



NEW CASTLE COUNTY COUNCIL ADMINISTRATIVE-FINANCE COMMITTEE MEETING

Co-Chair George Smiley, Seventh District
Co-Chair John Cartier, Eighth District

October 28, 2025
5:00 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/Roll Call

B. Approval of Minutes - October 14, 2025

C. Executive Session

--Update on pending litigation

D. Review/Discussion of Resolution(s)

R25-190: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FINANCING AGREEMENT WITH THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, IN AN AMOUNT NOT TO EXCEED \$17,679,097 TO FUND THE CONSTRUCTION OF THE NEW RICHARDSON PARK SEWAGE PUMP STATION AND APPURTENANCES, 625 LINEAR FEET OF 42-INCH GRAVITY SEWER, 70 LINEAR FEET OF 36-INCH GRAVITY SEWER AND 520 LINEAR FEET OF 24-INCH AND 30-INCH DUCTILE IRON FORCE MAIN; PROVIDING FOR THE PURCHASE OF THE BOND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH

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

E. Review/Discussion of Ordinance(s)

°25-123: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 13 ("STORMWATER MAINTENANCE DISTRICTS") REGARDING STORMWATER MAINTENANCE AND THE OAKS

Prime Sponsor(s): Mr. Tackett

°25-128: AMEND THE FY2026 APPROVED OPERATING BUDGET: APPROPRIATE \$900,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW TO FUND ATTORNEY FEES AND LITIGATION EXPERT WITNESSES

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

°25-129: AMEND THE FY2026 APPROVED ANNUAL OPERATING BUDGET:
APPROPRIATE \$300,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE
ACCOUNT TO THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF FLEET OPERATIONS
GRANTS AND FIXED CHARGES BUDGET LINE ITEM FOR A SETTLEMENT

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

F. New Castle County Grant Requests/Community Events

-10/28/25 Grant Matrix

G. Expense and Revenue Round Table

H. Other

I. Public Comment

J. Adjournment

AGENDA POSTED: Tuesday, October 21, 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.

RESOLUTION NO. 25-190

AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A FINANCING AGREEMENT WITH THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, IN AN AMOUNT NOT TO EXCEED \$17,679,097 TO FUND THE CONSTRUCTION OF THE NEW RICHARDSON PARK SEWAGE PUMP STATION AND APPURTENANCES, 625 LINEAR FEET OF 42-INCH GRAVITY SEWER, 70 LINEAR FEET OF 36-INCH GRAVITY SEWER AND 520 LINEAR FEET OF 24-INCH AND 30-INCH DUCTILE IRON FORCE MAIN; PROVIDING FOR THE PURCHASE OF THE BOND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION THEREWITH

1 **WHEREAS**, the County Council (the "Council") of New Castle County (the "County") has,
2 by the enactment of Ordinance No. 25-xxx (the "Bond Ordinance"), authorized the issuance of
3 its negotiable general obligation bond for public purposes, including the construction of the New
4 Richardson Park Sewage Pump Station and appurtenances, 625 linear feet of 42-inch gravity
5 sewer, 70 linear feet of 36-inch gravity sewer and 520 linear feet of 24-inch and 30-inch ductile
6 iron force main (the "Project"); and
7

8 **WHEREAS**, pursuant to and in accordance with 9 *Del. C. § 1163*, the Bond Ordinance
9 and this Resolution, the County desires to (i) issue its General Obligation Bond for the Project,
10 Series 2025A-WPCRF, or such other designation as the County shall determine at the time of
11 issuance, in the maximum principal amount not to exceed \$17,679,097 (the "Bond") and (ii)
12 authorize the County Executive to determine the final terms and conditions of the Bond and to
13 sell the Bond in a negotiated sale to the Delaware Water Pollution Control Revolving Fund (the
14 "Fund"), acting by and through Delaware Department of Natural Resources and Environmental
15 Control ("DNREC"); and
16

17 **WHEREAS**, the Bond will be issued under, and subject to, the terms and conditions
18 contained in that certain financing agreement dated as of the date of closing, by and between the
19 County and the Fund (the "Financing Agreement") and pursuant to a binding commitment letter
20 dated April 7, 2025, from DNREC to the County; and
21

