPERATING BUDGET:
APPROPRIATE FUNDING FROM THE NEW CASTLE COUNTY TECHNOLOGY FEE
ACCOUNT WITHIN THE OFFICE OF THE RECORDER OF DEEDS TO THE DEPARTMENT
OF ADMINISTRATION, OFFICE OF TECHNOLOGY TO REFRESH VIDEO PRODUCTION
EQUIPMENT**

1 **WHEREAS**, this Ordinance will amend the FY2026 Approved Operating Budget by
2 appropriating \$105,000.00 from the New Castle County Technology Fee Account within the
3 Office of the Recorder of Deeds to the Department of Administration, Office of Technology;
4 and

5
6 **WHEREAS**, this funding is needed to refresh video production equipment for the
7 Departments of Public Safety, Public Works, Land Use, Community Services and the
8 Executive Office that is currently seven to ten years old, as well as past their useful lives; and

9
10 **WHEREAS**, this will also provide equipment for Departments where employees are
11 using their own personal equipment to perform County functions; and

12
13 **WHEREAS**, the revenue measures heretofore adopted by the County Council, are, in
14 the opinion of the County Executive, estimated to yield sums at least sufficient to balance the
15 proposed expenditures as set forth in the Approved Annual Operating Budget as hereinafter
16 amended.

17
18 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

19
20 Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2025, is
21 hereby amended by deleting the material stricken and adding the material underscored on the
22 attached "Exhibit A."

23
24 Section 2. The foregoing amendment shall be considered a part of the Annual
25 Operating Budget for the fiscal year beginning July 1, 2025, and shall be effective retroactively
26 as though incorporated initially in the Annual Operating Budget.

27
28 Section 3. This Ordinance shall become effective immediately upon its adoption by
29 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* §
30 1156.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2026 Approved Operating Budget by appropriating \$105,000.00 from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds to the Department of Administration, Office of Technology. These funds are needed to refresh video production equipment for the Departments of Public Safety, Public Works, Land Use, Community Services and the Executive Office that is currently seven to ten years old, as well as past their useful lives.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Approved Operating Budget by appropriating \$105,000.00 from the New Castle County Technology Fee Account within the Office of the Recorder of Deeds to the Department of Administration, Office of Technology in the Equipment Budget Line Item.

The revised FY2026 Approved Operating Budget will be \$371,358,586. There will be no fiscal impact to FY2027 and FY2028 as this is a one-time cost.

The balance in the New Castle County Technology Fee Account within the Office of the Recorder of Deeds after this appropriation will be \$221,124.45.

Acknowledged by the Chief Financial Officer June 26, 2025.

COUNTY COUNCIL

Salaries and Wages		\$	2,708,793
Benefits			1,525,869
Training and Civic Affairs			67,388
Communication and Utilities			15,854
Materials and Supplies			60,772
Contractual Services			255,947
Equipment			1,600
Grants and Fixed Charges			439,991
Operating Transfer Charges			195,519
Total		\$	5,271,733
Total Authorized Full-Time Positions	35		

COUNTY EXECUTIVE

Salaries and Wages		\$	2,305,318
Benefits			1,293,169
Training and Civic Affairs			41,904
Communication and Utilities			18,850
Materials and Supplies			22,236
Contractual Services			248,565
Equipment			1,000
Grants and Fixed Charges			43,000
Contingency			55,000
Operating Transfer Charges			112,454
Total		\$	4,141,496
Total Authorized Full-Time Positions	17		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	14,072,608
Benefits			7,834,901
Training and Civic Affairs			191,975
Communication and Utilities			8,380,342
Materials and Supplies			163,673
Contractual Services			7,621,531
Equipment	322,900		<u>427,900</u>
Grants and Fixed Charges			4,005,350
Operating Transfer Charges			1,197,550
Operating Transfer Credits			(14,044,103)
Total	29,746,727	\$	<u>29,851,727</u>
Total Authorized Full-Time Positions	168		

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	28,756,814
Benefits		16,093,269
Training and Civic Affairs		45,445
Communication and Utilities		27,456,675
Materials and Supplies		4,963,121
Contractual Services		11,073,787
Equipment		498,333
Grants and Fixed Charges		1,249,757
Land and Structures		35,000
Operating Transfer Charges		4,840,573
Operating Transfer Credits		(7,876,371)
Total	\$	87,136,403
Total Authorized Full-Time Positions	389	

DEPARTMENT OF LAND USE

Salaries and Wages	\$	8,986,033
Benefits		5,031,240
Training and Civic Affairs		66,975
Communication and Utilities		103,015
Materials and Supplies		106,727
Contractual Services		1,532,609
Equipment		55,240
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,071,279
Total	\$	17,009,618
Total Authorized Full-Time Positions	113	

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	13,539,448
Benefits		5,864,111
Training and Civic Affairs		18,560
Communication and Utilities		1,566,414
Materials and Supplies		1,629,039
Contractual Services		3,906,395
Equipment		18,900
Grants and Fixed Charges		3,235,149
Operating Transfer Charges		1,395,685
Operating Transfer Credits		(243,749)
Total	\$	30,929,952
Total Authorized Full-Time Positions	162	

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages	\$	78,228,874
Benefits		43,442,715
Training and Civic Affairs		205,206
Communication and Utilities		992,877
Materials and Supplies		1,313,047
Contractual Services		2,458,322
Equipment		1,661,783
Grants and Fixed Charges		8,741,271
Operating Transfer Charges		8,501,518
Total	\$	145,545,613
Total Authorized Full-Time Positions		729

REGISTER OF WILLS

Salaries and Wages	\$	1,219,161
Benefits		669,258
Training and Civic Affairs		34,950
Communication and Utilities		10,257
Materials and Supplies		10,053
Contractual Services		62,715
Equipment		2,800
Operating Transfer Charges		97,749
Total	\$	2,106,943
Total Authorized Full-Time Positions		20

RECORDER OF DEEDS

Salaries and Wages		\$	1,377,085
Benefits			764,405
Training and Civic Affairs			40,170
Communication and Utilities			31,892
Materials and Supplies			12,398
Contractual Services			82,718
Equipment			6,150
Grants and Fixed Charges			18,350
Operating Transfer Charges			172,975
Total		\$	2,506,143
Total Authorized Full-Time Positions	23		

SHERIFF

Salaries and Wages		\$	1,482,722
Benefits			835,738
Training and Civic Affairs			29,452
Communication and Utilities			12,261
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			150,197
Total		\$	2,592,628
Total Authorized Full-Time Positions	21		

CLERK OF THE PEACE

Salaries and Wages		\$	538,617
Benefits			303,592
Training and Civic Affairs			9,600
Communication and Utilities			3,586
Materials and Supplies			8,754
Contractual Services			18,268
Equipment Replacement			0
Operating Transfer Charges			35,085
Total		\$	917,502
Total Authorized Full-Time Positions	7		

DEBT SERVICE

Debt Service		\$	47,892,496
Total		\$	47,892,496
Total Authorized Full-Time Positions			

ETHICS COMMISSION

Salaries and Wages	\$	44,477
Benefits		4,092
Training and Civic Affairs		10,500
Communication and Utilities		1,745
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,796
Total	\$	306,307
Total Authorized Full-Time Positions	0	

COUNCIL CONTINGENCY

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

EXECUTIVE CONTINGENCY

Contingency	\$	600,000
Total	\$	600,000
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	455,000
Total	\$	455,000
Total Authorized Full-Time Positions		

BENEFITS CONTINGENCY

Contingency	\$	2,250,000
Total	\$	2,250,000
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	(6,107,378)
Personal Services - Employee Benefits	\$	(3,442,422)
Total	\$	(9,549,800)
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	1,144,825
Total	\$	1,144,825

NEW CASTLE COUNTY

Salaries and Wages		\$	147,152,572
Benefits			80,219,937
Training and Civic Affairs			762,125
Communication and Utilities			38,593,768
Materials and Supplies			8,313,529
Contractual Services			27,552,603
Equipment	2,574,206		<u>2,679,206</u>
Grants and Fixed Charges			17,789,368
Debt Service			47,892,496
Land and Structures			35,000
Contingency			4,754,825
Operating Transfer Charges			17,777,380
Operating Transfer Credits			(22,164,223)
<i>Sub-Total New Castle County</i>	<i>371,253,586</i>	\$	<u>371,358,586</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,684</i>		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF JUNE 30, 2025

Tax Stabilization Reserve Account	67,418,321
Sewer Rate Stabilization Reserve Account	8,944,781
General Fund Budget Reserve Account	45,312,006
Sewer Fund Budget Reserve Account	18,734,142
<i>Total Reserves:</i>	<u>140,409,250</u>

RESOLUTION NO. 25-116

CELEBRATING BISHOP BOSTON FORD, JR.'S 40 YEARS OF LEADERSHIP IN MINISTRY

1 **WHEREAS**, “My hope is built on nothing less than the solid rock on which I stand; all other
2 grounds are sinking sand.” This profound declaration encapsulates the journey that will lead him
3 toward a brighter and more fulfilling path; and
4

5 **WHEREAS**, Bishop Boston Ford Jr. was born in Marion, South Carolina, to Martha and Boston
6 Ford Sr., making him the cherished only son among eight siblings, all of whom were sisters. Growing
7 up in a household filled with strong female figures, he learned the invaluable lessons of resilience,
8 character, and the importance of honoring one’s heritage; and
9

10 **WHEREAS**, in 1953, echoing the footsteps of countless others who sought a better life, Bishop
11 Boston Ford Jr. undertook the Great Migration. He traveled along the picturesque Route 76,
12 eventually arriving in Chester, Pennsylvania. This journey marked a significant turning point in his life,
13 allowing him to embrace new opportunities and experiences. Inspired by the biblical promise that “I
14 will give you shepherds after my own heart, who will feed you with knowledge and understanding,” he
15 prepared to fulfill his calling; and
16

17 **WHEREAS**, during his time in Chester, Pennsylvania, Bishop Boston Ford Jr. met and married
18 the love of his life, Willa Mae Dockery. At a time when two cans of milk cost just 25 cents and a loaf of
19 bread could be purchased for 29 cents, the spiritual nourishment they found through their faith was
20 truly priceless. Their journey in ministry began when they were baptized at Bethany Baptist Church in
21 Chester, where they dedicated themselves to serving their community together; and
22

23 **WHEREAS**, in 1962, Bishop Boston Ford Jr. relocated to Wilmington, Delaware, where he
24 became an active member of Mount Zion Baptist Church. His commitment to his faith was evident as
25 he served as a deacon for 12 years, nurturing the spiritual growth of those around him. Recognizing
26 the need for outreach and support within his community, he laid the foundation for The Outreach Holy
27 Word Christian Church. From its humble beginnings as an outreach Bible class held in his home, he
28 poured his heart and soul into this ministry, which has now flourished for over 40 years, embodying
29 his dedication to God, his family, and the wider community; and
30

31 **WHEREAS**, the influence of Bishop Boston Ford Jr. extends beyond his pastoral duties. He
32 and Willa Mae have been blessed with three talented children, each of whom shares the gospel with
33 heartfelt passion through music, prayer, and leadership: Pastor Sherry, who leads with compassion;
34 Worship Pastor David, a gifted musician; and Evangelist Serena, who spreads the good news with
35 zeal.
36

37 **NOW, THEREFORE, BE IT RESOLVED:** by and for the Council of New Castle County that the
38 County Council stands united with the family and friends of Bishop Boston Ford Jr. to celebrate his
39 remarkable 40 years of dedicated ministerial leadership. Congratulations, Bishop Boston Ford Jr., on
40 a life profoundly lived with purpose, grace, and unwavering faith. Your enduring legacy will continue
41 to inspire and uplift generations to come.

Adopted by County Council of
New Castle County on: July 08, 2025

Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Mr. Carter, Ms. Williams-Johns
Mr. Caneco
Date of introduction: July 8, 2025

RESOLUTION NO. 25-117

RECOGNIZING AND CELEBRATING THE LIFE OF RAYMOND “DICKIE” BURRIS

1 **WHEREAS**, Raymond “Dickie” Burris was born on December 30, 1931 in
2 Kenton, Delaware to the late Elmer and Lena (Graham) Burris; and
3

4 **WHEREAS**, Dickie grew up working as a contractor and farmer. He operated
5 his dairy farm for thirty years, and owned BW Contractors; and
6

7 **WHEREAS**, Dickie served as a New Castle County Constable as well as on
8 numerous Boards and Committees including Cecil County Hounds and Sportsmen’s
9 Association, Odessa Fire Company, Southern States, and Blackbird Community
10 Center. He additionally served and chaired numerous Democratic committees and
11 was a delegate for many years at the Democratic State Convention; and
12

13 **WHEREAS**, Dickie was generous, an avid outdoorsman, but above all else,
14 a jokester, there was nothing he wouldn’t do or say to get a laugh; and
15

16 **WHEREAS**, Dickie is survived by his companion Ruth Wooleyhan and his
17 son, William Burris. Dickie will be missed by all who had the joy of knowing him.
18

19 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
20 Castle County that County Council hereby celebrates and recognizes the life of
21 Raymond “Dickie” Burris and extends its deepest sympathy to his family and
22 friends.

Adopted by County Council
of New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Mr. Sheldon
Requested by: Department of Land Use
Date of introduction: July 8, 2025

RESOLUTION NO. 25-118

**PLAN OF DELAWARE STORAGE SOLUTIONS; MILL CREEK HUNDRED;
NORTHWESTERLY CORNER OF OLD CAPITOL TRAIL AND OLD HARMONY
ROAD; COMBINE THE EXISTING TWO LOTS AND CONSTRUCT A THREE-STORY,
49,989 SQUARE FOOT SELF-STORAGE BUILDING WITH
ASSOCIATED IMPROVEMENTS; CN ZONING;
APPLICATION NO. 2021-0070-S; COUNCIL DISTRICT 9**

1 **NOW, THEREFORE, BE IT RESOLVED**, by and for the County Council of New
2 Castle County that County Council hereby approves the following major land
3 development plan, Delaware Storage Solutions (Application No. 2021-0070-S) as
4 heretofore approved by the Land Use Department, and the President of County Council
5 is hereby authorized to endorse her approval upon the following plan.

**DELAWARE STORAGE SOLUTIONS
Mill Creek Hundred**

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Same as title

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

Marcus A. Henry
County Executive



David M. Culver
General Manager

New Castle County Department of Land Use

MEMORANDUM

TO: Council President
Members of County Council
Counsel to Council
Clerk of County Council

FROM: David M. Culver

RE: Application Number 2021-0070-S
Delaware Storage Solutions
Record Major Land Development Plan

DATE: June 23, 2025

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

A suggested title and synopsis are attached.

cc: Marcus Henry, County Executive
Mona Parikh, Chief Administrative Officer

Plan of Delaware Storage Solutions; Mill Creek Hundred; Northwesterly corner of Old Capitol Trail and Old Harmony Road. Combine the existing two lots and construct a three-story, 49,989 s.f. self-storage building with associated improvements. CN zoning. Council District 9.

Synopsis: Same as title

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

UTILITIES

WATER SUPPLIER - ARTESIAN WATER COMPANY. WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

SANITARY DISPOSAL METHOD - EXISTING PRIVATE SEPTIC SYSTEM - SEPTIC FEASIBILITY HAS BEEN SATISFACTORILY ESTABLISHED FOR EACH LOT IN THIS SUBDIVISION. THE FEASIBILITY INDICATES ONLY THAT, AT THE TIME OF TESTING, THERE WAS AT LEAST ONE AREA ON EACH LOT THAT COULD MEET THE STANDARDS FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM. FEASIBILITY IS NOT A DESIGN APPROVAL AND DOES NOT IMPLY A GUARANTEE THAT SUCH APPROVAL CAN BE OBTAINED. SUCH FACTORS AS BUILDING SIZE AND USE, PLACEMENT ON THE LOT, AND LOCATION OF WATER WELLS (IF APPLICABLE) WILL INFLUENCE THE FINAL DESIGN. NO BUILDING PERMITS WILL BE ISSUED WITH REVIEW AND APPROVAL OF A DETAILED DESIGN FOR EACH LOT.

