



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

November 18, 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

°25-146: REVISE PREVIOUSLY APPROVED EXPLORATORY MINOR LAND DEVELOPMENT PLAN WITH REZONING FOR PIKE EXCAVATING, INC.; PENCADER HUNDRED; EAST SIDE OF SR 72 (SUNSET LAKE ROAD), APPROXIMATELY 800 FEET SOUTH OF OLD BALTIMORE PIKE; TAX PARCEL NO. 11-014.00-048 (2016 SUNSET LAKE RD.) & 11-014.00-083, (2020 SUNSET LAKE RD., PIKE EXCAVATING INC)

Prime Sponsor(s): Ms. George

°25-147: AMEND THE GRANTS BUDGET: APPROPRIATE \$75,481 IN PRIVATE FUNDING FROM THE PUBLIC SERVICE ENTERPRISE GROUP (PSEG) NUCLEAR THROUGH THE DELAWARE EMERGENCY MANAGEMENT AGENCY TO FUND THE OPERATIONS OF THE NEW CASTLE COUNTY OFFICE OF EMERGENCY MANAGEMENT (OEM) FOR FY2026

Prime Sponsor(s): Mr. Toole, Mr. Caneco

°25-148: AMEND THE GRANTS BUDGET: APPROPRIATE \$70,733.55 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE – SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF) TO THE SLEAF FARO SCANNER GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

Prime Sponsor(s): Mr. Toole, Mr. Caneco

°25-149: AMEND THE GRANTS BUDGET: APPROPRIATE ANTICIPATED FEDERAL FUNDS OF \$20,979,500 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE SECTION 8 HOUSING CHOICE VOUCHERS – 2026 GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF

COMMUNITY DEVELOPMENT AND HOUSING

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

°25-150: AMEND THE FY2026 APPROVED OPERATING BUDGET: REALIGN \$486,725 FROM THE BENEFITS CONTINGENCY TO THE DELAWARE PAID FAMILY & MEDICAL LEAVE INSURANCE PROGRAM CONTINGENCY TO COMPLY WITH THE HEALTHY DELAWARE FAMILIES ACT

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

°25-151 - TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 38 ("UTILITIES"), ARTICLE 2 ("SEWERS AND SEWAGE DISPOSAL") AND CHAPTER 38 ("UTILITIES"), ARTICLE 3 (PROHIBITIONS, ENFORCEMENT, AND PENALTIES)

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

°25-152: REVISE ZONING MAP: ST. GEORGES HUNDRED, NORTH SIDE CHURCHTOWN ROAD, 2,091 FEET WEST OF BACK CREEK DRIVE; REZONE TAX PARCEL 13-011.00-162 AND PORTION OF TAX PARCEL 13-011.00-033 FROM SUBURBAN (S) TO SUBURBAN (S) AND HISTORIC OVERLAY ZONE (H).

(The purpose of this Rezoning is to rezone 4.48 acres of tax parcel 13-011.00-162 and 0.52 acres of tax parcel 13-011.00-033 from suburban (S) to Suburban (S) and Historic Overlay Zone (H). App. 2021- 0287-S/Z.)

Prime Sponsor(s): Mr. Carter

°25-153: REVISE ZONING MAP: MILL CREEK HUNDRED, NORTHWESTERLY CORNER OF LIMESTONE ROAD AND CONCORD DRIVE; REZONE 16.01 ACRES OF TAX PARCELS 08-037.00-033 (0 LIMESTONE RD, ARMOR SUBDIVISION) AND 08-037.00-037 (3401 LIMESTONE RD) FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION) AND 3.83 ACRES OF TAX PARCEL 08-037.00-037 (3401 LIMESTONE RD) FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION) AND H (HISTORIC OVERLAY ZONE).

(The Exploratory Major Land Development Plan with Rezoning for Springhouse Preserve proposes to combine parcels to construct a development of 124 residential units and the adaptive reuse of a historic structure, and rezone 16.01 acres of tax parcels 08-037.00-033 and 08-037.00-037 from S (Suburban) to ST (Suburban Transition) and 3.83 acres of tax parcel 08-037.00-037 from S (Suburban) to ST (Suburban Transition) and H (Historic overlay zone). App. 2023-0634-S/Z, Council District 9.