22 **WHEREAS**, the loan interest rate shall be 2% for a term of 25 years. No interest is due
23 until the Project is completed. The Bond and the Financing Agreement will include the repayment
24 provisions of the Bond. Upon completion of the Project, principal and interest payments shall be
25 due semi-annually in an amount sufficient to amortize the outstanding balance over 25 years; and
26

27 **WHEREAS**, the County has determined that it is not necessary to appoint a fiscal agent
28 or payment agent in connection with the issuance of the Bond; and
29

30 **WHEREAS**, by the adoption of this Resolution, the Council desires to exercise the
31 authority delegated to it under the Bond Ordinance and, on behalf of the County, to approve

the execution and delivery of the Financing Agreement, the Bond and any other documents required to be delivered in connection with the issuance of the Bond.

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

Section 1. The Bond. The County hereby authorizes the issuance of its General Obligation Bond, Series 2025A-WPCRF, or such other designation as the County shall determine at the time of issuance, for the Project, in a principal amount not to exceed \$17,679,097 pursuant to and in accordance with 9 *Del. C.* § 1163 for the purpose of financing (i) the Project and (ii) the costs associated with issuing the Bond. The Bond shall be in such principal amount (not to exceed \$17,679,097), shall bear such rate or rates of interest, shall mature in such principal amounts and on such dates, shall be subject to redemption, shall be sold at such price and in such manner, and shall be in such form and contain or be subject to such other terms and conditions as shall be determined by the County Executive.

Section 2. Purpose. The Bond shall be issued for the purpose of financing the Project, which consists of the construction of the New Richardson Park Sewage Pump Station and appurtenances, gravity sewer lines and ductile iron force mains, pursuant to and in accordance with 9 *Del. C.* § 1163, and the Bond Ordinance.

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

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

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

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

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

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

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: This Resolution authorizes the County Executive to execute a financing agreement with the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, in an amount not to exceed \$17,679,097 for the construction of the New Richardson Park Sewage Pump Station and appurtenances, including 625 linear feet of 42-inch gravity sewer, 70 linear feet of 36-inch gravity sewer and 520 linear feet of 24-inch and 36-inch ductile iron force main. This Resolution allows the Bond to be sold to the Delaware Water Pollution Control Revolving Fund and authorizes the County Executive to execute various documents in connection with the issuance of the Bond and implementation of the financing agreement.

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

Acknowledged by the Chief Financial Officer October 16, 2025.

ORDINANCE NO. 25-123

**TO AMEND NEW CASTLE COUNTY CODE CHAPTER 13
("STORMWATER MAINTENANCE DISTRICTS") REGARDING
STORMWATER MAINTENANCE AND THE OAKS**

1 **WHEREAS**, stormwater is an important water resource which supports, among
2 other things, groundwater recharge for drinking water supplies and base-flow of streams;
3 and
4

5 **WHEREAS**, the requirements of the United States Environmental Protection
6 Agency and the Delaware Department of Natural Resources and Environmental Control
7 demand a comprehensive approach to stormwater management by New Castle County;
8 and
9

10 **WHEREAS**, the federal regulations and Delaware state regulations require the
11 County to implement and fund a program of stormwater controls that address discharges
12 from the County's regulated stormwater flows to local water bodies; and
13

14 **WHEREAS**, inadequate management of stormwater runoff throughout a
15 watershed can increase flood depths and velocities, contribute to erosion and sediment,
16 overtax the carrying capacity of existing streams and storm sewers, greatly increase the
17 cost of public facilities to convey and manage stormwater, undermine floodplain
18 management and flood reduction efforts in upstream and downstream communities,
19 reduce groundwater recharge, and impact other related water resource needs and
20 threaten public health and safety; and
21

22 **WHEREAS**, in order to establish, operate, enhance, and maintain an effective and
23 efficient stormwater management, ensure the continued effective operation of the system
24 through installation and best management practices, and to provide other services such
25 as appropriate inspections, asset management, and regulatory oversight associated with
26 stormwater and watershed management, sufficient and stable funding is required to fund
27 these public services; and
28

29 **WHEREAS**, given the above, New Castle County Council determined it to be in
30 the best interests of the County and its residents to create stormwater maintenance
31 districts to accomplish the above and, thereby, promote more attractive, safer, and
32 healthier neighborhoods; and
33