PROPOSED LAND USE SUMMARY

BUILDING	OTHER IMPROVEMENTS	TOTAL IMPROVEMENTS	OPEN SPACE	SWM AREA	TOTAL
16,663	13,123	29,786	38,266	3,166	68,054

PARKING RATIONALE

SELF STORAGE	3.5 SPACES PER 1,000 S.F. OF G.F.A. OF SALES/RENTAL OFFICE (1,000 SALES/RENTAL OFFICE)
REQUIRED PARKING	6

VARIANCES OBTAINED

- VARIANCE WAS GRANTED BY THE BOARD OF ADJUSTMENT ON AUGUST 11, 2022. REFERENCE NO. 2022-0202-A
- SECTION 04.04.110-A - MAXIMUM GROSS FAR - (REQUESTING 0.93 (0.18 REQUIRED))
 - THE LANDSCAPING SHALL BE CONSISTENT WITH THE LANDSCAPE PLAN SUBMITTED INTO EVIDENCE.
 - THE BUILDING ELEVATIONS SHALL BE CONSISTENT WITH THE RENDERINGS SUBMITTED INTO EVIDENCE.

PROPERTY SUMMARY

APPLICATION NUMBER	2021-0070
TAX PARCEL #	08-054-40-152
PROPOSED ADDRESS	08-054-40-153
LOT SIZE (FOLLOWING DEDICATION)	1.6572 ACRES
ZONING	CN (COMMERCIAL, NEIGHBORHOOD)
DEED OF RECORD	20241217-0085528 (1-53)
SURVEYED BY	20241217-0085528 (1-53)
DATUM	RAMESH C. BATTI ASSOCIATES IN DECEMBER 2020 AND NOVEMBER 2021
HUNDRED	NAVDS8

ZONING (CN) REQUIREMENTS

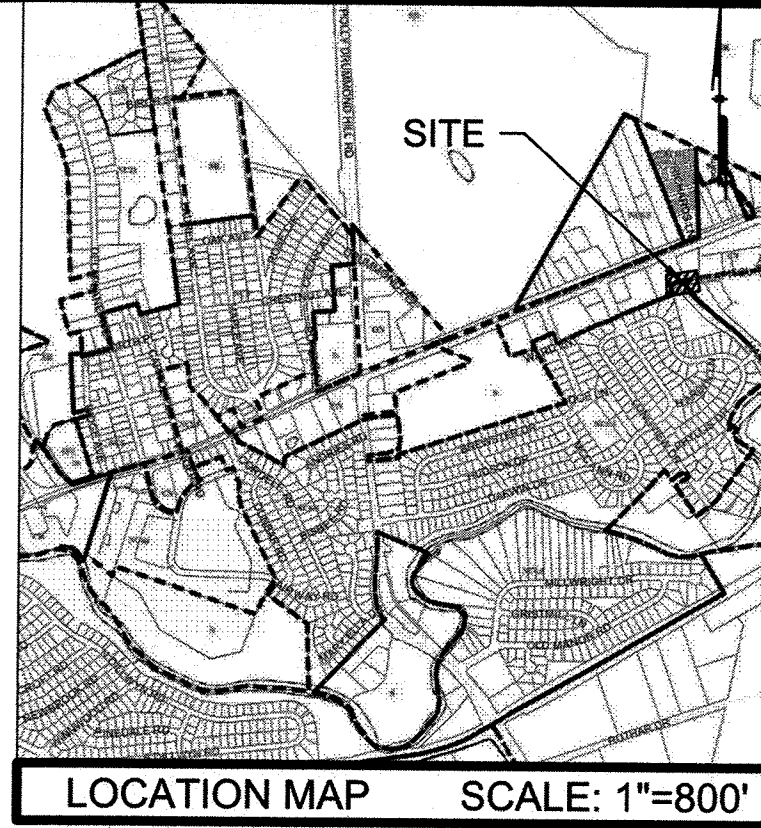
BASED ON RETAIL	REQUIRED
MINIMUM OS/LSR	0.45
MAXIMUM NET FAR	0.34
MAXIMUM GROSS FAR	0.18
MINIMUM LOT AREA	20,000 SF
MINIMUM LOT WIDTH	50 FEET
MINIMUM STREET YARD	15 FEET
MINIMUM SIDE YARD	0 FEET
MINIMUM SIDE YARD (ABUT RESIDENTIAL)	20 FEET
MINIMUM REAR YARD	20 FEET
MINIMUM PAVING STREET YARD	40 FEET
MINIMUM PAVING OTHER YARD	10 FEET
MAXIMUM BUILDING HEIGHT	35 FEET

LEGEND

EXISTING BUILDING	RIGHT-OF-WAY / PROPERTY LINE
CURB	SIDEWALK
PAVEMENT	SIGN
UTILITY POLE AND LIGHT	MAJOR CONTOUR
MINOR CONTOUR	WATER LINE
COMBINED SEWER	OVERHEAD ELECTRIC LINE
UNDERGROUND TELECOMM LINE	UNDERGROUND COMMUNICATIONS LINE
MANHOLES	INLET
TREE	PROPOSED BUILDING
PROPOSED PROPERTY LINE	PROPOSED CONCRETE CURB
PROPOSED EASEMENT LINE	PROPOSED CONCRETE
PROPOSED LIMIT OF DISTURBANCE	

GENERAL NOTES

- NO DEBRIS SHALL BE BURIED ON THE SITE.
- PER FEMA FIRM PANEL NUMBER 10030C0130L, EFFECTIVE DATE 01-22-20, THE PROPERTY LIES ENTIRELY OUTSIDE THE LIMITS OF A 100-YEAR FLOODPLAIN.
- THERE ARE NO PRECAUTIONARY OR PROHIBITIVE STEEP SLOPES ON THE SUBJECT PROPERTY.
- A WETLAND DELINEATION WAS PERFORMED BY PENNONI ASSOCIATES IN JANUARY 2021. A JANUARY 15, 2021 ABSENCE OF WETLANDS LETTER WAS PREPARED AND SUBMITTED TO THE NEW CASTLE COUNTY DEPARTMENT OF LAND USE DOCUMENTING THE ABSENCE OF WETLANDS ON THE SUBJECT PROPERTY.
- PER WATER RESOURCE PROTECTION AREAS MAP 1 OF 3 FOR NEW CASTLE COUNTY, LAST REVISED MARCH 2022, THE SUBJECT PROPERTY IS NOT IMPACTED BY A WATER RESOURCE PROTECTION AREA.
- PER THE STATE INVENTORY OF NATURAL AREAS, THERE ARE NO CRITICAL NATURAL AREAS ON THE PROPERTY.
- PROPERTY BOUNDARY AND TOPOGRAPHIC SURVEY INFORMATION INCORPORATED AS BASE INFORMATION WITHIN THIS PLAN WAS PERFORMED BY BATTI ASSOCIATES IN DECEMBER 2020.
- DRAINAGE, EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE.
- THE LIMIT OF DISTURBANCE FOR THIS PROJECT ENCOMPASSES 67,130 SQUARE FEET.
- ALL FIRE LINES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
- THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE, AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
- A LANDSCAPE PLAN, PREPARED BY PENNONI ASSOCIATES LAST DATED SEPTEMBER 13, 2024 OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.
- ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDA), AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON JUNE 4, 2025 AT INSTRUMENT NUMBER 202506040037107.
- UNLESS OTHERWISE SPECIFIED ON THE PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
- THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR LONG TERM STORMWATER MAINTENANCE AND INSPECTION FUND PURSUANT TO UDC §40.27.240 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS. AN AMOUNT OF \$6,400 SHALL BE FUNDED PRIOR TO RECEIVING THE FIRST CERTIFICATE OF OCCUPANCY. THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY UNTIL SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IS FURNISHED IN ACCORDANCE WITH THE REQUIREMENTS.
- A STORMWATER MANAGEMENT ACCESS EASEMENT IN FAVOR OF NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS IS HEREBY CREATED ON, OVER, UNDER AND ACROSS THE ENTIRE AREA OF ALL STORMWATER MANAGEMENT FACILITIES INCLUDING, BUT NOT LIMITED TO, STORMWATER CONVEYANCE SYSTEMS, BASINS, AND ALL COMPONENTS THEREOF, IDENTIFIED ON THE PLAN AND ALL WATERCOURSE FOR THE PURPOSE OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN AND GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE AND AUTHORITY TO ENTER UPON AND TRAVEL ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENTS HEREIN CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT MAINTENANCE IS REQUIRED TO A STORMWATER FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER FACILITIES, ALL EXPENSES SHALL BE ASSESSED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.
- UNLESS OTHERWISE DESCRIBED BY METES AND BOUNDS, OR BY MATHEMATICAL REFERENCE TO A PROPERTY LINE, A 40' WIDE PERMANENT EASEMENT, 20' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF A DEDICATED PUBLIC ROW. A 20' WIDE PERMANENT EASEMENT, 10' WIDE ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER PIPE IS DESIGNATED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SEWER MAIN LOCATION DEVIATES BY MORE THAN 2.5' FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE LOCATION AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.
- A WAIVER, IN ACCORDANCE WITH SECTION 22.610B OF THE UDC, FROM THE REQUIREMENT OF SECTION 22.611C TO ALLOW THE PROPOSED DEAD-END PARKING HAS BEEN APPROVED BY THE NEW CASTLE COUNTY DEPARTMENT OF LAND USE.
- AS PER THE DELDOT RESOLUTION VACATING OLD CAPITOL TRAIL, TAX PARCEL NUMBER 08-054-40-152 AND TAX PARCEL NUMBER 08-054-40-153 ARE DESCRIBED PER INSTRUMENT NUMBER 20241217-0085528 AND INSTRUMENT NUMBER 20241217-0085528, RESPECTIVELY. A 60' WIDE CROSS ACCESS EASEMENT IS ALSO DEPICTED PER INSTRUMENT NUMBER 20250102-0000393. THE DELDOT VACATION RESOLUTION IS RECORDED UNDER INSTRUMENT NUMBER 20241114-0077344.



CERTIFICATION OF PLAN APPROVAL

APPROVED _____ BY _____
DATE _____ GENERAL MANAGER

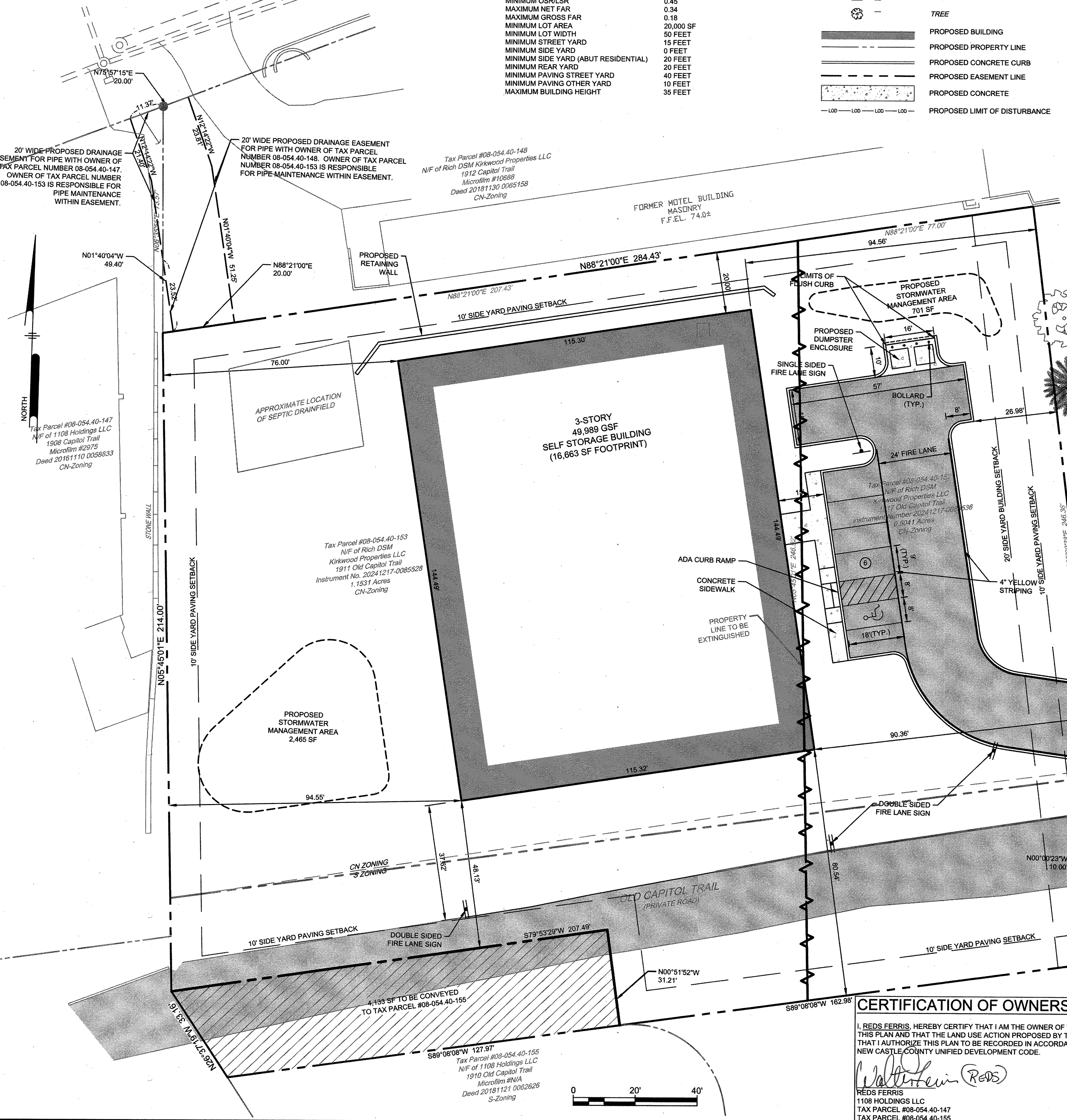
FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY.

APPROVED _____ BY _____
DATE _____ COUNCIL PRESIDENT

FOR COUNTY COUNCIL OF NEW CASTLE COUNTY.

PURPOSE NOTE

THE PURPOSE OF THIS PLAN IS TO SHOW ELIMINATION OF THE LOT LINE BETWEEN TPN 08-054-40-152 AND TPN 08-054-40-153. OFF-SITE EASEMENTS, THE CONVEYANCE OF 4,133 SF OF LAND TO TPN 08-054-40-155, AND THE CONSTRUCTION OF A 3-STORY, 49,989 SF SELF STORAGE BUILDING WITH ASSOCIATED PARKING, LANDSCAPE AND STORMWATER MANAGEMENT AREAS.