Prime Sponsor(s): Mr. Sheldon

E. Consent Calendar

R25-195: CONGRATULATING 30 YEARS OF PEARLS, PASSION AND PROGRESS THE NATIONAL COALITION OF 100 BLACK WOMEN

Prime Sponsor(s): Mr. Street

R25-196: RESOLUTION HONORING MEMBERS OF THE NEW CASTLE COUNTY EMERGENCY COMMUNICATIONS TEAM FOR THEIR DISTINGUISHED SERVICE AND RECOGNITION AT THE 2025 APCO MID-EASTERN AWARDS

Prime Sponsor(s): Mr. Toole, Mr. Caneco

R25-197: HONORING THE SERVICE AND SACRIFICE OF DELAWARE'S VETERANS

Prime Sponsor(s): Mr. Caneco, Mr. Toole

R25-198: RECOGNIZING NOVEMBER AS "CODE RED ALERT: HIV AWARENESS MONTH" IN NEW CASTLE COUNTY

Prime Sponsor(s): Ms. Williams-Johns

R25-199: WELCOMING WEIS MARKETS TO NEW CASTLE COUNTY AND CELEBRATING ITS GRAND OPENING AT BAYBERRY TOWN CENTER, MIDDLETOWN, DE

Prime Sponsor(s): Ms. Williams-Johns

R25-200: CELEBRATING AND HONORING DR. JENNA DIELEUTERIO ON BEING NAMED DELAWARE'S 2026 STATE TEACHER OF THE YEAR

Prime Sponsor(s): Mr. Cartier

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

R25-189: (STATUS: TABLED) PLAN OF SILVER VIEW FARM; ST. GEORGES HUNDRED; SOUTH SIDE OF VANCE NECK ROAD 4,319 FEET WEST OF SILVER RUN ROAD; MAJOR LAND DEVELOPMENT PLAN THAT DEPICTS THE SUBDIVISION OF THE SUBJECT PARCEL (INCLUDING 42 UNITS OF TDR CAPACITY) INTO 192 BUILDING LOTS UTILIZING THE OPEN SPACE PLANNED OPTION WITH ASSOCIATED OPEN SPACE, RIGHTS OF WAY, AND A DEDICATED PUMP STATION; S ZONING; [APPLICATION NO. 2022-0500](#); COUNCIL DISTRICT 12

Prime Sponsor(s): Mr. Caneco

G. Time Sensitive Congratulatory/Honorary Resolutions

H. Presentations

I. Consideration of Ordinances

°25-130: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 ("BUILDING CODE") REGARDING ARTICLE 1 ("GENERAL"), ARTICLE 2 ("DEFINITIONS"), ARTICLE 3 ("ADMINISTRATION"), ARTICLE 4 ("BUILDING CODE"), ARTICLE 5 ("RESIDENTIAL CODE"), ARTICLE 9 ("EXISTING BUILDING CODE"), ARTICLE 10 ("ENERGY CONSERVATION CODE"), ARTICLE 11 ("SWIMMING POOL AND SPA CODE"), AND SCHEDULE OF PERMIT AND REVIEW FEES

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

°25-131: AMEND THE GRANTS BUDGET: APPROPRIATE INTEREST INCOME \$9,779.64 AND PROGRAM INCOME \$36,465.04 TO THE FY2025 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

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

°25-132: AMEND THE GRANTS BUDGET: APPROPRIATE \$141,826.06 IN PROGRAM INCOME AND REALIGN \$300,567.49 IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2025, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

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

°25-133: AMEND THE GRANTS BUDGET: APPROPRIATE \$86,924.65 IN ACTUAL PROGRAM INCOME AND \$150,000.00 IN ANTICIPATED PROGRAM INCOME TO THE SUMMER RECREATION CAMPS GRANT

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

°25-134: AMEND THE GRANTS BUDGET: APPROPRIATE \$480,150.72 FROM THE STATE OF DELAWARE DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE

FY2026 FUNDS TO COMBAT VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

Prime Sponsor(s): Mr. Toole, Mr. Caneco

°25-135: AMEND THE FY2026 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$150,000 IN FUNDING RECEIVED FROM THE STATE OF DELAWARE FISCAL YEAR 2026 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT OF COMMUNITY SERVICES, GLASGOW LIBRARY CAPITAL PROJECT

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

Co-sponsor(s): Mr. Tacket, Ms. Williams-Johns

°25-136: TO APPROPRIATE \$300,000 IN THE NEW CASTLE COUNTY HOUSING TRUST FUND FOR AN EVICTION SETTLEMENT ASSISTANCE FUND TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES

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

°25-137: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES MANAGERS AND AMINISTRATORS REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109 FOR THE CLASS SPECIFICATION OF CHIEF OF CONSTRUCTION SUPPORT CHANGING FROM 35-HOUR WORK WEEK TO 40-HOUR WORK WEEK FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF CONSTRUCTION SUPPORT