34 **WHEREAS**, County Council enacted *New Castle County Code* Chapter 13,
35 Sections 13.01.001 – 13.01.007 (by means of Ordinance No. 21-144), creating
36 stormwater maintenance districts to provide an alternative to and assist property owners
37 who are responsible for performing maintenance of stormwater management facilities
38 within residential and mixed-use subdivisions, and to relieve property owners of the
39 burden of the actual maintenance; and

40 **WHEREAS**, Chapter 13 provides that a maintenance organization responsible for
41 a stormwater management facility within a subdivision established prior to enactment
42 thereof may petition to establish a stormwater maintenance district (“SWD”), using forms
43 established by the Public Works Department (the “Department”); moreover, the
44 Department is authorized to determine whether a SWD should be established based on
45 a maintenance organization’s compliance with *New Castle County Code* Chapter 12,
46 Article 6 (“Stormwater Management Facility, Watercourse, and Drainage System
47 Maintenance”); and
48

49 **WHEREAS**, the stormwater management facility in The Oaks subdivision falls
50 under the County’s jurisdiction, and is, in the opinion of County government, necessary
51 for efficient and economical stormwater management; and
52

53 **WHEREAS**, by way of background, The Oaks maintenance corporation timely
54 petitioned the Department in 2025 for creation of a SWD; the petition (attached hereto
55 along with other supporting documentation) reflects the affirmative vote for inclusion in
56 the SWD program by The Oaks community; and
57

58 **WHEREAS**, the petition includes, among other things, the requisite description of
59 the area incorporated in the proposed SWD, a list of the community members and mailing
60 addresses, applicable parcel numbers, signatures of the community members by parcel,
61 and the individual votes, either yes or no, by community members; and
62

63 **WHEREAS**, the Department supports the petition, which awaits the approval of
64 County Council; and
65

66 **WHEREAS**, if County Council enacts this Ordinance, the SWD program will be
67 approved for the The Oaks community; subsequent to any approval by County Council,
68 all relevant information evidencing the establishment of the SWD will be recorded with
69 the Office of the Recorder of Deeds; and
70

71 **WHEREAS**, County Council has determined that the provisions of this Ordinance
72 substantially advance and are reasonably and rationally related to legitimate
73 government interests, including, but not limited to, promoting the public health, safety,
74 welfare, and quality of life of the present and future inhabitants of New Castle County,
75 generally, and The Oaks community, in particular.
76

77 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
78

79 Section 1. *New Castle County Code* Chapter 13 (“Stormwater Maintenance
80 Districts”) is hereby amended by adding the material that is underscored and deleting the
81 material that is stricken, as set forth below.
82

83 ...
84 Sec. 13.01.008. Stormwater maintenance districts - approved.

85 A. Following are the Stormwater Maintenance Districts approved by County Council:

86 1. Whispering Woods...

87 6. The Oaks.

88 Section 2. This Ordinance shall become effective upon its adoption by County
89 Council and approval by the County Executive, or as otherwise provided in 9 *Del. C. §*
90 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: By way of this proposed Ordinance, New Castle County Council approves a Stormwater Maintenance District in The Oaks community.

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

STORMWATER MAINTENANCE DISTRICT

Letter of Intent

Please fill out the form below and submit it along with a copy of the Maintenance Declaration and/or Bylaws for your subdivision to:

*New Castle County, Department of Public Works
Stormwater Maintenance District Program
187-A Old Churchmans Road
New Castle, DE 19720*

Or via email to: Stormwater@newcastlede.gov

I, _____, submit this Letter of Intent to enroll
(PRINT NAME)
_____ in the New Castle County
(SUBDIVISION NAME)

Stormwater Maintenance District Program. I am authorized to act on behalf of the Maintenance Organization, and I understand that I will be the point of contact for this process.

☐ I have enclosed a copy of the Maintenance Declaration and/or Bylaws for my subdivision.

Signature¹

Title/Role in the Maintenance Organization

Date

Daytime Phone

Email

Mailing Address

City

State

Zip

¹To avoid the need for a scanner, you may digitally sign this document by typing your name as follows: “/s/ John Q. Public”



DEPARTMENT OF PUBLIC WORKS
187-A OLD CHURCHMANS ROAD
NEW CASTLE, DE 19720
(302) 395-5700

August 7, 2025

Tressler Teresa M
16 Split Rail Lane
Newark, DE 19702

**RE: The Oaks
Stormwater Maintenance District Program Vote**

Dear Property Owner:

According to our records, as a member of **The Oaks Maintenance Corporation**, you recently participated in a neighborhood petition process. The purpose of the petition was to determine the community's position on entering the New Castle County Stormwater Maintenance District Program. The County has received the results, and it was noted that **16 Split Rail Lane**, Tax Parcel No. **0903810443**, voted "YES" to entering a Stormwater Maintenance District.