CERTIFICATION OF OWNERSHIP

I, REDS FERRIS, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

REDS FERRIS
1108 HOLDINGS LLC
TAX PARCEL #08-054-40-147
TAX PARCEL #08-054-40-152
TAX PARCEL #08-054-40-153

CERTIFICATION OF OWNERSHIP

I, ROBERT WITTIG, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

ROBERT WITTIG
RICH DSM KIRKWOOD PROPERTIES LLC
TAX PARCEL #08-054-40-148
TAX PARCEL #08-054-40-151
TAX PARCEL #08-054-40-152
TAX PARCEL #08-054-40-153

CERTIFICATION OF PLAN ACCURACY

I, STEVEN R. ANDERSON JR., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

STEVEN R. ANDERSON JR., PE
PENNONI ASSOCIATES INC.
DE LICENSE NO. 13167

6/12/2025
DATE

DELAWARE STORAGE SOLUTIONS
1911 OLD CAPITOL TRAIL
MILL CREEK HUNDRED - NEW CASTLE COUNTY - DELAWARE

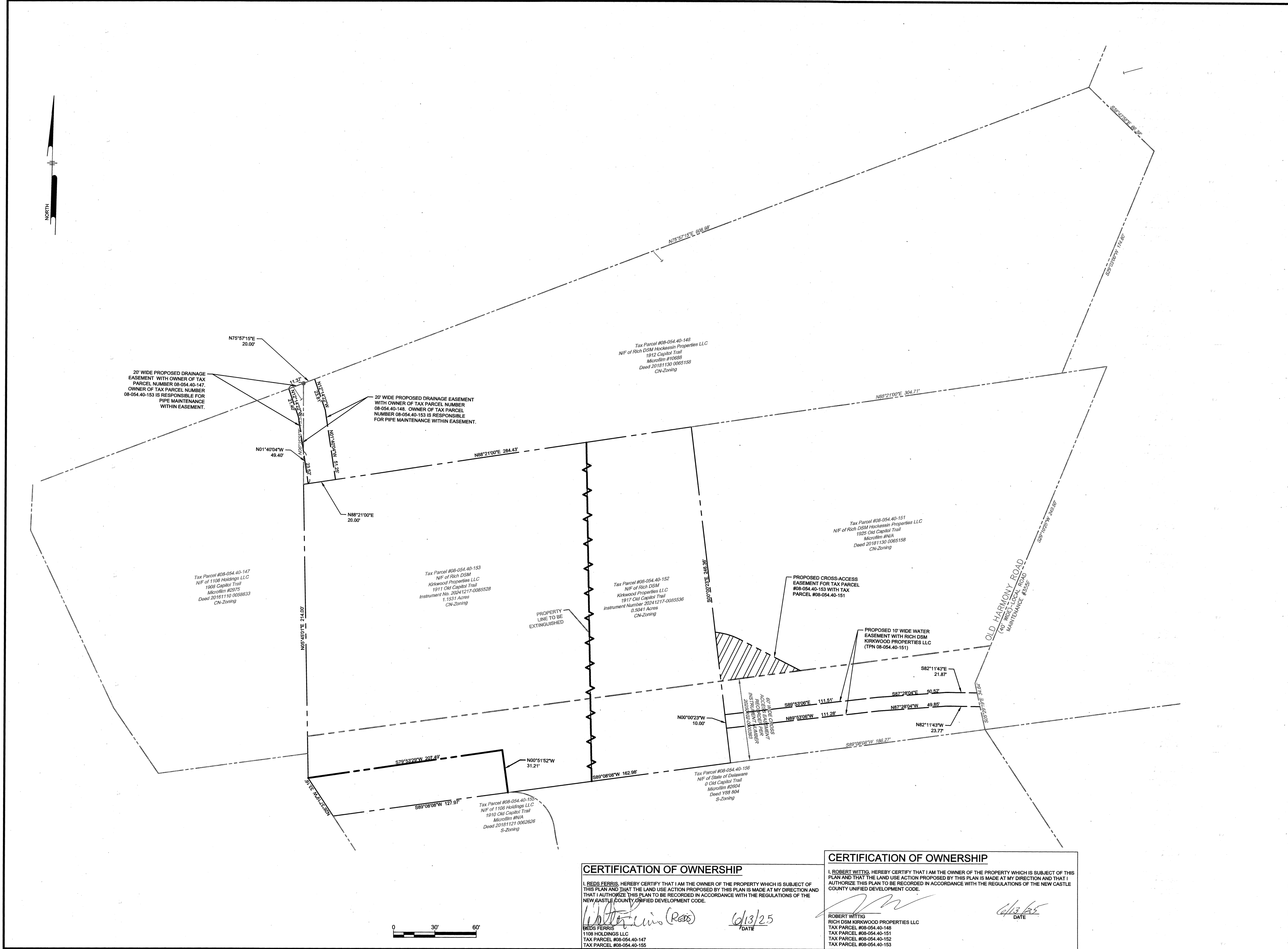
RECORD MAJOR LAND DEVELOPMENT PLAN

RICH DSM KIRKWOOD PROPERTIES LLC
3304 OLD CAPITOL TRAIL
WILMINGTON, DELAWARE 19808

NO.	DATE	REVISIONS	BY
1	2025-04-22	PER NCC COMMENTS	DBB
2	2025-05-16	PER NCC COMMENTS	SRA
3	2025-06-11	REVISED SITE ENTRANCE	SRA

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. AND OWNERS SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	DSMCX20004
DATE	2024-09-17
DRAWING SCALE	1"=20'
DRAWN BY	SRA
APPROVED BY	DBB
R01.01	
SHEET	1 OF 2



CERTIFICATION OF OWNERSHIP

I, REDS FERRIS, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

Reds Ferris (Reds)
REDS FERRIS
1108 HOLDINGS LLC
TAX PARCEL #08-054-40-147
TAX PARCEL #08-054-40-152
TAX PARCEL #08-054-40-153

CERTIFICATION OF OWNERSHIP

I, ROBERT WITTING, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

Robert Witting
ROBERT WITTING
RICH DSM KIRKWOOD PROPERTIES LLC
TAX PARCEL #08-054-40-148
TAX PARCEL #08-054-40-151
TAX PARCEL #08-054-40-152
TAX PARCEL #08-054-40-153

PENNONI ASSOCIATES INC.
Christiana Executive Campus
121 Continental Drive, Suite 207
Newark, DE 19713-4310
T 302.655.4451 F 302.654.2895

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

DELAWARE STORAGE SOLUTIONS
1911 OLD CAPITOL TRAIL
MILL CREEK HUNDRED - NEW CASTLE COUNTY - DELAWARE

RECORD MAJOR LAND DEVELOPMENT PLAN

RICH DSM KIRKWOOD PROPERTIES LLC
3304 OLD CAPITOL TRAIL
WILMINGTON, DELAWARE 19808

NO.	DATE	REVISIONS	BY
2	2025-05-11	REVISED SITE ENTRANCE	SRA
1	2025-04-22	PER NCC COMMENTS	DDB

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: **DSMCX20004**
DATE: **2024-08-17**
DRAWING SCALE: **1"=30'**
DRAWN BY: **SRA**
APPROVED BY: **DDB**

R01.02
SHEET 2 OF 2

Prime Sponsor(s): Ms. Durham
Date of Introduction: July 8, 2025

RESOLUTION NO. 25-119

**TO TERMINATE THE CROSS ACCESS EASEMENT AND MAINTENANCE
DECLARATION FOR LOTS 23 AND 24 – APPLECROSS SUBDIVISION; TAX
PARCEL NOS. 07-27.00-097 AND 07-027.00-026; 1 AND 9 GREAT BARN LANE;
COUNCIL DISTRICT 2**

1 **WHEREAS**, the Estate of Wilhelmina DuPont Ross and the Wilhelmina DuPont
2 Ross Trust under Agreement dated November 8, 1994 (“Declarant”) caused to be made
3 that certain Cross Access Easement and Maintenance Declaration for Lots 23 and 24 –
4 Applecross Subdivision dated October 3, 2003 (the “Declaration”), and caused the
5 Declaration to be recorded in the Office of the Recorder of Deeds in and for New Castle
6 County, Delaware (the “Recorder’s Office”) as Instrument No. 20031008-0129922; and
7

8 **WHEREAS**, Christopher D. Saridakis, Trustee of the Christopher D. Saridakis
9 Qualified Personal Residence Trust (“Saridakis”) has succeeded to the interest of
10 Declarant in Lot 23 of Applecross as shown on the Record Major Subdivision Plan for
11 Applecross of record at the Recorder’s Office as Instrument No. 20031104-0141289 (the
12 “Record Plan”), also known as 9 Great Barn Lane (“Lot 23”); and
13

14 **WHEREAS**, Thomas J. Hanna and Lynne A. Hanna have succeeded to the
15 interest of Declarant in Lot 24 of Applecross as shown on the Record Plan, also known
16 as 1 Great Barn Lane (“Lot 24”); and
17

18 **WHEREAS**, the Declaration imposes an easement on Lot 23 providing access
19 between Lot 24 and Great Barn Lane (the “Easement”); and
20

21 **WHEREAS**, Lot 24 has direct access to Great Barn Lane and, therefore, has no
22 need for the Easement; and
23

24 **WHEREAS**, Saridakis and Hanna, being the current owners of Lot 23 and Lot 24
25 (collectively, the “Lots”) desire that the Easement and the Declaration be terminated; and
26

27 **WHEREAS**, the Department of Land Use recommends in favor of terminating the
28 Easement and the Declaration; and
29

30 **WHEREAS**, Paragraph 12 of the Declaration provides that, except as otherwise
31 provided for therein, the Declaration shall not be modified, altered, amended, changed or
32 supplemented except by written agreement of the owners of the Lots and of New Castle
33 County Council.

34 **NOW, THEREFORE, BE IT RESOLVED**, by and for the County Council of New
35 Castle County, that County Council consents to the termination of the Easement and the
36 Declaration pursuant to the Declaration of Termination of Easement Agreement attached
37 hereto as Exhibit "A" and hereby authorizes the owners of the Lots to record the
38 Declaration of Termination of Easement Agreement at the Recorder's Office.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

SYNOPSIS: Same as title.

FISCAL NOTE: There is no discernible fiscal impact upon the approval of this resolution.

Exhibit "A"

Tax Parcel Nos. 07-027.00-097 and
07-027.00-026

Prepared By and Return To:
Gordon, Fournaris & Mammarella, P.A.
1925 Lovering Avenue
Wilmington, DE 19806

**DECLARATION OF TERMINATION OF
EASEMENT AGREEMENT**

THIS DECLARATION is made this ____ day of _____, 2025, by **Christopher D. Saridakis, Trustee of the Christopher D. Saridakis Qualified Personal Residence Trust ("Saridakis")** and **Thomas J. Hanna** and **Lynne A. Hanna ("Hanna")** and, together with Saridakis, the "**Declarants**").

BACKGROUND

A. Saridakis owns 9 Great Barn Lane, Wilmington, Delaware, also known as Lot 23 of Applecross ("**Lot 23**"), as shown on the Record Major Subdivision Plan for Applecross of record at the Office of the Recorder of Deeds in and for New Castle County, Delaware ("**Recorder's Office**"), as Instrument No. 20031104-0141289 (the "**Record Plan**"), having acquired same by deed dated December 27, 2012, of record at the Recorder's Office as Instrument No. 20121227-0076306.

B. Hanna owns 1 Great Barn Lane, Wilmington, Delaware, also known as Lot 24 of Applecross ("**Lot 24**"), as shown on the Record Plan, having acquired same by deed of Christopher Saridakis and Penelope Saridakis dated April 8, 2025, of record at the Recorder's Office as Instrument No. 20250410-0023347.

C. Lot 23 is encumbered by an easement ("**Easement**") providing access between Great Barn Lane and Lot 24 that was created by the Cross Access Easement and Maintenance Declaration for Lots 23 and 24 – Applecross Subdivision dated October 3, 2003, and recorded at Recorder's Office as Instrument No. 20031008-0129922 ("**Easement Agreement**").

D. There is an existing paved driveway (the "**Lot 24 Driveway**") that traverses Lot 24 and enters Lot 23 with a connection to Great Barn Lane pursuant to which both Lot 23 and Lot 24 have access to Great Barn Lane. Saridakis now uses a driveway located wholly on Lot

23 at the location of the Easement for access from Lot 23 to Great Barn Lane and has previously relinquished all of his rights to the use of the Lot 24 Driveway pursuant to Release and Relinquishment of Access Easements dated April 8, 2025, and recorded at the Recorder's Office as Instrument No. 20250410-0023351.

E. Declarants execute this Declaration for the purpose of terminating the Easement Agreement.

DECLARATION

NOW, THEREFORE, Declarants hereby declare and agree as follows:

1. The recitals of this Declaration are hereby incorporated in, and made a part of, this Declaration.

2. The Easement Agreement is terminated and is without further force or effect. All easements and covenants contained therein are forever extinguished. Lot 23 and Lot 24 are no longer bound or encumbered by the Easement Agreement or any of the terms thereof. The respective owners of Lot 23 and Lot 24 hereby release each other of and from all obligations, duties and liabilities relating to or arising out of the Easement Agreement.

3. This Declaration shall be binding upon Declarants and their respective heirs, administrators, successors and assigns.

4. New Castle County Council has consented to this Declaration as required by Section 12 of the Easement Agreement, and as indicated in the below signature block.

5. This Declaration shall become effective upon the recording at the Recorder's Office of the Record Plan Modification, Applecross, prepared by Apex Engineering Incorporated that modifies the Record Plan by noting, on Sheet No. 3 thereof, that the Easement is removed.

6. This Declaration shall be construed and enforced in accordance with the laws of the State of Delaware.

7. This Declaration shall be recorded by Saridakis, at his expense, at the Recorder's Office.

[Signature pages follow]

IN WITNESS WHEREOF, Declarants have executed this Declaration, under seal, intending to be bound hereby.

SEALED AND DELIVERED
IN THE PRESENCE OF:

_____ (SEAL)
Christopher D. Saridakis, Trustee of
the Christopher D. Saridakis Qualified
Personal Residence Trust

STATE OF DELAWARE)
) SS.
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, That on this ____ day of _____, 2025, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Christopher D. Saridakis, Trustee of the Christopher D. Saridakis Qualified Personal Residence Trust, party to this Indenture, known to me personally to be such and he acknowledged this Indenture to be his act and deed.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Notary Public
My Commission Expires:_____

IN WITNESS WHEREOF, Declarants have executed this Declaration, under seal, intending to be bound hereby.

SEALED AND DELIVERED
IN THE PRESENCE OF:

_____(SEAL)
Thomas J. Hanna

_____(SEAL)
Lynne A. Hanna

STATE OF DELAWARE)
) SS.
COUNTY OF NEW CASTLE)

BE IT REMEMBERED, That on this ____ day of _____, 2025, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Thomas J. Hanna and Lynne A. Hanna, parties to this Indenture, known to me personally to be such and they acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Notary Public
My Commission Expires:_____

CONSENT OF NEW CASTLE COUNTY COUNCIL

New Castle County Council consents to the termination of the Cross Access Easement and Maintenance Declaration for Lots 23 and 24 – Applecross Subdivision dated October 3, 2003, and recorded at the Office of the Recorder of Deeds in and for New Castle County, Delaware, as Instrument No. 20031008-0129922.

NEW CASTLE COUNTY COUNCIL

By: _____
Monique Williams-Johns
President

Date: _____, 2025

Prime Sponsor(s): Ms. Williams-Johns
Requested by: Administration/HR
Date of introduction: June 24, 2025

ORDINANCE NO. 25-090

**AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED
SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE FOR THE CLASS
SPECIFICATION OF DIRECTOR OF PUBLIC SAFETY FOR THE DEPARTMENT OF
PUBLIC SAFETY, DIVISION OF ADMINISTRATION**

1 **WHEREAS**, the Department of Public Safety, Division of Administration has
2 determined the Pay Grade for the Director of Public Safety needs to be updated to
3 reflect the work currently being performed; and
4

5 **WHEREAS**, it is recommended that the Pay Grade for the class specification
6 Director of Public Safety be changed from Pay Grade 40 to Pay Grade 41; and
7

8 **WHEREAS**, the Human Resources Advisory Board at its meeting on June 5,
9 2025, reviewed and recommended to change the Director of Public Safety from Pay
10 Grade 40 to Pay Grade 41 on the Pay Plan and Rates of Pay for Non-Union
11 Unclassified Service Employees of the Executive Office; and
12

13 **WHEREAS**, the Chief Human Resources Officer concurs with the
14 recommendation of the Human Resources Advisory Board.
15

16 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
17

18 Section 1. The Pay Plan and Rates of Pay for Non-Union Unclassified Service
19 Employees of the Executive Office, effective July 1, 2025 through June 30, 2026, is
20 hereby amended by adding the material that is underscored and deleting the material
21 that is stricken as set forth in Exhibit "A."
22

23 Section 2. The Pay Plan and Rates of Pay for Non-Union Unclassified Service
24 Employees of the Executive Office, effective July 1, 2026, is hereby amended by adding
25 the material that is underscored and deleting the material that is stricken as set forth in
26 Exhibit "B."
27

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

Adopted by County Council of
New Castle County on:

Monique Williams-John
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, changes the Pay Grade for the position title of Director of Public Safety from Pay Grade 40 to Pay Grade 41 on the Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees of the Executive Office, as recommended by the Human Resources Advisory Board at their meeting on June 5, 2025, and the Chief Human Resources Officer concurs with the recommendation.