Prime Sponsor(s): Ms. Williams-Johns

°25-138: AMEND PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR AND 40-HOUR WORKWEEK EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607 FOR THE CLASS SPECIFICATION OF CHIEF OF FACILITY MAINTENANCE FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF SEWER OPERATIONS ADMINISTRATION

Prime Sponsor(s): Ms. Williams-Johns

°25-139: AMEND THE FY2026 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$2,000,000 IN FUNDING FROM THE REASSESSMENT RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, REASSESSMENT 2024 CAPITAL PROJECT

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

°25-140: AUTHORIZING THE ISSUANCE OF UP TO \$17,679,097 IN A GENERAL OBLIGATION BOND THROUGH THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND FOR THE DEPARTMENT OF PUBLIC WORKS, RICHARDSON PARK SEWAGE PUMP STATION, PHASE 2

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

°25-141: AMEND THE FY2026 CAPITAL PROGRAM AND BUDGET: INCREASE BOND AUTHORIZATIONS IN THE AMOUNT UP TO \$17,679,097 TO THE DEPARTMENT OF PUBLIC WORKS, RICHARDSON PARK PUMP STATION UPGRADE CAPITAL PROJECT

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

°25-142: AMEND THE FY2026 APPROVED ANNUAL OPERATING BUDGET: APPROPRIATE \$300,000 TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE CONTRACTUAL SERVICES BUDGET LINE ITEM FOR LEGAL FEES FOR MONITIONS

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

°25-143: AMEND THE GRANTS BUDGET: APPROPRIATE ANTICIPATED ADDITIONAL FEDERAL FUNDS OF \$870,000 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE SECTION 8 HOUSING CHOICE VOUCHERS – 2025 GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

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

°25-144: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND ADOPT THE CLASS SPECIFICATION OF CONSTRUCTION SUPPORT DIVISION MANAGER FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF SEWER OPERATIONS ADMINISTRATION

Prime Sponsor(s): Ms. Williams-Johns

°25-018: REVISE ZONING MAP: MILL CREEK HUNDRED, WEST SIDE OF LIMESTONE ROAD, 375 FEET NORTH OF THE INTERSECTION WITH SKYLINE DRIVE; 4900 LIMESTONE ROAD, TAX PARCEL 08-030.40-008, REZONE 3.66± ACRES FROM S (SUBURBAN) TO S (SUBURBAN) AND H (HISTORIC OVERLAY ZONE) (The property owner is requesting the H (Historic overlay zone) for the subject parcel. 2024-0701)

Prime Sponsor(s): Ms. Kilpatrick

SUBSTITUTE NO. 2 TO °25-101: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 3 ("USE REGULATIONS") AND ARTICLE 33 ("DEFINITIONS") TO ESTABLISH STANDARDS FOR THE REVIEW, SITING, AND OPERATIONS OF DATA CENTERS

Prime Sponsor(s): Mr. Carter

Co-sponsor(s): Mr. Caneco, Ms. Durham, Mr. Cartier, Mr. Tackett

SUBSTITUTE NO. 1 TO °25-120: (STATUS: TABLED) AMEND *NEW CASTLE COUNTY CODE* CHAPTER 7 ("PROPERTY MAINTENANCE CODE"), SECTION 7.01.002 ("AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE"), AS AMENDED, SECTION PM 308 ("RUBBISH AND GARBAGE") AND CHAPTER 19 ("RESIDENTIAL RENTAL PROPERTIES"), ARTICLE 3 ("RENTAL CODE")

Prime Sponsor(s): Ms. Durham

J. Introduction/Consideration of Emergency Ordinances

K. Public Comment/Other

L. Motion to Adjourn

AGENDA POSTED: November 10, 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.nccode.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

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

Primary Sponsor(s): Ms. George
Requested by: Land Use
Date of introduction: November 18, 2025

ORDINANCE NO. 25-146

**REVISE PREVIOUSLY APPROVED EXPLORATORY MINOR LAND DEVELOPMENT
PLAN WITH REZONING FOR PIKE EXCAVATING, INC.; PENCADER HUNDRED;
EAST SIDE OF SR 72 (SUNSET LAKE ROAD), APPROXIMATELY 800 FEET SOUTH
OF OLD BALTIMORE PIKE; TAX PARCEL NO. 11-014.00-048 (2016 SUNSET LAKE
RD.) & 11-014.00-083, (2020 SUNSET LAKE RD., PIKE EXCAVATING INC)**