If you, the property owner, did not vote as stated above, please contact me at Carolyn.Magnotti@newcastlede.gov within fifteen (30) days of the receipt of this letter. Should you have any questions or concerns, I can be reached at (302) 395-5789.

Thank you,

Carolyn M Magnotti
Environmental Program Manager I

190000 314.2 100 352

Prepared by: Martha S. Gilman
510 Philadelphia Pike
Wilmington, DE 19809

Tax Parcel No. 09-038-00-002

MAINTENANCE DECLARATION

THIS DECLARATION, made this 1st day of October, 1992, by Francis A. and Mary A. Eastburn, hereinafter referred to as "Declarant".

WHEREAS, Declarant is the owner of a certain parcel of land situate in White Clay Creek Hundred, New Castle County and State of Delaware, being 8.82 acres, as shown on the Record Major Subdivision Plan of The Oaks prepared by Landmark Engineering, Inc. dated July 30, 1992, which land is designated for the construction of single family homes with appurtenant common areas; and

WHEREAS, Declarant desires to impose upon said lands and to bind themselves, their successors and assigns who are the owners of said parcel of land, to certain covenants.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the Declarant does covenant and declare that they shall hold and stand seized of all that certain parcel of land situate in White Clay Creek Hundred, New Castle County and State of Delaware, as it appears on the Record Major Subdivision Plan of The Oaks under and subject to the following covenants and agreements, which shall be covenants running with the land and which shall be binding upon the Declarant, their successors and assigns, for the benefit of all owners of lots appearing on said Plan of The Oaks, and for the benefit of New Castle County, a political subdivision of The State of Delaware.

1. In order that the common areas as set forth on said Plan shall be maintained in a good and proper condition, fit for their intended purposes and according to the provisions of Sections 20-70(c) and (d) of the New Castle County Code, there shall be organized as provided in Paragraph 2 hereof, a maintenance corporation whose members shall be record owners of lots shown on said Plan.

(a) The purchaser of any lot of land by the acceptance of a deed to said land, obligates and binds himself, his heirs and assigns, to become a member of the aforesaid maintenance corporation and to be bound by all of its rules and regulations

and to be subject to all of the duties and obligations imposed by membership in said corporation.

(b) Each owner of any lot, by acceptance of a deed therefor, is deemed to covenant and agree to pay to the maintenance corporation when necessary, annual assessments or charges, such assessments to be fixed, established and collected from time to time as hereinafter provided, provided that all assessments must be fixed at a uniform rate for all lots. At the time of initial settlement on any lot within the subdivision, excluding conveyances in bulk to a successor developer, Declarant, on behalf of the maintenance corporation shall collect the equivalent of one (1) year of assessments for the maintenance costs associated with the maintenance of the common areas. The assessments levied by the maintenance corporation shall be used exclusively for the purpose of maintaining said common areas.

(c) An annual assessment, if necessary, shall be set by a majority vote of the members who are voting in person or by proxy at the annual meeting, and any special assessments shall be set by a majority vote of the members who are voting in person or by proxy at the annual meeting or at a meeting duly called for this purpose.

(d) Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of ten per centum (10%) per annum, and the maintenance corporation may bring an action at law against the owner personally obligated to pay the same, or foreclose the lien against the property, and interest, costs and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the common areas or abandonment of his lot.

(e) It is expressly agreed that the assessments referred to above shall be a lien or encumbrance on the land in respect to which said assessments are made and it is expressly stated that by acceptance of title to any of the land included in said tract the owner (not including mortgagee) from the time of acquiring title thereto shall be held to have covenanted and agreed to pay said assessments to the maintenance corporation, including prior unpaid assessments.

(f) By his acceptance of title, each owner shall be held to vest in the maintenance corporation the right and power in its own name, to take and prosecute all actions or suits, legal, equitable, or otherwise, which may be, in the opinion of the maintenance corporation, necessary or advisable for the

collection of such assessments.