FISCAL IMPACT: This Ordinance, if approved, changes the Pay Grade for the position title of Director of Public Safety from Pay Grade 40 to Pay Grade 41 on the Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees of the Executive Office.

There is currently one filled position with the title of Director of Public Safety. The estimated fiscal impact (Salaries/Wages and Benefits) of reclassifying the employee currently in this position is estimated to be \$23,598 in FY2026, \$39,594 in FY2027 and \$49,825 in FY2028.

Acknowledged by the Chief Financial Officer June 11, 2025.

**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	26	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476	95,000
LAW ENFORCEMENT TECHNICIAN	26											
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	30	70,891	74,435	78,157	82,065	86,168	90,476	95,001	99,750	104,738	109,975	115,474
STAFF DIRECTOR	30											
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	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 COMMUNICATIONS	34											
EXECUTIVE ASSISTANT IV	34											
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
SENIOR ASSISTANT COUNTY ATTORNEY												
CHIEF HUMAN RESOURCES OFFICER	38	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379	154,749	162,487	170,611
CHIEF OF TECHNOLOGY AND ADMIN SERVICES	38											
COMMUNITY SERVICES DEPT. GEN. MANAGER	38											
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	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 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	141,447	148,518	155,945	163,742	171,929	180,526	189,552	199,029	208,981	219,430	230,402
<u>DIRECTOR OF PUBLIC SAFETY</u>	<u>41</u>											
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, AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.106										
MEMBER, AUDIT COMMITTEE		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.02.402										
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING/SPECIAL MEETING PER NCC CODE 40.30.341										
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 PER ELIGIBLE MEMBERS PER NCC CODE 02.05.102 \$35 PER HOUR FOR REFEREES HEARING RESIDENTIAL APPEALS/\$50 PER HOUR FOR REFEREES HEARING NON-RESIDENTIAL APPEALS/\$50 PER HOUR FOR BOARD MEMBERS - SHALL ONLY APPLY TO APPEALS OF JULY 1, 2024 GENERAL REASSESSMENT VALUES FILED BY MARCH 14, 2025										
MEMBER, BOARD OF LICENSE INSPECTION AND REVIEW		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.103										
MEMBER, DIVERSITY COMMISSION		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.509										
MEMBER, EMPLOYEES' RETIREMENT SYSTEM BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.505										
MEMBER, FINANCIAL ADVISORY COUNCIL		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 14.01.019										
MEMBER, FIRE AND AMBULANCE ADVISORY BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.203										
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING PER NCC CODE 40.30.341										
MEMBER, HOUSING ADVISORY BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.406										
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING PER NCC CODE 2.05.507										
MEMBER, LIBRARY ADVISORY BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.403										
MEMBER, OPEN SPACE ADVISORY BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.306										
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING PER NCC CODE 40.30.341										
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.204										
MEMBER, PUBLIC ARTS COMMISSION		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.516										

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: 10/8/2024 (Ordinance 24-149)

Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11 (Incumbents in Step 10 on 6/30/2024, move to Step 11 upon reaching anniversary date following 7/1/2024)

Revised: 12/10/2024 (Ordinance 24-170) - Board Member Compensation

Revised: 01/13/2025 (Ordinance 25-014) - Board of Assessment Compensation for Appeals

Revised: xx/xx/xxxx (Ordinance 25-xxx) - Director of Public Safety

**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	26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738	97,375
LAW ENFORCEMENT TECHNICIAN	26											
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	30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725	118,361
STAFF DIRECTOR	30											
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	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 COMMUNICATIONS	34											
EXECUTIVE ASSISTANT IV	34											
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
SENIOR ASSISTANT COUNTY ATTORNEY												
CHIEF HUMAN RESOURCES OFFICER	38	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064	158,618	166,550	174,877
CHIEF OF TECHNOLOGY AND ADMIN SERVICES	38											
COMMUNITY SERVICES DEPT. GEN. MANAGER	38											
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	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 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	141,447	148,518	155,945	163,742	171,929	180,526	189,552	199,029	208,981	219,430	236,163
<u>DIRECTOR OF PUBLIC SAFETY</u>	<u>41</u>											
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, AGRICULTURAL LAND PRESERVATION ADVISORY COMMITTEE		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.106										
MEMBER, AUDIT COMMITTEE		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.02.402										
MEMBER, BOARD OF ADJUSTMENT		\$100 PER REGULAR MEETING/SPECIAL MEETING PER NCC CODE 40.30.341										
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 PER ELIGIBLE MEMBERS PER NCC CODE 02.05.102										
		\$35 PER HOUR FOR REFEREES HEARING RESIDENTIAL APPEALS/\$50 PER HOUR FOR REFEREES HEARING NON-RESIDENTIAL APPEALS/\$50 PER HOUR FOR BOARD MEMBERS - SHALL ONLY APPLY TO APPEALS OF JULY 1, 2024 GENERAL REASSESSMENT VALUES FILED BY MARCH 14, 2025										
MEMBER, BOARD OF LICENSE INSPECTION AND REVIEW		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.103										
MEMBER, DIVERSITY COMMISSION		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.509										
MEMBER, EMPLOYEES' RETIREMENT SYSTEM BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.505										
MEMBER, FINANCIAL ADVISORY COUNCIL		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 14.01.019										
MEMBER, FIRE AND AMBULANCE ADVISORY BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.203										
MEMBER, HISTORIC REVIEW BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING PER NCC CODE 40.30.341										
MEMBER, HOUSING ADVISORY BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.406										
MEMBER, HUMAN RESOURCES ADVISORY BOARD		\$100 PER MEETING PER NCC CODE 2.05.507										
MEMBER, LIBRARY ADVISORY BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.403										
MEMBER, OPEN SPACE ADVISORY BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.306										
MEMBER, PLANNING BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING PER NCC CODE 40.30.341										
MEMBER, POLICE ACCOUNTABILITY BOARD		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.204										
MEMBER, PUBLIC ARTS COMMISSION		\$100 PER REGULAR MEETING/SPECIAL MEETING FOR ELIGIBLE MEMBERS PER NCC CODE 2.05.516										

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: 10/8/2024 (Ordinance 24-149)

Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11 (Incumbents in Step 10 on 6/30/2024, move to Step 11 upon reaching anniversary date following 7/1/2024)

Revised: 12/10/2024 (Ordinance 24-170) - Board Member Compensation

Revised: 01/13/2025 (Ordinance 25-014) - Board of Assessment Compensation for Appeals

ORDINANCE NO. 25-091

**AMEND THE GRANTS BUDGET:
FOR FY2025, APPROPRIATE \$5,504 IN FEDERAL FUNDS FROM THE U.S. DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT WITHIN THE HOME INVESTMENT
PARTNERSHIP PROGRAM (HOME) AMERICAN RESCUE PLAN ACT (ARPA) GRANT,
WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES,
DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING**

1 **WHEREAS**, the HOME ARPA Grant program is funded from the U.S. Department of
2 Housing and Urban Development (HUD) through the 2021 American Rescue Plan Act; and
3

4 **WHEREAS**, the families served by HOME programs are low to moderate income
5 households in New Castle County – outside the cities of Wilmington and Newark; and
6

7 **WHEREAS**, the current budget is to be used to provide housing, supportive services, and
8 shelter to individuals experiencing or vulnerable to homelessness; and
9

10 **WHEREAS**, original allocated funding in the amount of \$3,672,176 from the U.S.
11 Department of Housing and Urban Development was previously approved by the County Council
12 and appropriated to the HOME ARPA Grant via Ordinance 21-135; and
13

14 **WHEREAS**, the realignment of \$2,371,350 in federal funds within the HOME ARPA Grant
15 for Supportive Services to hire a contractual mentor, case manager, and a nonprofit entity to
16 provide employment, training, and transportation was previously approved by the County
17 Council via Ordinance 23-030; and
18

19 **WHEREAS**, the realignment of \$750,000 in federal funds within the HOME ARPA Grant
20 for Supportive Services to pay the salaries for a Contractual Mentor, Case Manager, and a
21 nonprofit entity that provides employment services was previously approved by County Council
22 via Ordinance 25-065; and
23

24 **WHEREAS**, authorization is sought to appropriate an additional \$5,504 in federal funds
25 within the HOME ARPA Grant for Supportive Services to pay the salaries for a Contractual
26 Mentor, Case Manager, and a nonprofit entity that provides employment services; and
27

28 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
29 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
30 promoting the health, safety, morals, convenience, order, prosperity, and/or welfare of the
31 present and future inhabitants of this State).
32

33 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
34

35 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended
36 by adding the material underscored and deleting the material stricken on the attached Exhibits
37 “A” and “B.”
38
39

40 Section 2. This Ordinance shall become effective immediately upon its adoption by the
41 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* §
42 1156.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate an additional \$5,504 in federal funds within the Home Investment Partnerships Program (HOME) American Rescue Plan Act (ARPA) grant. The realignment of funds will be used to pay the salaries for a Contractual Mentor, Case Manager, and a nonprofit entity that provides employment services.

Families served are low to moderate income households in New Castle County – outside the cities of Wilmington and Newark. The current budget is to provide housing, supportive services, and shelter to individuals experiencing or vulnerable to homelessness.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating an additional \$5,504 in federal funds within the Home Investment Partnerships Program (HOME) American Rescue Plan Act (ARPA) grant.

This Ordinance, if approved, will increase the grants budget by \$5,504. The increase will affect FY2025 through FY2031, since the targeted program completion date for this grant is September 30, 2030.

Acknowledged by the Chief Financial Officer June 11, 2025.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	HOME ARPA Grant	Ordinance No.	25-091
PROGRAM TITLE:	HOME ARPA Supportive Services		

Revenue	Current	Change	Revised
Federal	\$ 3,121,350.00	\$ 5,504.00	\$ 3,126,854.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 3,121,350.00	\$ 5,504.00	\$ 3,126,854.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 3,121,350.00	\$ 5,504.00	\$ 3,126,854.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 3,121,350.00	\$ 5,504.00	\$ 3,126,854.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	9/20/2021
Estimated Program Completion:	9/30/2030
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
21-135	11/23/2021
23-030	2/28/2023
<u>25-065</u>	<u>5/27/2025</u>

PROGRAM DESCRIPTION:

HOME ARPA Programs are funded from HUD through the American Rescue Plan Act of 2021 to provide housing services and shelter to individuals experiencing, or vulnerable to, homelessness. Families served are low to moderate income households in New Castle County - outside the cities of Wilmington or Newark.

5/27/2025

6/24/2025

ORDINANCE NO. 25-092

AMEND THE GRANTS BUDGET:

**APPROPRIATE UP TO \$150,000 ANTICIPATED TO BE RECEIVED FROM THE
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE
ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION THROUGH
THE STATE OF DELAWARE, DELAWARE DEPARTMENT OF HEALTH AND
SOCIAL SERVICES, DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH TO
THE WASTEWATER GRANT DHSS 2025 FOR THE DEPARTMENT OF PUBLIC
WORKS**

1 **WHEREAS**, funding was previously approved by County Council via Ordinance 24-110
2 for \$100,000 and Ordinance 25-021 for \$100,000 from the U.S. Department of Health and
3 Human Services, Substance Abuse and Mental Health Services Administration through the
4 State of Delaware, Department of Health and Social Services, Division of Substance Abuse and
5 Mental Health; and
6

7 **WHEREAS**, authorization is being sought to appropriate funding up to \$150,000 which is
8 anticipated to be received from the U.S. Department of Health and Human Services, Substance
9 Abuse and Mental Health Services Administration through the State of Delaware, Department
10 of Health and Social Services, Division of Substance Abuse and Mental Health to the
11 Wastewater Grant DHSS 2025 Grant; and
12

13 **WHEREAS**, funding shall be used to collect samples from the sanitary sewer system to
14 be analyzed and will be shared with the State of Delaware, Department of Health and Social
15 Services and the New Castle County Police Department to track known overdoses with high-
16 risk substance data to observe trends; and
17

18 **WHEREAS**, if funding is not received then testing will not occur; and
19

20 **WHEREAS**, the County Executive has determined that funds anticipated to be
21 received are sufficient to cover the increase in the Grants Budget as hereinafter amended;
22 and
23

24 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
25 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
26 promoting the health, safety, morals, convenience, order prosperity and/or welfare of the
27 present and future inhabitants of this State).
28

29 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
30

31 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended
32 by adding the material on the attached "Exhibit A," which is considered to be underscored in its
33 entirety.
34

35 Section 2. This Ordinance shall become effective immediately upon its adoption by
36 County Council and approval by the County Executive, or as otherwise provided by 9 Del. C. §
37 1156.
38

39 Section 3. It is the intent of the County Council that the provisions of this Ordinance shall
40 be effective retroactive to September 30, 2024.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate up to \$150,000 anticipated to be received from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration through the State of Delaware, Department of Health and Social Services, Division of Substance Abuse and Mental Health to the Wastewater Grant DHSS 2025 Grant. Funding shall be used to collect samples from the sanitary sewer system to be analyzed and will be shared with the State of Delaware, Department of Health and Social Services and the New Castle County Police Department to track known overdoses with high-risk substance data to observe trends.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 30, 2024.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating up to \$150,000 anticipated to be received from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration through the State of Delaware, Department of Health and Social Services, Division of Substance Abuse and Mental Health to the Wastewater Grant DHSS 2025 Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$150,000. This increase will impact FY2025 and FY2026, since the targeted program completion date of this award is September 29, 2025. The grant period is September 30, 2024 through September 29, 2025 to align with federal funding award but testing covers July to December 2025 with all invoices prepaid by September 29, 2025. Budget will only be appropriated once funding is received. If funding is not received then testing will not occur.

Acknowledged by the Chief Financial Officer June 11, 2025.

DEPARTMENT:	Public Works	EXHIBIT:	"A"
GRANT TITLE:	Wastewater DHSS High Risk Substances Testing	Ordinance No.	25-092
PROGRAM TITLE:	Wastewater DHSS High Risk Substances Testing		

Revenue	Current	Change	Revised
Federal	\$ 150,000.00	\$ -	\$ 150,000.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 150,000.00	\$ -	\$ 150,000.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 150,000.00	\$ -	\$ 150,000.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 150,000.00	\$ -	\$ 150,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	9/30/2024
Estimated Program Completion:	9/29/2025
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

New Castle County will collect samples from the sanitary sewer system. The samples will be analyzed and shared with the State of Delaware, Department of Health and Social Services and NCC Police Departments. NCC will track known overdoses with high-risk substance data to observe trends.

6/24/2025

ORDINANCE NO. 25-093

**TO AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION
UNCLASSIFIED SERVICE EMPLOYEES OF COUNTY COUNCIL AND CREATE THE
CLASS SPECIFICATION OF LEGAL ASSISTANT TO COUNSEL TO COUNCIL**

1 **WHEREAS**, Counsel to Council has been fulfilling a dual role for County Council,
2 that of General Counsel and Policy Advisor, regularly researching policy and crafting
3 resulting ordinances, in addition to various other assignments and roles; and
4

5 **WHEREAS**, Council feels that the volume of work performed by Counsel to
6 Council warrants a support position; and
7

8 **WHEREAS**, currently, the position of Paralegal is part of County Council's position
9 structure; however, in light of the amount of work done by Counsel to Council, including
10 policy, legislation, opinions, among other things, a position better suited to support
11 Counsel to Council with legislation, functions similar in nature to a paralegal, and policy
12 work is that of Legal Assistant to Counsel to Council; and
13

14 **WHEREAS**, due to the complexity of the work, the skill set necessary to perform
15 the work, and the sensitive nature of the work performed, County Council feels a Pay
16 Grade 27 is the level most commensurate with this position.
17

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

20 Section 1. The Pay Plan and Rates of Pay for Non-Union Unclassified Service
21 Employees of the County Council are hereby amended by the deletion of stricken material
22 and the addition of the underscored material as set forth in Exhibit A.
23

24 Section 2. This Ordinance shall become effective upon the date of its adoption by
25 County Council and approval by the County Executive, or as otherwise provided in 9 *Del.*
26 C. Section 1156.