(The plan for **Sunset Lake Properties, LLC & Christiana Excavating Company** proposes to revise the previously approved design of the exploratory minor land development plan by combining tax parcels 11-014.00-048 and 11-014.00-083 to allow for the development of two proposed warehouse buildings and associated site improvements. This new plan will supersede the previously approved minor land development plan and rezoning. Section 40.31.113 of the *New Castle County Code* requires that the submitted record plan be in general conformance with the development on the approved exploratory plan that was relied upon by County Council when it granted the rezoning. County Council adopted Ordinance 09-094 in February 2010. I (Industrial) zoning district. **App. 2022-0823-S/Z.**)

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

Section 1. The revised plan for Sunset Lake Properties, LLC & Christiana Excavating Company (area shown on Exhibits A and L, dated August 12, 2025) is approved and shall supersede the previously approved exploratory plan associated with the rezoning that was approved in February 2010 by Ordinance 09-094.

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 A. Henry
County Executive
New Castle County

SYNOPSIS: Same as Title.

FISCAL NOTE: None.

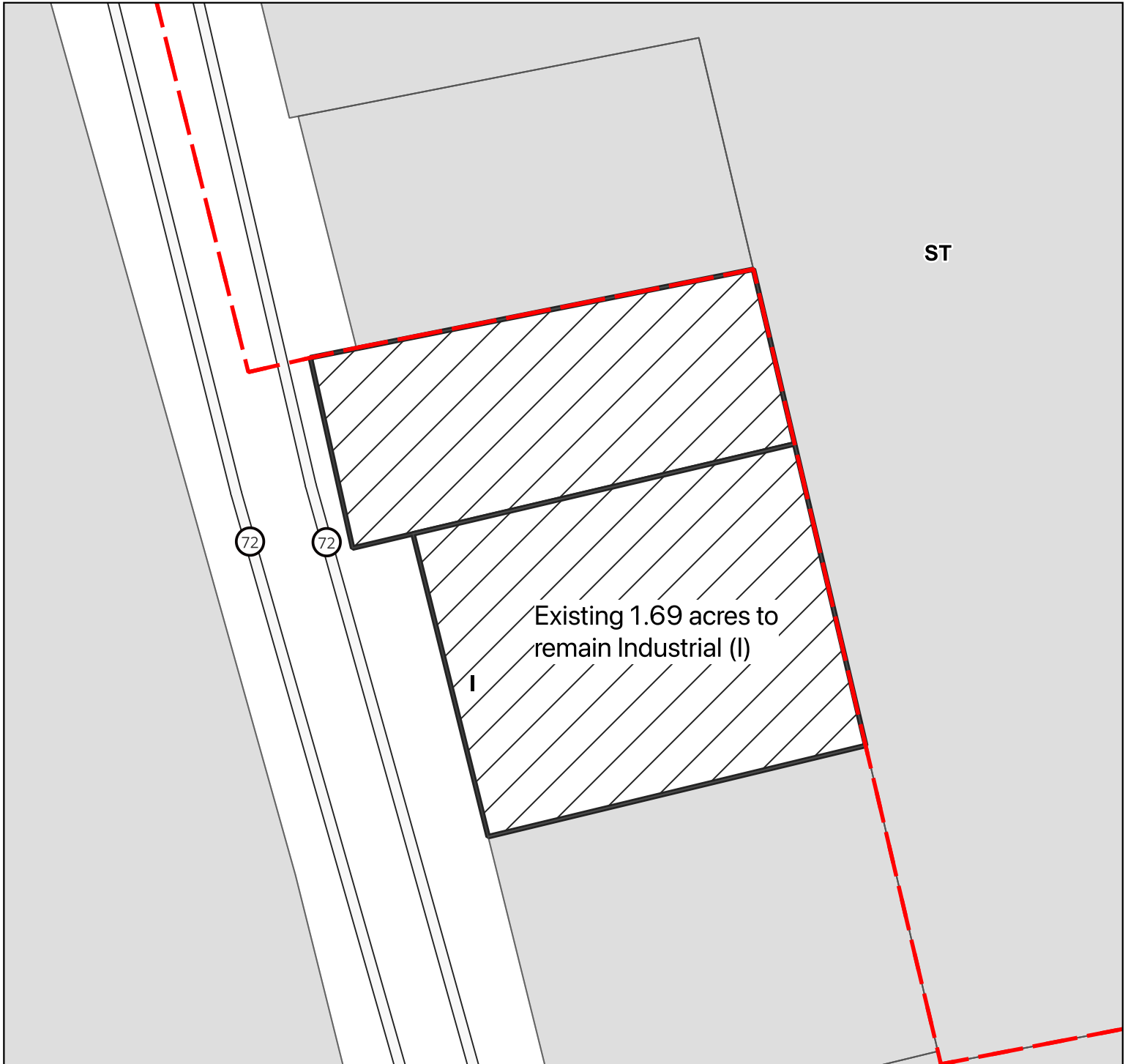
PROPERTY MAP

EXHIBIT A
ZONING ORDINANCE AS INTRODUCED

APPLICANT: SUNSET LAKE PROPERTIES, LLC &
CHRISTIANA EXCAVATING COMPANY

APPLICATION NO. 2022-0823-S/Z
TAX PARCEL NO: 11-014.00-048 &
11-014.00-083

PROPOSED REZONING: EXISTING INDUSTRIAL (I)
TO REMAIN INDUSTRIAL (I)



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE



PERMANENT ORDINANCE NO. 25-_____
Date Adopted by County Council:
Date Approved by County Executive:

Scale: 1:1011
Prepared by: Matthew Rogers

Date: 8/12/2025

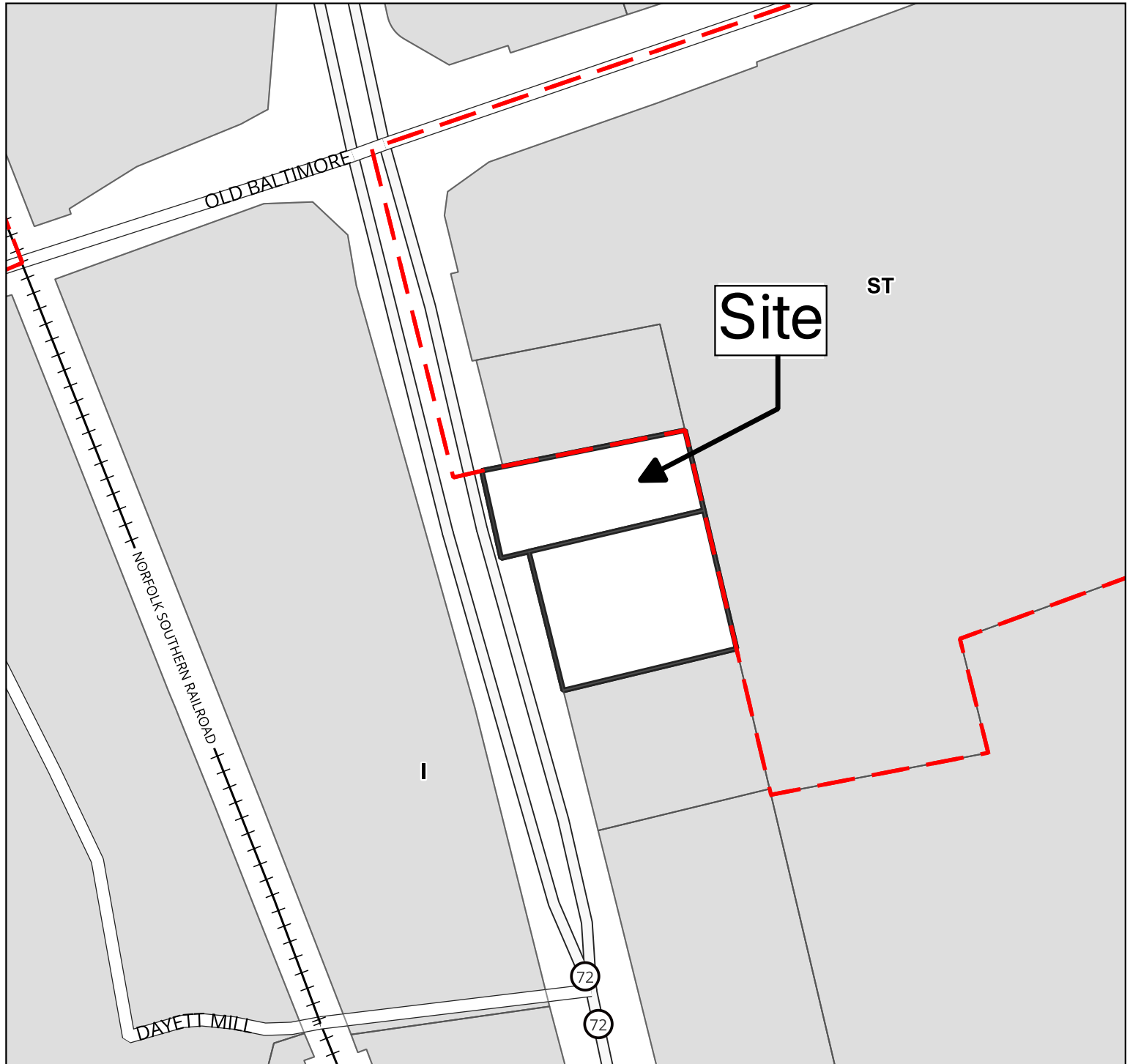
PROPERTY MAP

EXHIBIT L
ZONING ORDINANCE AS INTRODUCED

APPLICANT: SUNSET LAKE PROPERTIES, LLC &
CHRISTIANA EXCAVATING COMPANY

APPLICATION NO. 2022-0823-S/Z
TAX PARCEL NO: 11-014.00-048 &
11-014.00-083

PROPOSED REZONING: EXISTING INDUSTRIAL (I)
TO REMAIN INDUSTRIAL (I)



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2205
Prepared by: Matthew Rogers

Date: 8/12/2025



PERMANENT ORDINANCE NO. 25-____

Date Adopted by County Council:
Date Approved by County Executive:

ORDINANCE NO. 25-147

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$75,481 IN PRIVATE FUNDING FROM THE PUBLIC SERVICE
ENTERPRISE GROUP (PSEG) NUCLEAR THROUGH THE DELAWARE EMERGENCY
MANAGEMENT AGENCY TO FUND THE OPERATIONS OF THE NEW CASTLE
COUNTY OFFICE OF EMERGENCY MANAGEMENT (OEM) FOR FY2026**

1 **WHEREAS**, the New Castle County Office of Emergency Management (OEM) has
2 received documentation confirming the award of \$75,481 in private funding from the Public
3 Service Enterprise Group (PSEG) Nuclear through the Delaware Emergency Management
4 Agency; and

5
6 **WHEREAS**, the private funding will be used to fund the Office of Emergency
7 Management's operations for FY2026, and

8
9 **WHEREAS**, this funding supports the operations of the Office of Emergency
10 Management, including funding 50% of one full-time position; and

11
12 **WHEREAS**, the County Executive has determined that revenue anticipated to be
13 received from the Public Service Enterprise Group (PSEG) through the Delaware
14 Emergency Management Agency are sufficient to cover the increase in the Grants Budget
15 as hereinafter amended; and

16
17 **WHEREAS**, Council has determined that the provisions of this Ordinance
18 substantially advance, and are reasonably and rationally related to, legitimate government
19 interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or