(g) Said assessments shall be subordinate in lien to the lien of any mortgage or mortgages on any property which is subject to such charges regardless of when said mortgage or mortgages were created or when such charges accrued; provided that such subordination shall apply only to charges that shall have become payable prior to the passing of title under foreclosure, of such mortgage or mortgages, and the transferees shall not be liable for payment of any assessment accruing prior to said foreclosure, but nothing herein shall be held to affect the rights herein given to enforce the collection of such charges accruing after sale under foreclosure of such mortgage or mortgages; and provided, further, that such charges accruing after sale shall also be subordinate in lien to the lien of any further mortgage or mortgages which are placed on property subject to such charges, with the intent that no such charges shall at any time be prior in lien of any mortgage or mortgages whatsoever on such property.

(h) Declarant hereby grants to New Castle County, its successors and assigns, the right, privilege and authority to enter upon said premises and maintain said common areas at the expense of the owners of said lots. In the event that New Castle County elects to maintain the common areas as set forth above, all expenses of maintenance shall be assessed prorata against the owners of each lot, and shall be collectible by New Castle County in accordance with procedures adopted by New Castle County for that purpose, or in the manner set forth above in relation to collection by the maintenance corporation. The provisions of paragraph 1(g) above notwithstanding, any lien for such expenses or maintenance asserted by the County and filed with the Recorder of Deeds shall be a lien from the time of recording and shall have priority in relation to other liens, either general or special, including mortgages and other liens according to the time of recording of such liens in the proper office.

2. Declarant shall incorporate under the laws of the State of Delaware, prior to the conveyance of the first lot hereunder to a homeowner, a non-profit corporation to be known as a "maintenance corporation" for the benefit of all owners, which maintenance corporation shall be charged with the duty of maintaining said common areas in the condition required by this declaration and the aforesaid New Castle County Ordinance.

3. Prior to the completion or conveyance of seventy-five percent (75%) of the lots in The Oaks, as shown on said Plan or any resubdivision thereof, but not prior to the completion or conveyance of fifty percent (50%) of said lots (excluding conveyances of lots in bulk to a successor developer), Declarant

shall (a) transfer control of the Board of Directors for the maintenance corporation to the owners of lots in The Oaks and (b) convey good title to the common areas, free of liens (collectively the "Affirmative Acts"). Notwithstanding the foregoing, however, if more than fifty percent (50%) of the lots shown as aforesaid have been conveyed, the owners of a majority of lots may request or consent in writing to Declarant's performance of the Affirmative Acts, and Declarant may (but need not to, as it elects) do so before seventy-five percent (75%) of the lots have been conveyed.

4. The provisions of this declaration shall bind all of the lots shown on this plan, and shall apply to and govern all lots created by any subsequent plan which may supersede the Plan in whole or in part, and the owners of any such lots.

5. These covenants and restrictions shall be taken to be real covenants running with the land and binding thereon perpetually.

6. Declarant, for themselves, their successors and assigns, grants to the lot owners the free and uninterrupted use, of all the common areas as shown on the said Plan of The Oaks in common with others entitled thereto forever. Each lot owner, by acceptance of a deed, grants to all other lot owners, their guests, invitees, and licensees, the free and uninterrupted use of all the common areas and grants to the maintenance corporation the right to come upon any lot owner's lot for purposes of maintaining the common areas.

7. The following definitions are applicable hereto;

(a) "Corporation" shall mean and refer to the "maintenance corporation," its successors and assigns, and to proper named corporate entity to be formed as provided hereunder.

(b) "Lot" shall mean and refer to lots as shown on the said Record Major Subdivision Plan of The Oaks

(c) "Member" shall mean and refer to every person or entity who holds membership in the corporation.

(d) "Owner" shall mean and refer to the record owner of a fee simple title to the lots as shown on the said Plan of The Oaks.

(e) "Declarant" shall mean and refer to Francis A. and Mary A. Eastburn, their successors and assigns.

(f) "Common Areas" shall mean the private open space as shown on said Record Major Subdivision Plan of The Oaks, including the storm water management area within the private open space, and the sidewalks and landscaping within the private open space.

8. The foregoing covenants may not be modified, amended or altered in whole or in part, except by the consent of sixty (60) percent of the lot owners and of the New Castle County Council.