Adopted by County Council
of New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcys Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance adopts the class specification of Legal Assistant to Counsel to Council. It also amends the pay plan and rates of pay for County Council by adding the position of Legal Assistant to Counsel to Council to the pay plan structure at Pay Grade 27.

FISCAL NOTE: This Ordinance, if adopted, will have no fiscal impact on the adopted County Council Budget. County Council currently has 32 positions, all of which are funded. There are 3 vacant positions. The position of Legal Assistant to Counsel to Council would now be funded instead of Council's Policy Director position. The Policy Director is funded at Pay Grade 30, and Legal Assistant to Counsel to Council would be funded at Pay Grade 27, below that of which is currently budgeted.

**PAY PLAN AND RATES OF PAY FOR
UNCLASSIFIED EMPLOYEES OF COUNTY COUNCIL**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ADMINISTRATIVE AIDE TO COUNTY COUNCIL	19	41,445	43,517	45,693	47,978	50,377	52,896	55,540	58,317	61,233	64,295	67,510
PARALEGAL ASSOCIATE AUDITOR	24	52,897	55,542	58,319	61,235	64,297	67,512	70,888	74,432	78,153	82,061	86,164
LEGISLATIVE AIDE TO COUNTY COUNCIL PRESIDENT LEGISLATIVE ASSISTANT TO COUNTY COUNCIL	25	55,544	58,321	61,237	64,299	67,514	70,890	74,434	78,156	82,064	86,167	90,475
<u>LEGAL ASSISTANT TO COUNSEL TO COUNCIL</u> STAFF AUDITOR	27	61,237	64,299	67,513	70,889	74,434	78,155	82,063	86,166	90,474	94,998	99,748
POLICY DIRECTOR DEPUTY CLERK OF COUNCIL SENIOR STAFF AUDITOR	30	70,890	74,434	78,156	82,063	86,167	90,475	94,999	99,749	104,736	109,973	115,472
FINANCIAL ADVISOR CLERK OF COUNCIL	32	78,158	82,066	86,169	90,477	95,001	99,751	104,739	109,976	115,475	121,248	127,311
COUNTY AUDITOR	35	90,477	95,001	99,751	104,738	109,975	115,474	121,248	127,310	133,676	140,359	147,377
COUNSEL TO COUNCIL	39	109,976	115,475	121,249	127,312	133,677	140,361	147,379	154,748	162,485	170,610	179,140

Effective: 7/1/2025 (Ordinance 23-082)

Revised: xx/xx/xxxx (Ordinance 25-xxx)

Council appointees who have completed at least twelve (12) months at the tenth (10th) step of their current pay grade and have been continuously employed by County Council for a minimum of twelve (12) years automatically will move to the eleventh (11th) step as of the effective date of this ordinance unless they provide a written request for exemption from the increase to the Clerk or Deputy Clerk of Council seven (7) days from the signing of this ordinance and/or thirty (30) days in advance of the beginning of each subsequent fiscal year; other council employees will also be eligible through this increase process.

**PAY PLAN AND RATES OF PAY FOR
UNCLASSIFIED EMPLOYEES OF COUNTY COUNCIL**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ADMINISTRATIVE AIDE TO COUNTY COUNCIL	19	42,481	44,605	46,835	49,177	51,636	54,218	56,929	59,775	62,764	65,902	69,197
PARALEGAL ASSOCIATE AUDITOR	24	54,220	56,931	59,777	62,766	65,904	69,200	72,660	76,293	80,107	84,113	88,318
LEGISLATIVE AIDE TO COUNTY COUNCIL PRESIDENT LEGISLATIVE ASSISTANT TO COUNTY COUNCIL	25	56,933	59,779	62,768	65,907	69,202	72,662	76,295	80,110	84,115	88,321	92,737
<u>LEGAL ASSISTANT TO COUNSEL TO COUNCIL</u> STAFF AUDITOR	27	62,768	65,906	69,201	72,661	76,294	80,109	84,115	88,320	92,736	97,373	102,242
POLICY DIRECTOR DEPUTY CLERK OF COUNCIL SENIOR STAFF AUDITOR	30	72,662	76,295	80,110	84,115	88,321	92,737	97,374	102,242	107,355	112,722	118,358
FINANCIAL ADVISOR CLERK OF COUNCIL	32	80,112	84,117	88,323	92,739	97,376	102,245	107,357	112,725	118,361	124,280	130,493
COUNTY AUDITOR	35	92,739	97,376	102,245	107,357	112,725	118,361	124,279	130,493	137,017	143,868	151,062
COUNSEL TO COUNCIL	39	112,726	118,362	124,280	130,494	137,019	143,870	151,063	158,617	166,547	174,875	183,619

Effective: 7/1/2026 (Ordinance 23-082)

Revised: xx/xx/xxxx (Ordinance 25-xxx)

Council appointees who have completed at least twelve (12) months at the tenth (10th) step of their current pay grade and have been continuously employed by County Council for a minimum of twelve (12) years automatically will move to the eleventh (11th) step as of the effective date of this ordinance unless they provide a written request for exemption from the increase to the Clerk or Deputy Clerk of Council seven (7) days from the signing of this ordinance and/or thirty (30) days in advance of the beginning of each subsequent fiscal year; other council employees will also be eligible through this increase process.

NEW CASTLE COUNTY COUNCIL

CLASS SPECIFICATION

Page 1 of 1

Title: LEGAL ASSISTANT TO COUNSEL TO COUNCIL

Approved:

GENERAL STATEMENT OF DUTIES: Provides a wide variety of assistance to Counsel to Council, requiring a high degree of confidentiality, including conducting legal research and analysis; assisting with drafting legislation and performing related research and analysis; performing public policy research and analysis; providing policy support; general research and analysis; preparing legal memoranda, as needed; in addition to related work and assignments as required by Counsel to Council

DISTINGUISHING FEATURES OF THE CLASS: (Illustrative only)

Responsibilities include: Performs research utilizing electronic systems (such as LexisNexis and the Internet, generally, and other jurisdictions' sites) and hard copy resources (such as treatises); composes and prepares drafts of legislation; assists in responding to legal queries posed to Counsel to Council on legal issues; maintains a working familiarity with the Freedom of Information Act, Robert's Rules of Order, County Council's Procedural Rules, and County laws in order to respond to queries from Council Members in conjunction with and in support of Counsel to Council; assists in organizing and maintaining the subject files, research and other materials in Counsel to Council's office and elsewhere; assists Counsel to Council in responding to and advising Council Members on various legal matters and areas of interest; assists Counsel to Council in preparing legal memoranda, opinions and other documents, in supplying information to other sources as requested, and in other administrative duties.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Knowledge of legal research techniques and analytical skills; strong writing skills and ability to compose written analysis and correspondence; thorough knowledge of the legislative process; strong legislative drafting skills; proven ability to work independently and proactively; proficiency in use of various research tools; knowledge of and capability to access and utilize automated research programs and other informational sources on the Internet; quick to grasp new concepts/skills; knowledge of and proven skills in public policy and/or administration and proficiency in related research; ability to function as a research assistant; ability to attend and speak, as needed, at meetings at the direction of Counsel to Council; strong ability to effectively communicate, both verbally and in writing; ability to transmit necessary information to the public, as requested by Counsel to Council; excellent organizational skills; ability to pass a Class III County physical examination.

ACCEPTABLE EXPERIENCE AND TRAINING: Possession of a Bachelor's Degree from an accredited college or university; possession of a Master's Degree and/or coursework in public policy and/or administration from an accredited college or university; substantial experience drafting legislation; any equivalent combination of experience and/or training which provides the required knowledge, skills and abilities.

HISTORY OF REVISIONS:

Established:

Prime Sponsor(s): Mr. Cartier
Co-Sponsor(s): Ms. Durham
Date of introduction: January 11, 2022

ORDINANCE NO. 22-006

**REVISE ZONING MAP: BRANDYWINE HUNDRED, WEST SIDE OF NEWARK
UNION PUBLIC ROAD, NORTH OF THE INTERSECTION WITH BAYNARD
BOULEVARD; 8 & 20 NEWARK UNION PUBLIC ROAD, TAX PARCELS 06-103.00-
101 & 06-103.00-100, 2.31± ACRES FROM NC10 (NEIGHBORHOOD
CONSERVATION) TO NC10 (NEIGHBORHOOD CONSERVATION) AND H
(HISTORIC OVERLAY ZONE); COUNCIL DISTRICT 8**

(The property owner is requesting the H (Historic Overlay Zone) for the subject parcels.
2021-0557-R/Z)

THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Zoning Map of New Castle Hundred, as amended, is hereby further amended by changing the zoning classification of the land shown on attached Exhibits "A" and "L" dated October 4, 2021, as set forth therein.

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

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: Same as Title.

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

PROPERTY MAP

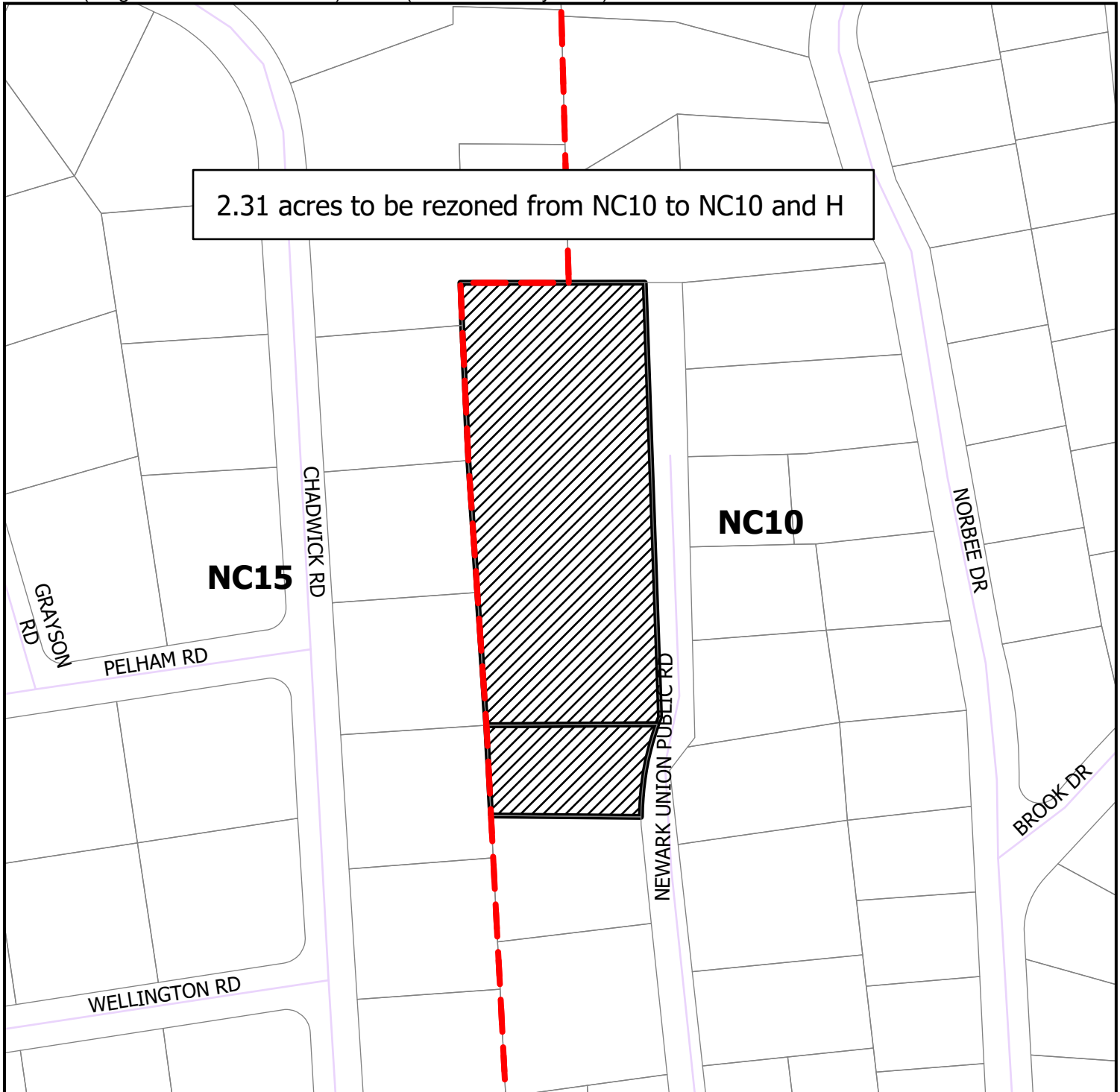
EXHIBIT "A"
ZONING ORDINANCE AS INTRODUCED

APPLICATION NO. 2021-0557-R/Z

APPLICANT: Newark Union Church Corporation

PROPOSED REZONING: 2.31 acres from NC10 (Neighborhood Conservation)
to NC10 (Neighborhood Conservation) and H (Historic Overlay Zone)

TAX PARCEL NOs. 06-103.00-101
& 06-103.00-100



HUNDRED: BRANDYWINE
NEW CASTLE COUNTY, DELAWARE

PERMANENT ORDINANCE NO. 22-006

Date Adopted by County Council _____

Date Approved by County Executive _____

Scale: 1"= 150'
Prepared by: SMB
Date: 10/04/2021

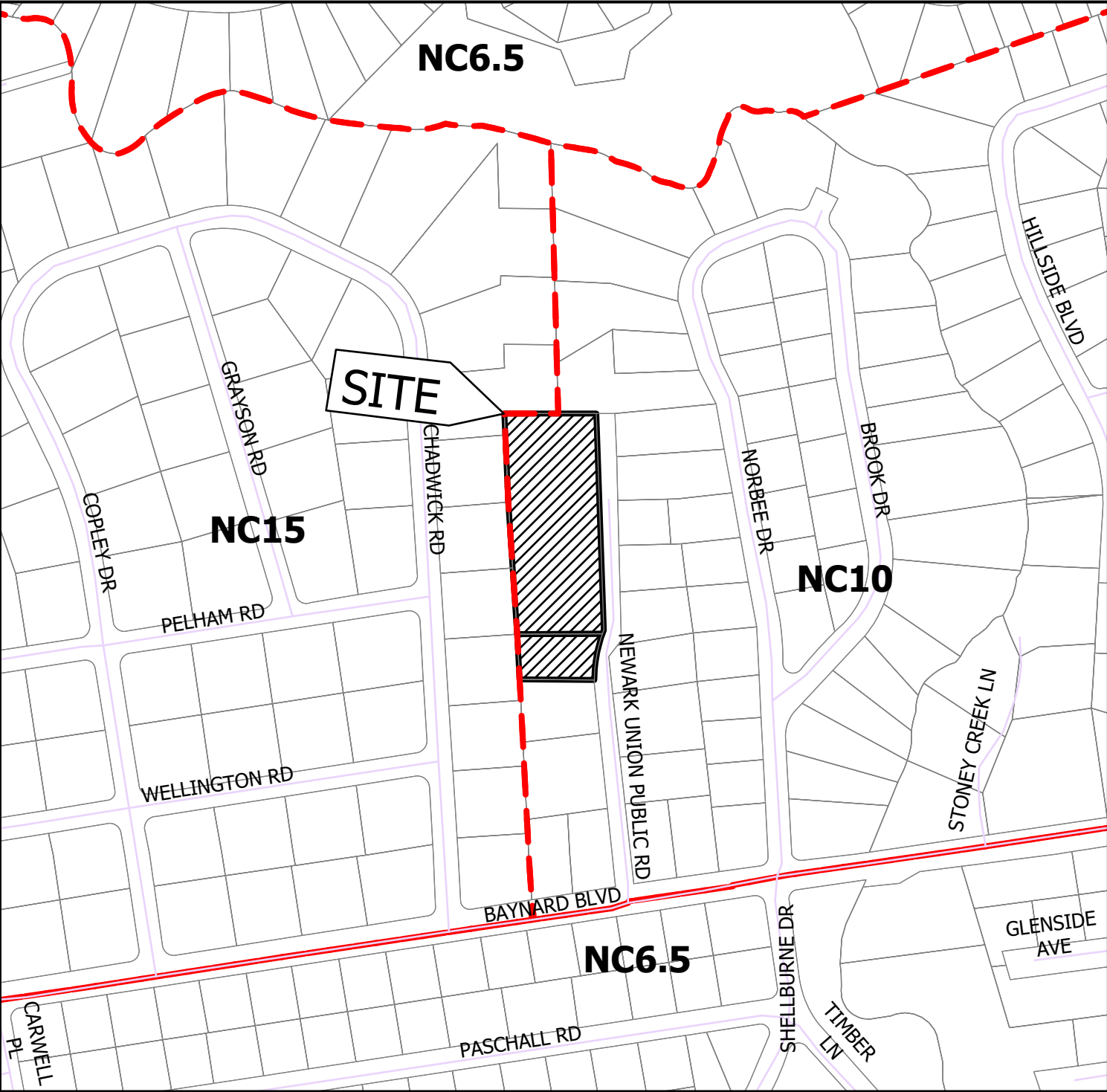


APPLICANT: Newark Union Church Corporation

APPLICATION NO. 2021-0557-R/Z

PROPOSED REZONING: 2.31 acres from NC10 (Neighborhood Conservation)
to NC10 (Neighborhood Conservation) and H (Historic Overlay Zone)