20 welfare of the present and future inhabitants of this State).

21
22 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

23
24 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
25 amended by adding the material on the attached Exhibit "A," which is considered to be
26 underscored in its entirety.

27
28 Section 2. 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.*
30 *C. § 1156.*

31
32 Section 3. It is the intent of the County Council that the provisions of this Ordinance
33 shall be effective retroactive to July 1, 2025.

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 \$75,481 in private funding from the Public Service Enterprise Group (PSEG) Nuclear through the Delaware Emergency Management Agency to fund the operations of the New Castle County Office of Emergency Management (OEM) for FY2026.

The funding will allow the New Castle County Office of Emergency Management (OEM) to continue to be operational in FY2026. OEM's major service goal is to assist New Castle County government, its agencies and the citizens of New Castle County, to prepare for, respond to and recover from major emergency events. Activities are coordinated with a variety of federal, state, and local government agencies, as well as private facilities.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2025.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$75,481 in private funding from the Public Service Enterprise Group (PSEG) Nuclear through the Delaware Emergency Management Agency to fund the operations of the New Castle County Office of Emergency Management (OEM) for FY2026.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$75,481. This increase will affect FY2026 only since the targeted program completion date is June 30, 2026. There will be no fiscal impact beyond FY2026 as a result of this grant award. FY2025 funding was authorized in the amount of \$83,000.