IN WITNESS WHEREOF, the said Francis A. and Mary A. Eastburn has duly executed this Maintenance Declaration as of the day and year first above written.

WITNESS:

Visanelli B. Burch
as to both

Francis A. Eastburn

Mary A. Eastburn

STATE OF DELAWARE

COUNTY OF NEW CASTLE

)
) ss:
)

BE IT REMEMBERED that on this 1st day of October, 1992, personally appeared before me, the Subscriber, a Notary Public for the State of Delaware, Francis A. and Mary A. Eastburn, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed and that the signature of Francis A. and Mary A. Eastburn is in their own proper handwriting.

GIVEN under my hand and seal of office, the day and year aforesaid.

Notary Public
MERLE J. JONES, NOTARY
Term Expires: 2/20/93

ORDINANCE NO. 25-128

**AMEND THE FY2026 APPROVED OPERATING BUDGET:
APPROPRIATE \$900,000 FROM THE GENERAL FUND TAX STABILIZATION
RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW
TO FUND ATTORNEY FEES AND LITIGATION EXPERT WITNESSES**

1 **WHEREAS**, \$283,752 was included in the FY2026 Approved Operating Budget for
2 the Office of Law in Contractual Services for expenses related to retaining outside legal
3 counsel and litigation expert witnesses; and
4

5 **WHEREAS**, unforeseen litigation has resulted in the need for additional funding in
6 the amount of \$900,000 to support current and anticipated attorney fees for outside legal
7 counsel and litigation expert witnesses, through the end of the fiscal year; and
8

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

14 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
15

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

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

24 Section 3. This Ordinance shall become effective immediately upon its adoption by
25 County Council and approval by the County Executive, or as otherwise provided in 9 *Del.*
26 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: This Ordinance, if approved, amends the FY2026 Approved Operating Budget by appropriating \$900,000 from the General Fund Tax Stabilization Reserve Account to the Department of Administration, Office of Law Contractual Services Budget Line Item. These funds will support previously incurred and anticipated attorney fees for outside legal counsel.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Approved Operating Budget by appropriating \$900,000 from the General Fund Tax Stabilization Reserve Account to the Department of Administration, Office of Law Contractual Services Budget Line Item. These funds will support previously incurred and anticipated attorney fees for outside legal counsel.

The revised FY2026 Approved Operating Budget will be \$375,283,586. Fiscal impact for future years will be determined on an as needed basis. The General Fund Tax Stabilization Reserve balance (unaudited) upon passage of this Ordinance will be \$41,709,374.

Acknowledged by the Chief Financial Officer September 10, 2025.

EXHIBIT A1

COUNTY COUNCIL

Salaries and Wages		\$	2,708,793
Benefits			1,525,869
Training and Civic Affairs			67,388
Communication and Utilities			16,274
Materials and Supplies			60,352
Contractual Services			255,947
Equipment			1,600
Grants and Fixed Charges			324,991
Operating Transfer Charges			195,519
Total		\$	5,156,733
Total Authorized Full-Time Positions	35		

COUNTY EXECUTIVE

Salaries and Wages		\$	2,305,318
Benefits			1,293,169
Training and Civic Affairs			41,978
Communication and Utilities			19,550
Materials and Supplies			22,136
Contractual Services			247,891
Equipment			1,000
Grants and Fixed Charges			223,396
Contingency			55,000
Operating Transfer Charges			112,454
Total		\$	4,321,892
Total Authorized Full-Time Positions	17		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	14,072,608
Benefits			7,834,901
Training and Civic Affairs			191,125
Communication and Utilities			8,380,342
Materials and Supplies			156,573
Contractual Services	7,648,986		<u>8,548,986</u>
Equipment			428,395
Grants and Fixed Charges			3,985,350
Operating Transfer Charges			1,197,550
Operating Transfer Credits			(14,044,103)
Total	<u>29,851,727</u>	\$	<u>30,751,727</u>
Total Authorized Full-Time Positions	168		