TAX PARCEL NOS. 06-103.00-101
& 06-103.00-100



HUNDRED: BRANDYWINE
NEW CASTLE COUNTY, DELAWARE

Scale: 1"= 300'
Prepared by: SMB
Date: 10/04/2021



PERMANENT ORDINANCE NO.22 - 006
Date Adopted by County Council _____
Date Approved by County Executive _____



New Castle County Department of Land Use

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

**Ordinance No. 22-006
Application No. 2021-0557-Z
Newark Union Church and Cemetery H-Overlay Rezoning**

May 27, 2025

Sponsor: Councilman Cartier (District 8)

Description: Revise zoning map: Brandywine Hundred, west side of Newark Union Public Road, north of the intersection with Baynard Boulevard; 8 & 20 Newark Union Public Road, Tax Parcels 06-103.00-101 & 06-103.00-100, 2.31+ acres from NC10 (Neighborhood Conservation) to NC10 (Neighborhood Conservation) and H (Historic Overlay Zone).

EXECUTIVE SUMMARY

Ordinance 22-006 proposes to rezone 2.31 acres of tax parcels 06-103.00-101 and 06-103.00-100 from NC10 (Neighborhood Conservation) to NC10 (Neighborhood Conservation) and H (Historic Overlay Zone).

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 22-006 proposes to rezone 2.31 acres of tax parcels 06-103.00-101 and 06-103.00-100 from NC10 (Neighborhood Conservation) to NC10 (Neighborhood Conservation) and H (Historic Overlay Zone). The site is located 527 feet north of Baynard Boulevard. The rezoning accompanies a Site Plan (App. 2024-0267-S) proposing the establishment of assembly space with the installation of parking and sidewalks.

BACKGROUND

Discussions with the owners of Newark Union Church and Cemetery with their County Council representative and the Department regarding the establishment of a Historic Overlay Zone started in 2021.

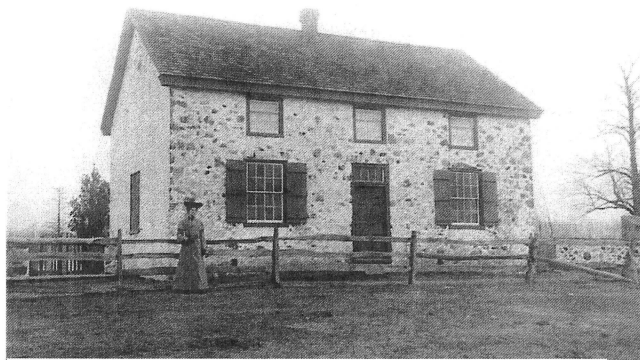
Ord. 22-006, sponsored by Councilman John Cartier, was introduced on January 11, 2022, following these discussions. The ordinance process was paused by the applicant in March of 2022.

Significant restoration efforts to the church building were completed between 2021 and 2023, as well as construction of an outhouse, a storage shed, and a carriage house re-creation with associated paving. No permits were issued for any of the work completed on the property, and the site development had not previously appeared before the Historic Review Board for review or recommendation. Case 202308255 was created in December of 2023 for building without a permit.

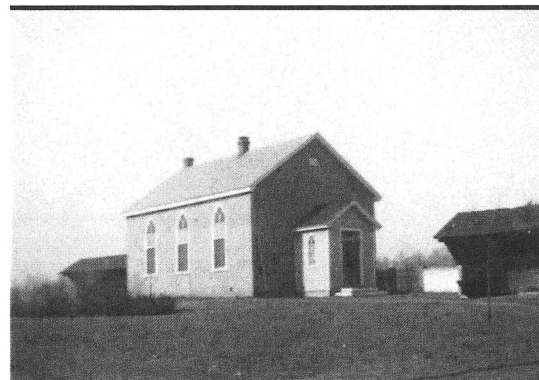
In July 2024, the owners submitted a Site Plan (App. 2024-0267-S) proposing the establishment of assembly space with the installation of parking and sidewalks. Due to the update to the site, the Site Plan application went before the Historic Review Board in October 2024. The Historic Review Board recommended approval and found the site met the Criteria for Designation pursuant to Section 40.15.110 of *New Castle County Code*.

History of the Newark Union Church

In 1682, William Penn granted Valentine Hollingsworth 986 acres on Shellpot Creek. Hollingsworth originally named the land "New Worke", a spelling which eventually evolved into "Newark". In 1687, Hollingsworth donated land for a Quaker meetinghouse and burial ground. Soon after they erected a building constructed of poplar logs which lasted for about sixty years. Upon the closure of the Newark Meeting in 1754, the cemetery adopted the name "Newark Free Burial Ground." The current structure was built in 1845 and renovated in 1906 into a late Gothic Revival style with stuccoed exterior and a frame vestibule.



1845 view before renovation



As per the National Register of Historic Places Registration Form, the Gothic Revival design of the church, which underwent renovations in 1906, has remained unchanged. The number of graves on the site has been steadily increasing annually, with additional rows being added in the northeastern section of the burial ground, aligning with the north-south layout established in the 18th century.

Historic Board Review

At the October 15, 2024 public hearing, the Historic Review Board heard from Anne Daly, Treasurer of the Newark Union Corporation, who spoke on behalf of the application. She provided a presentation about the history, restoration efforts, and current uses of the church and cemetery properties, including a description of the memorials and improvement projects within the cemetery. Ms. Daly noted there are currently four structures on the church property: the church, a new carriage shed, new storage shed, and a new restroom with a composting toilet. Pending the finding of the Historic Review Board, the site plan will be presented to the Board of Adjustment to address resolving the code enforcement case involving construction of unpermitted structures.

Ms. Silber inquired about any past studies of the original log structure location and if the cemetery is well delineated for the historic burials. Ms. Daly answered that it may have been located near the western property line and that there has not been an investigation but there is interest in performing one in the future. The historic graves are suspected to be in the area of the wall where unmarked stones have been found and there has been some use of Ground Penetrating Radar (GPR) in trying to locate them.

At their Business Meeting held on November 6, 2024, the Historic Review Board reviewed the resource (Newark Union Church and Cemetery) and determined that the structure's general architecture, form, location and period of construction met the minimum Criteria for Designation of Historic Overlay Zoning pursuant to Section 40.15.110 of the *New Castle County Code*.

PLANNING BOARD PUBLIC HEARING – April 1, 2025

*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.¹

Presentation

Ann Daly, Treasurer of the Newark Union Corporation, provided a historical overview and contextual analysis of the property. During her presentation, she discussed the recent architectural constructions erected on the site and the commencement of community meetings in 2023. Ms. Daly emphasized that the approval of the proposed Historic Overlay Zone would enhance the preservation of the church site.

Planning Board Member Leone Cahill-Krout noted and inquired about the 18 variances considered by the Board of Adjustment. The applicant briefly discussed the variances and confirmed that the Site Plan application received approval of all 18 variances.

¹ April 1, 2025, Planning Board Public Hearing: <https://www.newcastlede.gov/agendacenter>

Public Comment

Councilman Cartier spoke in favor of the rezoning stating the historic significance of this site must be preserved.

ANALYSIS

Situated at 8 Newark Union Public Road, the Newark Union Church and Cemetery site initially served as a Quaker meetinghouse from approximately 1687 to 1747. The present structure was constructed in 1845 and underwent renovations in 1906, transforming it into a late Gothic Revival architectural style characterized by a stucco exterior and a frame vestibule.

The Newark Union Church and Cemetery's eligibility for Historic Overlay Zoning was considered by the Historic Review Board on November 6, 2024. The Historic Review Board determined that the site met criteria for designation for a Historic Overlay Zone pursuant to Section 40.15.110 of the *New Castle County Code*.

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.

The establishment of the Historic Overlay Zoning is consistent with Goal 12, Objective 12.1 and 12.2, and Strategies 12.1.2 and 12.2.2 of the New Castle County Comprehensive Development Plan of 2022. Objective 12.1 seeks to increase awareness of the County's historic resources while Objective 12.2 seeks to increase preservation of historic resources. Strategy 12.1.2 aims to promote educational programs and Strategy 12.2.2 aims to preserve neighborhoods. The proposed continued use of the Newark Church and Cemetery site as a community meeting space and museum will ensure the historic awareness of the site and community is shared.

B. Consistency with the character of the neighborhood.

The Newark Union Church and Cemetery is a contributing structure and site to the overall historic character of the neighborhood. Established in 1687 as a Quaker meetinghouse, the site has historically functioned as an assembly area for the community for hundreds of years.

C. Consistency with zoning and use of nearby properties.

The property is maintained by a volunteer group which utilizes the church for public gatherings and use as a museum. The property intends to remain as a community meeting place after the establishment of the Historic Overlay Zone consistent with the zoning and use of surrounding NC10 and NC15 zoned land.

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

The Newark Union Church and Cemetery's eligibility for Historic Overlay Zoning was considered by the Historic Review Board on November 6, 2024. The Historic Review Board determined that the site met the criteria for designation for a Historic Overlay Zone pursuant to Section 40.15.110 of the *New Castle County Code*. The site will remain as a cemetery and institutional use as it has dating back to the late 17th century.

E. Effect on nearby properties.

The site was originally established as a place of assembly in 1687 with the current building built in 1845 and renovated in 1906. The site has been in existence prior to the construction of the surrounding communities of Normandy Manor (1950s) and Welshire (1960s).

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, the comments from the Historic Review Board, 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 22-006.

PLANNING BOARD RECOMMENDATION

At a business meeting held on May 27, 2025, 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 Mr. Cantrell and seconded by Ms. Visvardis, the Board voted to recommend **APPROVAL** of Ordinance 22-006 as recommended by the Department of Land Use. The motion was adopted by a vote of 6-0-0-2 (In Favor: Cantrell, Daigle, Drake, Gray, Snowden, Visvardis; In Opposition: None; Abstention: None; Absent: Cahill-Krout, Cochran).

Prior to the vote, the following discussion occurred:

Alec Davis read the Department of Land Use recommendation into the record.

No questions were posed by the members of the Planning Board.

STATUTORY GUIDELINES

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

 6-4-25

David M. Culver date
General Manager
Department of Land Use

 6/3/2025

Robert Snowden date
Acting Chair
New Castle County Planning Board

Prime Sponsor(s): Mr. Smiley
Requested by: Land Use
Date of introduction: February 18, 2025

ORDINANCE NO. 25-017

**REVISE ZONING MAP: NEW CASTLE HUNDRED, WEST SIDE OF
OLD STATE ROAD, APPROXIMATELY 200 FEET SOUTH OF
LLANGOLLEN BOULEVARD; REZONE 11.06 ACRES OF
TAX PARCEL 10-034.00-067 FROM SUBURBAN (S) TO COMMERCIAL REGIONAL
(CR); APPLICATION NO. 2023-0005-S/Z; COUNCIL DISTRICT 7**

1 (The Exploratory Minor Land Development Plan with Rezoning for Old State Road LLC
2 proposes to create a parking area for outside storage of vehicles, and rezone tax parcel
3 10-034.00-067 from Suburban (S) to Commercial Regional (CR))
4

5 NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:
6

7 Section 1. The Zoning Map of New Castle Hundred, as amended, is hereby further
8 amended by changing the zoning classification of the land shown on attached Exhibit "A"
9 dated November 21, 2024, as set forth therein.
10

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

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

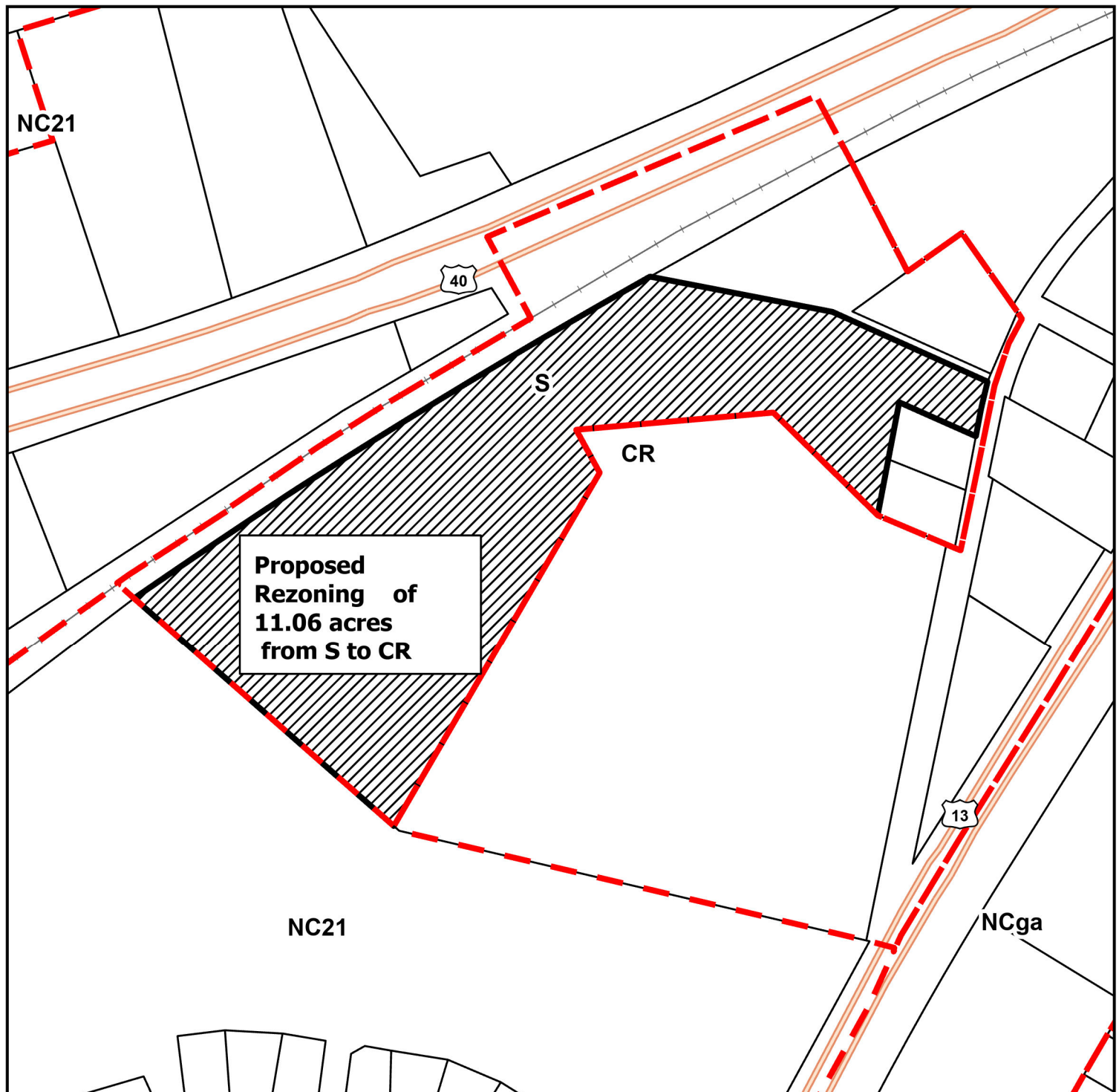
Marcus Henry
County Executive
New Castle County

SYNOPSIS: Same as title.