Acknowledged by the Chief Financial Officer November 5, 2025.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	Emergency Management FY2026 PSEG	Ordinance No. 25-147	
PROGRAM TITLE:	Emergency Management FY2026 PSEG		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ 75,481.00	\$ -	\$ 75,481.00
Total	\$ 75,481.00	\$ -	\$ 75,481.00

Expense	Current	Change	Revised
Salaries and Wages	\$ 42,517.00	\$ -	\$ 42,517.00
Benefits	\$ 23,964.00	\$ -	\$ 23,964.00
Training/Civic Affairs	\$ 3,000.00	\$ -	\$ 3,000.00
Communication/Utilities	\$ 1,000.00	\$ -	\$ 1,000.00
Materials/Supplies	\$ 2,000.00	\$ -	\$ 2,000.00
Contractual Services	\$ 2,000.00	\$ -	\$ 2,000.00
Equipment	\$ 1,000.00	\$ -	\$ 1,000.00
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 75,481.00	\$ -	\$ 75,481.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2025
Estimated Program Completion:	6/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

The major service goal of the Office of Emergency Management (OEM) is to assist New Castle County Government, it's support agencies and the public, to adequately prepare for, respond to, and recover from major emergency events by developing and maintaining planning and program efforts to address natural, manmade and technological disasters and emergencies. Activities are coordinated with a variety of federal, state and local government agencies as well as private facilities.

Prime Sponsor(s): Mr. Toole, Mr. Caneco
Requested by: Public Safety
Date of introduction: November 18, 2025

ORDINANCE NO. 25-148

AMEND THE GRANTS BUDGET:

APPROPRIATE \$70,733.55 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE – SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF) TO THE SLEAF FARO SCANNER GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

1 **WHEREAS**, funding has been awarded from the State of Delaware, Department of
2 Justice-Special Law Enforcement Assistance Fund (SLEAF), to the New Castle County
3 Department of Public Safety SLEAF Faro Scanner Grant; and
4

5 **WHEREAS**, funding was approved by the Special Law Enforcement Assistance
6 Fund Committee in the amount of \$40,511.65 at their meeting June 10, 2025 and the
7 balance of funding in the amount of \$30,221.90 was approved at their meeting
8 September 9, 2025; and
9

10 **WHEREAS**, this funding will be used by the New Castle County Department of
11 Public Safety, Division of Police for the purchase of Faro Scanner and accessories to be
12 used by the Evidence Detection Unit; and
13

14 **WHEREAS**, the County Executive has determined that funds received are
15 sufficient to cover the increase in the Grants Budget as hereinafter amended; and
16

17 **WHEREAS**, Council has determined that the provisions of this Ordinance
18 substantially advance, and are reasonably and rationally related to, legitimate
19 government interests (i.e., promoting the health, safety, morals, convenience, order
20 prosperity and/or welfare of the present and future inhabitants of this State).
21

22 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
23

24 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby
25 amended by adding the material on the attached “Exhibit A,” which is considered to be
26 underscored in its entirety.
27

28 Section 2. This Ordinance shall become effective immediately upon its adoption
29 by County Council and approval by the County Executive, or as otherwise provided by 9
30 *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: This Ordinance, if approved, will appropriate \$70,733.55 from the State of Delaware, Department of Justice-Special Law Enforcement Assistance Fund (SLEAF) to the SLEAF Faro Scanner Grant. These funds will be used by the New Castle County Department of Public Safety, Division of Police for the purchase of a Faro Scanner with accessories to be used by the Evidence Detection Unit.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$70,733.55 from the State of Delaware, Department of Justice-Special Law Enforcement Assistance Fund (SLEAF) to the SLEAF Faro Scanner Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$70,733.55. This increase will impact FY2026 only, since the targeted program completion date of this award is June 30, 2026. There is no fiscal impact to the Operating Budget.

Acknowledged by the Chief Financial Officer November 5, 2025.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	SLEAF FARO Scanner	Ordinance No.	25-148
PROGRAM TITLE:	SLEAF FARO Scanner		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 70,733.55	\$ -	\$ 70,733.55
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 70,733.55	\$ -	\$ 70,733.55

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ -	\$ -	\$ -
Equipment	\$ 70,733.55	\$ -	\$ 70,733.55
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 70,733.55	\$ -	\$ 70,733.55

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	9/9/2025
Estimated Program Completion:	6/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

Funds will allow for the purchase of a FARO scanner for the Public Safety, Division of Police, Evidence Detection Unit.