EXHIBIT A2

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		4,962,521
Contractual Services		11,118,785
Equipment		511,758
Grants and Fixed Charges		1,249,759
Land and Structures		35,000
Operating Transfer Charges		4,840,573
Operating Transfer Credits		(7,876,371)
Total	\$	87,194,228
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		1,520,609
Equipment		67,240
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	\$	13,653,916
Benefits		5,874,643
Training and Civic Affairs		18,920
Communication and Utilities		1,577,473
Materials and Supplies		1,628,039
Contractual Services		3,887,527
Equipment		26,919
Grants and Fixed Charges		3,235,149
Operating Transfer Charges		1,396,115
Operating Transfer Credits		(243,749)
Total	\$	31,054,952
Total Authorized Full-Time Positions	162	

EXHIBIT A3**DEPARTMENT OF PUBLIC SAFETY**

Salaries and Wages	\$	78,231,240
Benefits		43,444,049
Training and Civic Affairs		205,206
Communication and Utilities		992,877
Materials and Supplies		1,319,347
Contractual Services		2,458,322
Equipment		1,661,783
Grants and Fixed Charges		11,702,040
Operating Transfer Charges		8,501,518
Total	\$	148,516,382
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

EXHIBIT A4

RECORDER OF DEEDS

Salaries and Wages		\$	1,377,085
Benefits			764,405
Training and Civic Affairs			40,170
Communication and Utilities			30,665
Materials and Supplies			12,398
Contractual Services			83,945
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			

EXHIBIT A5

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	\$	225,000
Total	\$	225,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	419,604
Total	\$	419,604
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	\$	1,156,231
Total	\$	1,156,231

EXHIBIT A6**NEW CASTLE COUNTY**

Salaries and Wages		\$	147,269,406
Benefits			80,231,803
Training and Civic Affairs			761,709
Communication and Utilities			38,604,720
Materials and Supplies			8,310,609
Contractual Services	27,594,741		<u>28,494,741</u>
Equipment			2,713,145
Grants and Fixed Charges			20,795,535
Debt Service			47,892,496
Land and Structures			35,000
Contingency			4,560,835
Operating Transfer Charges			17,777,810
Operating Transfer Credits			(22,164,223)
<i>Sub-Total New Castle County</i>	<i>374,383,586</i>	\$	<u>375,283,586</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,684</i>		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF SEPTEMBER 9, 2025 (UNAUDITED)

Tax Stabilization Reserve Account	42,609,374	<u>41,709,374</u>
Sewer Rate Stabilization Reserve Account		10,355,693
General Fund Budget Reserve Account		46,910,980
Sewer Fund Budget Reserve Account		19,038,698
<i>Total Reserves:</i>	<i>118,914,745</i>	<u>118,014,745</u>

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Law
Date of introduction: October 14, 2025

ORDINANCE NO. 25-129

**AMEND THE FY2026 APPROVED ANNUAL OPERATING BUDGET: APPROPRIATE
\$300,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO
THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF FLEET OPERATIONS GRANTS
AND FIXED CHARGES BUDGET LINE ITEM FOR A SETTLEMENT**

1 **WHEREAS**, on April 24, 2023, Logan Aro ("Plaintiff") filed a personal injury suit in the
2 Superior Court for the State of Delaware (*Logan Aro v. New Castle County, et al.*, C.A. No.
3 N23C-04-200 MAA) alleging, *among other things*, that he was severely injured in a motor vehicle
4 accident involving a New Castle County Public Works vehicle; and

5
6 **WHEREAS**, the County Attorney through the Office of Law provided representation to the
7 County and the County employee; and

8
9 **WHEREAS**, recognizing the costs and uncertainty of litigation, the County, upon advice
10 of counsel, has agreed with the Plaintiffs to settle the lawsuit, contingent on Council's approval
11 of the funding of the settlement amount as effectuated by this ordinance; and,

12
13 **WHEREAS**, the revenue measures heretofore adopted by the County Council, are, in the
14 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 adding the material on the attached "Exhibit A," which is considered to be
22 underscored in its entirety.

23
24 Section 2. The foregoing amendment shall be considered a part of the Annual Operating
25 Budget for the fiscal year beginning July 1, 2025, and shall be effective retroactively as though
26 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 by 9 *Del. C.* §
30 1156.

Adopted by County Council of
New Castle County on: 10/28/25

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 amend the FY2026 Annual Operating Budget to fund the settlement of *Logan Aro v. New Castle County, et al.*, C.A. No. N23C-04-200 MAA in the amount of \$300,000.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Approved Operating Budget by appropriating \$300,000 from the General Fund Tax Stabilization Reserve Account to the Department of Public Works, Division of Fleet Operations Grants and Fixed Charges Budget Line Item. These funds will support the settlement of *Logan Aro v. New Castle County, et al.*, C.A. No. N23C-04-200 MAA.