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

APPLICANT: OLD STATE ROAD LLC
PROPOSED REZONING: EXISTING S ZONING TO CR ZONING

APPLICATION NO. 2023-0005-S/Z
TAX PARCEL NO. 10-034.00-067



HUNDRED: NEW CASTLE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3,000

Prepared by: Property.Munsaka

Date: 11/21/2024



PERMANENT ORDINANCE NO. 25-017

Date Adopted by County Council _____

Date Approved by County Executive _____



New Castle County Department of Land Use

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

**Ordinance No. 25-017
Application No. 2023-0005-SZ
Old State Road Parking (Rezoning)**

May 27, 2025

Sponsor: Councilman Smiley (District 7)

Description: Revise Zoning Map: New Castle Hundred, west side of
Old State Road, approximately 200 feet south of
Llangollen Boulevard; rezone 11.06 acres of
Tax Parcel 10-034.00-067 from Suburban (S) to Commercial Regional (CR)

EXECUTIVE SUMMARY

The Old State Road Parking (App. 2023-0005-SZ) site is located along the west side of Old State Road approximately 200 feet south of Llangollen Boulevard. The applicant is proposing installation of a gravel vehicle storage area along with a rezoning of the property from Suburban (S) to Commercial Regional (CR) to support operations at the neighboring Old State Road Self Storage.

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 **CONDITIONAL APPROVAL** of the rezoning application with the condition that the land development plan be revised to include a paved vehicular accessway in lieu of the currently proposed stone drive aisle.

DESCRIPTION

Ordinance 25-017 proposes rezoning tax parcel 10-034.00-067 from "S" (Suburban) to "CR" (Commercial Regional) to facilitate the development of a parking area for outside storage of vehicles.

BACKGROUND

Site History

Owned by Hamilton Forrest Tilden since about 1982, the 11.06 acre property historically served as a residential home, and included a barn and other equestrian related improvements. While some accessory structures and uses have been removed, the barn still exists today. The northwestern portion of the site has historically remained undeveloped, and no development is shown in this portion of the site in the proposed development.

Ordinance 25-017

Councilman George Smiley introduced Ordinance 25-017 on February 18, 2025, proposing to rezone the site from Suburban (S) zoned land to Commercial Regional (CR) to facilitate the proposed development.

PLUS REVIEW (Preliminary Land Use Service)

The rezoning proposed by Ordinance 25-017 along with the proposed project (App. 2023-0005-Z) received comments in a PLUS Report, dated January 22, 2024, containing relevant comments from State agencies. The Office of State Planning Coordination reiterated their support for the ordinance as the proposed rezoning and development is located within a Level 1 & 2 Investment Area which is consistent with the 2020 Strategies for State Policies and Spending. The Department of Transportation provided several comments outlining requirements pursuant to the Development Coordination Manual. The Department of Natural Resources and Environmental Control (DNREC) outlined requirements for stormwater, federally-listed threatened and endangered species, and flood concern on the site. The State Historic Preservation Office recommended that an archaeologist be hired to assess the site prior to land disturbance. The Delaware State Fire Marshall's Office issued comments including fire protection water requirements, fire protection features, and accessibility. The PLUS Report proceeds to summarize recommendations from each State agency.¹

¹ PLUS Report:

<https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C27080F0B178E6E14CF12E7D932C3BF232&x=temp.pdf>

PLANNING BOARD PUBLIC HEARING – April 1, 2025

*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.²

Presentation

Scott Lobdell from First State Engineering presented the application for Old State Road Parking detailing the project's proposed gravel vehicular storage area associated with the Old State Road Self Storage facility (345 Old State Rd. Parcel No. 10-034.00-069). He detailed the 2022 Comprehensive Plan Future Land Use Map change from a residential to Type 1 Commercial Corridor designation. He proceeded to detail how the project meets the Standards for zoning map amendment pursuant to Section 40.31.410 of the *New Castle County Code*.

During the public comment period, Board Member Jonathan Cochran inquired about the provision of electric power on the site. The applicant clarified that only perimeter lighting and parking lot lights will be installed. Board Member Ruth Visvardis inquired about any additional access beyond the proposed access to the site. The applicant confirmed that no additional access will be provided to the site except from Old State Road.

Public Comment

Councilman George Smiley expressed concerns regarding the possibility of the site being transformed into a trucking terminal. He also underscored the importance of establishing a substantial buffer zone to safeguard the surrounding residents.

Rebuttal

The applicants confirmed that tractor trailers are not intended to be present on the site. They have also stated that the proposed design is intended for boats, RVs, small trailers, and similar vehicles. The applicants additionally mentioned that the rear of the site will remain wooded providing a substantial buffer between the site and surrounding residents.

ANALYSIS

The Rt-40 (Pulaski Highway) and Rt-13 (duPont Highway) corridors have historically accommodated diverse commercial activities. The subject property, situated between Rt-40 and Rt-13, was previously designated as R1C under the Former Code and is currently zoned S (Suburban). However, the proposed rezoning and development aligns with the 2020 Strategies for State Policies and Spending which categorized it as a Level 1 & 2 Investment Area and the Future Land Use Map, which designated the site as a Type 1 Commercial Corridor Development area.

² August 6, 2024, Planning Board Public Hearing: <https://www.newcastlede.gov/agendacenter>

The adjacent property (TP# 10-034.00-069; 345 Old State Road) currently houses Old State Road Self Storage. This facility was rezoned from Suburban (S) to Commercial Regional (CR) in Ordinance 09-093, along with a proposed plan for a self-storage facility in 2007.³ The development plan expired, however a subsequent plan was approved in December of 2017 for the built self-storage facility.⁴ Application 2023-0005-S/Z (Old State Road Parking) is intended to maintain continued viability of the self-storage allowing an expansion of operations to permit vehicular storage consistent with the needs of surrounding developments. Additionally, the proposed development includes adequate buffering and will have negligible visual or operational impact on adjacent residential neighborhoods.

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.*

The Future Land Use Map designates parcel 10-034.00-067 as Type 1- Commercial Corridor Development which are “*areas with strong commercial potential, such as along major roadways in the county*”. The Future Land Use Element further stresses residentially zoned land may seek a rezoning for uses allowed within commercial zoning districts so long as the proposed development is consistent with the Guiding Principles and sensitive to any adjacent residential uses.

Objective 5.1 recommends that the County “*promote business clusters by focusing resources and policies toward retaining and growing businesses in discrete sectors... including supporting emerging businesses where market demand is growing...*”

The proposed commercial development and rezoning to “CR” (Commercial Regional) is consistent with the Future Land Use Map and Goals, Objectives, and Strategies of the 2022 Comprehensive Plan.

³ App. 2007-1227-SZ Project details: <https://www3.newcastlede.gov/Project/Details/Default.aspx?ProjectKey=299814>

⁴ App. 2013-0521-SZ Project details: <https://www3.newcastlede.gov/Project/Details/Default.aspx?ProjectKey=464071>

B. Consistency with the character of the neighborhood.

The subject property is bounded by the Rt-40 and Rt-13 corridors and is located behind existing commercial uses along Rt-13 and a freight rail line to the north. Rezoning the parcel to “CR” (Commercial Regional) will permit the commercial expansion of operations at the self-storage facility consistent with the surrounding commercial uses.

C. Consistency with zoning and use of nearby properties.

While residential development exists on the southeast side of Rt-13 as well as to the southwest of the site (Mallard Point subdivision), the proposed commercial development and use is proposed to occur along Old State Road adjacent to the existing self-storage facility. While the entire parcel is proposed to be rezoned to “CR” (Commercial Regional), the northwest portion of the parcel will remain undeveloped.

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

The rezoning of the property will facilitate the development of a vehicle storage area to support and expand operations of a self-storage facility located on the adjacent parcel. If rezoned to Commercial Regional, the development will not require variances, and therefore the site will be suitable for the use.

E. Effect on nearby properties.

The proposed development is anticipated to have a negligible impact on the neighboring properties. To the north, the property is bordered by Rt-40 and a freight rail line. To the south and southeast along Old State Road, the property is surrounded by commercial zoning and uses. The western portion of the property adjoins the open space of Mallard Point subdivision; however, this section of the site will remain undeveloped and forested, serving as a buffer between the proposed commercial use and the residential subdivision.

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, 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 **CONDITIONAL APPROVAL** of the rezoning application with the condition that the land development plan be revised to include a paved vehicular accessway in lieu of the currently proposed stone drive aisle

PLANNING BOARD RECOMMENDATION

At a business meeting held on May 27, 2025, 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. Visvardis and seconded by Ms. Gray, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 25-017 as recommended by the Department of Land Use. The motion was adopted by a vote of 6-0-0-2 (In Favor: Cantrell, Daigle, Drake, Gray, Snowden, Visvardis; In Opposition: None; Abstention: None; Absent: Cahill-Krout, Cochran).

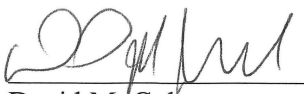
Prior to the vote, the following discussion occurred:

Alec Davis read the Department of Land Use recommendation into the record.

Mr. Snowden asked to see the extent of the proposed paved area. Antoni Sekowski (Department of Land Use) detailed that the addition of a paved accessway would define which areas are to be used for vehicle storage. Ms. Visvardis and Mr. Cantrell followed up with clarifying questions on the paved drive aisle. Mr. Snowden inquired about the stormwater run-off calculations, and Mr. Sekowski clarified that both the stoned and paved areas are considered impervious areas which are accounted for in stormwater calculations.

STATUTORY GUIDELINES

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

 6-4-25

David M. Culver date
General Manager
Department of Land Use

 6/3/2025

Robert Snowden date
Acting Chair
New Castle County Planning Board

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: June 10, 2025

ORDINANCE NO. 25-082

**TO AMEND NEW CASTLE COUNTY CODE CHAPTER 26 ("HUMAN RESOURCES"),
ARTICLE 4 ("PENSIONS") REGARDING PLAN CHANGES TO THE COUNTY 2011
PLAN**

1 **WHEREAS**, New Castle County, led by the Office of Finance, performed a
2 competitive market review of services and fees offered by its third-party administrator for
3 the 457(b) deferred compensation plan and the 401(a) defined contribution benefit of the
4 County 2011 Plan due to the impending expiration of its contract with MetLife; and
5

6 **WHEREAS**, in response to the County's solicitation of third-party administrative
7 services, Empower, a financial services company and retirement plan provider, submitted
8 a competitive proposal for recordkeeping and administrative services; and
9

10 **WHEREAS**, included in the proposal is Empower's obligation to provide pre-
11 approved plan documents that are compliant with provisions of the Internal Revenue Code
12 (IRC) of 1986, as amended, tax regulations, and official tax guidance for tax-qualified
13 status and those documents will be maintained and updated by Empower as changes to
14 the law and interpretation of the law occur; and
15

16 **WHEREAS**, Empower has identified certain participation provisions of 401(a)
17 defined contribution benefit of the County 2011 Plan that are inconsistent with Empower's
18 pre-approved plan documents; and
19

20 **WHEREAS**, the Office of Finance has identified certain other provisions of the
21 401(a) defined contribution benefit of the County 2011 Plan that require amendment to
22 allow for more efficient administration; and
23

24 **WHEREAS**, pursuant *New Castle County Code* § 2.05.505, the responsibility for
25 the direction and operation of the County's pension program is vested with the Employees'
26 Retirement System Board of Trustees (the "Pension Program Board of Trustees"); and
27

28 **WHEREAS**, the Pension Program Board of Trustees has reviewed and considered
29 the provisions identified by Empower and the Office of Finance and has requested that
30 certain changes be made to the 401(a) defined contribution benefit of the County 2011
31 Plan; and
32

33 **WHEREAS**, County Council, in concert with the Pension Program Board of
34 Trustees, finds that these reforms are necessary to facilitate the proper administration of
35 the County's pension program.
36

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

39 **Section 1.** *New Castle County Code* Chapter 26 ("Human Resources"), Article 4
40 ("Pensions"), Division 26.04.700 ("County 2011 Plan"), Section 26.04.717 ("Defined
41 contribution benefit") is hereby amended by adding the material that is underscored and
42 deleting the material that is stricken, as set forth below:

Division 26.04.700. County 2011 Plan.

Sec. 26.04.717. Defined contribution benefit.

A. In addition to the benefits provided in Sections 26.04.701-26.04.716, the County shall make an ~~annual~~ nonelective contribution of one (1) percent of each member's base salary to a defined contribution plan account on behalf of each member. In addition, the County shall make an ~~annual~~ matching contribution on behalf of each member of one hundred (100) percent of each member's contribution to the Section 457 Plan maintained by the County up to a maximum of two (2) percent of such member's base salary. The County's contributions shall be made on a schedule determined by the Office of Finance but shall occur on no less than an annual basis.

B. A member shall become one hundred (100) percent vested in the County's nonelective contribution, the County's matching contribution, and the earnings thereon upon the ~~earlier~~ earliest of any of the following occurrences. ~~date when the member;~~

1. ~~(i)~~ The member completes ten (10) years of credited service.

(a) For the purposes of this section, credited service shall exclude only those periods of leave that exceed twelve (12) consecutive months.

(b) Where credited service is reduced pursuant to subsection (a), the member shall receive credit for service that is not otherwise excluded in Section 26.04.705.

2. The member reaches age 65.

3. ~~(ii)~~ The member dies; ~~or~~

4. ~~(iii)~~ The member becomes disabled. For purpose of this provision, a member shall be considered disabled if the member meets the definition of disabled in Section 26.04.708 E.

C. The defined contribution of the County 2011 Plan shall be an individual account plan. The Board shall establish and maintain an account in the name of each member to which shall be credited as of each valuation date, all amounts allocated to a particular account of each such member as set forth herein. The County contributions for each such plan year shall be allocated ~~as of~~ by the last day of such plan year (even though receipt of the County contributions may take place after the close of such year) according to the County contributions set forth in paragraph A of this Section 26.04.717.

Section 2. This Ordinance shall apply only to those members of the County 2011 Plan that are employed by New Castle County on or after the date that the provisions of this Ordinance become effective.

91 **Section 3.** This Ordinance shall become effective immediately upon its adoption
92 by County Council and approval by the County Executive, or as otherwise provided in 9
93 *Del. C. § 1156*. The provisions of this Ordinance shall become effective concurrent with
94 the effective date of the Master Service Agreement (“MSA”) for New Castle County
95 pertaining to third-party administrator services provided by Empower Retirement, LLC.
96 The effective date of the MSA shall be noticed by resolution.

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends Section 26.04.717 to incorporate IRC plan participation requirements for nonexempt, tax-qualified pension plans. Specifically, the IRC requires a member’s service credit to include absences of up to twelve consecutive months and a plan to include accelerated vesting for members at age 65. The credited service provisions of section 26.04.705 will also apply. Thus, if a member is on leave for 12 consecutive months or greater, the member will get a service credit for any portion of that time that would not be excluded pursuant to section 26.04.705. This ordinance also allows the Office of Finance to make required County contributions to a member’s individual account plan on a schedule that occurs more frequently than once annually. This would allow, for example, contributions to be made concurrent with a member’s weekly or biweekly pay cycle.