The revised FY2026 Approved Operating Budget will be \$374,683. Fiscal impact for future years will be determined on an as needed basis. The General Fund Tax Stabilization Reserve balance (unaudited) upon passage of this Ordinance will be \$42,309,374.

Acknowledged by the Chief Financial Officer September 29, 2025.

EXHIBIT A1**COUNTY COUNCIL**

Salaries and Wages	\$	2,708,793
Benefits		1,525,869
Training and Civic Affairs		67,388
Communication and Utilities		16,274
Materials and Supplies		60,352
Contractual Services		255,947
Equipment		1,600
Grants and Fixed Charges		324,991
Operating Transfer Charges		195,519
Total	\$	5,156,733
Total Authorized Full-Time Positions	35	

COUNTY EXECUTIVE

Salaries and Wages	\$	2,305,318
Benefits		1,293,169
Training and Civic Affairs		41,978
Communication and Utilities		19,550
Materials and Supplies		22,136
Contractual Services		247,891
Equipment		1,000
Grants and Fixed Charges		223,396
Contingency		55,000
Operating Transfer Charges		112,454
Total	\$	4,321,892
Total Authorized Full-Time Positions	17	

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	14,072,608
Benefits		7,834,901
Training and Civic Affairs		191,125
Communication and Utilities		8,380,342
Materials and Supplies		156,573
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Operating Transfer Credits		(14,044,103)
Total	\$	29,851,727
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DEPARTMENT OF PUBLIC WORKS

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Benefits			16,093,269
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Land and Structures			35,000
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Total	87,194,228	\$	<u>87,494,228</u>
Total Authorized Full-Time Positions	389		

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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			1,520,609
Equipment			67,240
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,071,279
Total		\$	<u>17,009,618</u>
Total Authorized Full-Time Positions	113		

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages		\$	13,653,916
Benefits			5,874,643
Training and Civic Affairs			18,920
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EXHIBIT A4**RECORDER OF DEEDS**

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Equipment Replacement		0
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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		

EXHIBIT A5**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	\$	225,000
Total	\$	225,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	419,604
Total	\$	419,604
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	\$	1,156,231
Total	\$	1,156,231

EXHIBIT A6

NEW CASTLE COUNTY

Salaries and Wages		\$	147,269,406
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Training and Civic Affairs			761,709
Communication and Utilities			38,604,720
Materials and Supplies			8,310,609
Contractual Services			27,594,741
Equipment			2,713,145
Grants and Fixed Charges	20,795,535		<u>21,095,535</u>
Debt Service			47,892,496
Land and Structures			35,000
Contingency			4,560,835
Operating Transfer Charges			17,777,810
Operating Transfer Credits			(22,164,223)
Sub-Total New Castle County	374,383,586	\$	<u>374,683,586</u>
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RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF SEPTEMBER 9, 2025 (UNAUDITED)

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Sewer Rate Stabilization Reserve Account		10,355,693
General Fund Budget Reserve Account		46,910,980
Sewer Fund Budget Reserve Account		19,038,698
Total Reserves:	<u>118,914,745</u>	<u>118,614,745</u>

Grant Matrix

10/28/25

GRANT APPLICANT	AMOUNT REQUESTED / AMOUNT PROPOSED	INTENDED USE OF GRANT	Standard Accounting Practices/ Non-Discrimination Policy	PRIOR COUNCIL GRANTS IN CURRENT FISCAL YEAR	COUNCIL MEMBER
Charity Crossing	\$2500/\$2500	Funds will be used for monthly giveaway events in district 1.	Yes/Yes	No	Toole
The Hagley Museum and Library	\$2500/\$2500	Funds will be used to help make the property more bird-safe by installing bird strike protection on the windows of their upper property.	Yes/No	No	Durham
Strong Towns Wilmington Association*	\$2500/\$2500	Funds will be used to help bring the founder of the national organization to town to engage community leaders.	Yes/Yes	No	Durham

**The grant for Strong Towns Wilmington Association is missing a copy of their non-discrimination policy and will not be processed until it is received.*