FISCAL NOTE: Recommended changes to Chapter 26 for the defined contribution portion of the 2011 Pension Plan include accelerated vesting for 401(a) match contributions. A retroactive analysis shows this would have cost approximately \$39,000 since 2011—deemed de minimis, or insignificant in cost impact. The recommended change to credited service calculations updates the leave exclusion threshold from 30 days to 12 consecutive months meaning only extended absences over a year would affect credited service, providing more favorable terms for participants. The defined benefit vesting provisions remain unchanged.

Acknowledged by the Chief Financial Officer April 30, 2025.

NEW CASTLE COUNTY GOVERNMENT EMPLOYEES' PENSION PROGRAM

MINUTES of April 16, 2025

The regular meeting of the Board of Trustees was held on April 16, 2025, via Zoom video conference in the Government Center, 87 Reads Way, New Castle, DE 19720.

Rollcall Taken. The meeting was called to order at 8:16 a.m.

TRUSTEES PRESENT: Daniel McFadden, Chairperson Brian Bradford, Trustee, Local 3911 Daryl Brown, Trustee Michael Finnigan, Trustee, Retirees Michael McGowan, FOP Lodge #5 Jill Floore, CFO Dusty Blakey, CHRO Paul Frese, Trustee Non-Union Members Ronald Hladney, Trustee, Local #459	TRUSTEES ABSENT: LaPorsha Lopez, Local #3109 Regis Yurcich, Trustee, Local #1607 Terry Stone, Trustee OTHERS PRESENT: Cyril Espanol, w/Intelligence Stephanie Scola, NCC/Finance Christine Piekarski, NCC/Finance Carla Geiersbach, NCC/Finance Patricia Purnell, NCC/Human Resources Toni Frieson-Jones, NCC/Accounts Payable Rinku Banerji, NCC/Audit Robert Wasserbach, County Auditor A.J. Flynn, NCC/Audit
STAFF PRESENT: Grace Dehel, Pension Administrator Daniel Mann, Pension Program Analyst Mary Jacobson, First Assistant County Attorney Rowena P. Liles, Program Analyst	INVITED GUESTS: Michael Sullivan, NEPC Stuart Sclater-Booth, Stone Harbor Simon Little, Stone Harbor Zachary Boyer, Nuveen Real Estate Income Stephen Kohut, Nuveen Real Estate Income Ben Kerl, Nuveen Real Estate Income Leo A. Reed, Nuveen Real Estate Income

APPROVAL OF THE MINUTES

The minutes from the March 19, 2025, meeting are attached for approval.

A motion was made by Daryl Brown and seconded by Michael Finnigan to approve the minutes from the March 19, 2025, meeting.

*THE MOTION WAS ADOPTED UNANIMOUSLY.

APPROVAL OF THE INVOICES

CoHo	\$39,279.10	1 st Quarter 2025
JP Morgan	\$38,117.96	4 th Quarter 2024
LDR Capital Management	\$15,088.99	1 st Quarter 2025
Loomis Sayles	\$53,298.21	1 st Quarter 2025
Peregrine	\$36,908.62	1 st Quarter 2025

A motion was made by Daryl Brown and seconded by Michael Finnigan to approve the payment of invoices.

*THE MOTION WAS ADOPTED UNANIMOUSLY.

DISTRIBUTION OF FEES

➤ Loomis Sayles \$29,164.83 03/17/2025 (Erroneous fee schedule)

COORDINATOR'S REPORT

- ❖ Gross Payroll and Employer Contributions for the month of February 2025.
- ❖ Pension Trust Asset Summary – February 2025
- ❖ Pension Payments – March 2025
 - Payees for March 1,636
 - DelPen (ret) 116
 - Active Participants 1,410
 - DelPen 379
 - Benefits total \$4,373,483.13

CAPITAL CALLS

- Brookfield Capital Partners V, LP \$42,857.48 03/25/2025
- Backcast Credit Opp Fund II, LP \$360,669.00 03/31/2025
- King Street Opp Credit Fund L.P. \$3,173,424.00 04/16/2025

DISTRIBUTION OF CAPITAL

- Kennedy Lewis \$92,196.00 03/24/2025
- Sixth Street Opportunities Partners II (A), LP \$23,310.00 03/28/2025
- HarbourVest Partners IX-Venture Fund LP \$348,063.00 03/31/2025
- TA Realty Assoc. Fund XII UTP, LP \$261,751.00 04/10/2025
- Backcast Credit Opportunities Fund II, LP \$41,595.00 04/11/2025

APPROVAL OF THE APPLICATIONS FOR BENEFITS

Service Retirements

(08887)	\$4,608.67	04/29/2025	RetGen
(06597)	\$3,256.26	04/18/2025	RetGen
(05670)	\$320.00	01/22/2025	SCGPen
(08842)	\$1,919.35	05/15/2025	RetGen
(06712)	\$300.00	03/25/2025	SCGPen

Non-Service Disability Retirement

(09621)	\$1,656.26	10/29/2024	RetGen
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Refund Benefits

(14362)	\$22,644.69	04/01/2025	CPGen
---------	-------------	------------	-------

A motion was made by Daryl Brown and seconded by Michael Finnigan to approve the Coordinator's Report, Service Retirements, and Refund benefit.

***THE MOTION WAS ADOPTED UNANIMOUSLY.**

OLD BUSINESS

- Grace Dehel - Pension Technology Software launch to NCC employees – *The Pension Division rolled out the PTG Employee Self-Service platform for pension estimates at the beginning of April. We received positive feedback from the employees who are excited to have access to run their own estimates. We are hopeful that this will significantly reduce the volume of requests we receive for estimates. This was just an update on the software.*

OLD BUSINESS (Cont'd)

- Grace Dehel - 401(a) Third-Party Administrator Transition to Empower - *This item will be postponed until the CFO is present in the room.*
- Grace Dehel - GRS Annual Pension Plan Review revised report – *The Annual Valuation Report from GRS was revised due to an error in the Contribution Rate applied by the County starting in July 2024. They applied the rate of 37.32% which represented the total rate including the School Crossing Guards. The rate should have been 35.10% The County has corrected its contributions and the actuary has provided an adjusted rate for fiscal year 2026. On page 15 of the report, the old rate the total was 34.15% and the net was 33.84%. The new rate, as seen here, is 34.26% and net 33.94% which is a difference in the net of .10%. It's not much of a difference, but we did want to make sure it was correctly adjusted so that the Contribution Rate for FY 2026 was correct. We will require a new vote to accept the updated rates.*

A motion was made by Daryl Brown and seconded by Michael McGowan to accept the revised rates as indicated from the GRS 2025 Pension Plan Review Report.

***THE MOTION WAS ADOPTED UNANIMOUSLY.**

NEW BUSINESS

- Michael Sullivan, NEPC - *Reviewed and discussed the Preliminary Investment Performance "Flash" report for the period ending March 31, 2025.*
 - *Review of the Asset Allocation Mixes (Pg 7 of the Flash Report)*

OLD BUSINESS (Cont'd)

- Stone Harbor - Account Review Emerging Market Debt presentation by Stuart Sclater-Booth and Simon Little.

The board requested the revised Stone Harbor presentation booklet to be distributed after the meeting.

A discussion was held on the asset class with the manager.

A motion was made by Daryl Brown and seconded by Michael Finnigan to accept the Stone Harbor presentation.

***THE MOTION WAS ADOPTED UNANIMOUSLY.**

- Nuveen Real Asset Income - New Strategy for Consideration.

A discussion was held on including the asset class with Nuveen Real Asset Income.

The board recommended NEPC look at where there may be any overlap in investments and ask the research team about the in-flows at Stone Harbor and how they are compensated. After reviewing the information, a vote on the Nuveen allocation at a future meeting.

OLD BUSINESS (Cont'd)

- Grace Dehel - 401(a) Third-Party Administrator Transition to Empower – *This is a follow-up from last months discussion on the transition from MetLife to Empower. There are five items that require the boards approval, for each I will go over the main points. How the Deferred Compensation Committee) voted for 457(B) and what the recommendation of the administration is. Would you like to vote on them individually or wait until the end?*

Daryl – *I would say wait until the end.*

Grace – *I will get started and hopefully this will be quick.*

Plan Provisions

- **Stable Value Funds**
 - Due to the MetLife stable value fund not being transferrable to Empower, there will be unavoidable Market Value Adjustments (MVAs) and Surrender Charges on these accounts
 - The *estimated* MVAs and Surrender Charges for the 401(a) Plan from MetLife (current quote good through 5/26/25) are:

OLD BUSINESS (Cont'd)

Plan Provisions

- **Stable Value Funds**
 - MVAs: \$1,390.86
 - Surrender Charges: \$342.41
 - Empower can do a Back-End Load (BEL) Restoration to offset Surrender Charges and MVAs at the cost of 5.5 basis points for 5 years
 - The DCC approved this provision for the 457b at the April 10th committee meeting
The Administration recommends the Board approve Empower's Back-End Load (BEL) Restoration to offset Surrender Charges and MVAs, at the cost of 5.5 basis points for 5 years.
- **Continuation of outside advisors Lisa Rydzefski and Stephanie Rinschler Trentowski**
 - Keeping them on will ensure continuity of service and familiar faces, minimizing disruption to the employees and retirees
 - The cost to do so is 8 basis points
 - The DCC approved this continuation of service for the 457b at the April 10th committee meeting
The Administration recommends the Board approve continuation of these outside advisors for a minimum of 12 months
- **Force-Out Provisions**
 - A force-out provision forces accounts out of our plan when the employee terminates or retires
 - Employees will have 60 days after official notification to either roll over or cash out their account. Otherwise, accounts less than \$1,000 will be cashed out; accounts between \$1,000 and \$7,000 will be transferred to an Empower IRA (not managed by NCCo).
 - This provision is in compliance with County code 26.04.717 which states that the 401a accounts "shall be paid to the member ... in one (1) lump sum as soon as administratively feasible following the last day of the plan year in which the member's employment with the County terminates for any reason."
 - \$7,000 is currently the max balance allowable for the force out provision per federal regulation
 - The DCC approved this force out provision for the 457b at the April 10th committee meeting
The Administration recommends approval of forcing out accounts of terminated employees at \$7,000 or less.
- **In Service Distributions**
 - The DCC voted to approve a number of in-service distribution provision changes for the 457b, including distributions at Age 59 ½, Qualified Birth and Adoption Distributions (QBADs), Domestic Abuse Distributions, Terminal Illness Distributions, and Qualified Disaster Recovery Distributions (QDRDs)
 - These provisions require a change to County Code 26.03.206 Deferred Compensation Plan, which is currently in process.
 - As the intent of the 401a is to serve as a part of the employees' pension benefit upon retirement, *the Administration recommends the approval of in-service distributions for Terminal Illness only.*

Empower's Required Plan Provisions for Vesting

- These provisions are required if we intend to use Empower's plan documents for the 401a plan.
- If we do NOT use Empower's provisions, we are responsible for having outside Counsel write and maintain the plan documents for the 401a plan at Empower.
- **In addition, please note that adopting these provisions will require a change to the County Code 26.04.717 Defined Contribution**
- **Elapsed Time Method**
 - The current definition of credited service specifically excludes any period where the employee is on unpaid leave for at least 30 consecutive days.
 - Empower's vesting method does not allow adjustments to credited service unless the period of leave is 12 consecutive months or greater

OLD BUSINESS (Cont'd)

Plan Provisions

Empower's Required Plan Provisions for Vesting (Cont'd)

- Accelerated Vesting at Normal Retirement Age (Defined as 65)
 - Accepting this provision would mean that any employee who reaches age 65 while in County employment would automatically vest in the 401a.
 - It also means that any employee who is age 65 or older upon hire would be automatically vested in the plan
 - The current County Code states that a member only becomes vested when they complete 10 years of credited service, die, or become disabled.
 - A review of terminated, non-vested members by age suggests that the cost of this provision to date would have been an estimated \$39,000 if instituted at the onset of the plan in 2011

The Administration recommends the Board approve Empower's Required Plan Provisions for Vesting

A motion was made by Michael McGowan and seconded by Jill Floore to accept the administrator's recommendation on the Plan Provisions as discussed.

***THE MOTION WAS ADOPTED UNANIMOUSLY.**

COMMENTS

➤ None

ADJOURNMENT

A motion was made by Daryl Brown and seconded by Jill Floore to adjourn the meeting at 10:42 a.m.

***THE MOTION WAS ADOPTED UNANIMOUSLY.**



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OFFICE OF FINANCE

**EMPLOYEES' RETIREMENT SYSTEM
BOARD OF TRUSTEES
RECOMMENDATION
REGARDING
ORDINANCE 25-082**

Sponsors: Councilmember George Smiley (District 12), Councilmember John Cartier

Description: To Amend New Castle County Code Chapter 26 ("Human Resources"),
Article 4 ("Pensions") Regarding Plan Changes to the County 2011 Plan

To: Nellie Hill, Clerk of County Council

From: Daniel McFadden, Chair
Employees' Retirement System Board of Trustees

Date: June 18, 2025

Referral for Recommendation

Ordinance No. 25-082 (the "Ordinance"), introduced on June 10, 2025, has been referred to the Employees' Retirement System Board of Trustees ("Pension Board") for recommendation pursuant to the requirements of *New Castle County Code* Sec. 2.05.505(C). The Pension Board considered the Ordinance at its June 18, 2025 meeting and provides this recommendation of approval.

Background

The Office of Finance is preparing to transfer third-party administrative services of the County 2011 Plan (the "Plan") defined contribution benefits to Empower, a financial services company. The Pension Board requested that certain changes be made to the Plan to facilitate the administration of the Plan by Empower and the Ordinance reflects these Plan changes. The Plan changes will become effective concurrent with Empower's Master Service Agreement.

Ordinance 25-082 Amendments

The Ordinance amends the defined contribution benefit provisions of the Plan in two ways.

First, County contributions to a member's defined contribution plan account ("401(a)

account”) are currently required to be made on an annual basis. The Ordinance will allow the Office of Finance to determine the schedule in which County contributions to a member’s 401(a) account will occur, but the funds must transfer no less than annually. The Office of Finance will have flexibility to develop a schedule wherein contributions are made more frequently. For example, County contributions to a member’s 401(a) account may occur concurrent with a member’s weekly or biweekly pay. This change will allow the member to realize potential growth and gains from the County’s contributions much sooner than if contributions were made on an annual basis.

Second, the Ordinance amends member vesting provisions to be consistent with Internal Revenue Code plan participation requirements for non-exempt tax qualified pension plans. These changes are necessary for the efficient and consistent administration of plan benefits by Empower. There are two changes to the current vesting requirements for the County’s 401(a) contributions. First, the Ordinance provides that a member will vest at age 65 regardless of how many years of credited service the member has. Currently, ten (10) years of credited service are required for vesting and this requirement will continue for other members. The Ordinance, however, changes the lapses in service that can be deducted from credited service. The Ordinance allows the exclusion of lapses in service that exceed twelve months wherein lapses in service of thirty days or more are currently excluded. If credited service is adjusted for lapses in service of greater than 12 months, the Ordinance allows credit for service not otherwise excluded in the definition of credited service. This will allow, for example, a member to receive credit for periods of paid leave.

Recommendation for Approval

The Pension Board finds that the changes proposed by Ordinance 25-082 will benefit the members of the County 2011 Plan, are necessary for the efficient and consistent administration of the Plan, and will have negligible or zero impact on the fiscal health of the County’s pension program. For these reasons, the Pension Board recommends approval of Ordinance 25-082.

Motion (J. Floore): To recommend approval of Ordinance No. 25-082. Seconded (P. Lopez).

Vote: 10-0 (In Favor: D. McFadden, D. Brown, P. Frese, R. Hladney, D. Blakey, P. Lopez, B. Bradford, J. Floore, T. Stone, R. Yurcich. Against: None. Absent: M. Finnigan, M. McGowan).

Motion carries.

/s/ Daniel McFadden

Daniel McFadden, Chair

Employees’ Retirement System Board of Trustees