ORDINANCE NO. 25-149

AMEND THE GRANTS BUDGET:

**APPROPRIATE ANTICIPATED FEDERAL FUNDS OF \$20,979,500 FROM THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE SECTION 8
HOUSING CHOICE VOUCHERS – 2026 GRANT, WHICH WILL BE ADMINISTERED BY
THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY
DEVELOPMENT AND HOUSING**

1 **WHEREAS**, the U.S. Department of Housing and Urban Development (HUD) is projected
2 to award funding to the Department of Community Services for the Section 8 Housing Choice
3 Vouchers – 2026 Grant; and
4

5 **WHEREAS**, this funding will be used by the Department of Community Services, Division
6 of Community Development and Housing for the administrative expenses of the program and
7 for rental and utility subsidies for very low-income families in New Castle County; and
8

9 **WHEREAS**, the County Executive has determined that revenues anticipated to be
10 received shall be sufficient to cover the increase in the Grants Budget as hereinafter amended;
11 and
12

13 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
14 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
15 promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present
16 and future inhabitants of this State).
17

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

20 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended
21 by adding the material in Exhibit “A,” which is underscored in its entirety, which is attached hereto
22 and made a part hereof.
23

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

28 Section 3. The provisions of this Ordinance shall be effective January 1, 2026.

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 anticipated federal funds of \$20,979,500 from the U.S. Department of Housing and Urban Development (HUD) to the Section 8 Housing Choice Vouchers – 2026 Grant. This funding will be used for the administrative expenses of the program and for rental and utility subsidies for very low-income families in New Castle County. For CY2026 1,951 housing choice vouchers are allocated for this program.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$20,979,500 in anticipated federal funds from the U.S. Department of Housing and Urban Development (HUD) to the Section 8 Housing Choice Vouchers – 2026 Grant.

This Ordinance is an estimate of the funding to be awarded for Calendar Year 2026. It is anticipated that the award will be announced in the spring of 2026. This appropriation allows the Department of Community Services, Division of Community Development and Housing to provide uninterrupted service until the Federal budget is passed. This grant will be amended if there is any change in funding from HUD upon award.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$20,979,500. This increase will affect FY2026 and FY2027 since the targeted program completion date of the program is December 31, 2026. There will be no fiscal impact beyond FY2027 as a result of the grant award. FY2025 funding was authorized in the amount of \$18,917,317.

Due to the Federal government shutdown, this Ordinance is being introduced anticipating the government will be re-opened by January 1, 2026. The County is currently working on a contingency plan if the government is not open by January 1, 2026 and the U.S. Department of Housing and Urban Development will not continue to pay monthly Housing Assistance Payment and administrative costs. The New Castle County Housing Voucher Program currently holds \$1,617,235 in 2025 Unrestricted Net Position (UNP) reserve funding. The U.S. Department of Housing and Urban Development (HUD) allows governments and housing authorities to use "UNP reserves," to cover Housing Assistance Payments (HAP) expenses, particularly when there are shortfalls in other funding sources. As stated in the fiscal note for Ordinance 25-143, New Castle County is holding \$870,000 of the \$1,617,235 UNP reserve funding until the anticipated 2025 funding appropriated by Ordinance 25-143 is reimbursed by HUD.

Acknowledged by the Chief Financial Officer November 5, 2025.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	Section 8 Housing Choice Vouchers - 2026	Ordinance No.	25-149
PROGRAM TITLE:	Section 8 Housing Choice Vouchers - 2026		

Revenue	Current	Change	Revised
Federal	\$ 20,979,500.00	\$ -	\$ 20,979,500.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 20,979,500.00	\$ -	\$ 20,979,500.00

Expense	Current	Change	Revised
Salaries and Wages	\$ 960,000.00	\$ -	\$ 960,000.00
Benefits	\$ 541,104.00	\$ -	\$ 541,104.00
Training/Civic Affairs	\$ 14,810.00	\$ -	\$ 14,810.00
Communication/Utilities	\$ 13,640.00	\$ -	\$ 13,640.00
Materials/Supplies	\$ 9,150.00	\$ -	\$ 9,150.00
Contractual Services	\$ 423,500.00	\$ -	\$ 423,500.00
Equipment	\$ 1,000.00	\$ -	\$ 1,000.00
Grants/Fixed Charges	\$ 18,915,296.00	\$ -	\$ 18,915,296.00
Land and Structures	\$ 15,000.00	\$ -	\$ 15,000.00
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ 86,000.00	\$ -	\$ 86,000.00
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 20,979,500.00	\$ -	\$ 20,979,500.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	1/1/2026
Estimated Program Completion:	12/31/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

Section 8 Housing Choice Vouchers - Calendar Year 2026 Grant from the U.S. Department of Housing and Urban Development (HUD) for administrative expenses of the program and for rental and utility subsidies for very low income families in New Castle County.

11/18/2025

ORDINANCE NO. 25-150

**AMEND THE FY2026 APPROVED OPERATING BUDGET:
REALIGN \$486,725 FROM THE BENEFITS CONTINGENCY TO THE DELAWARE PAID
FAMILY & MEDICAL LEAVE INSURANCE PROGRAM CONTINGENCY TO COMPLY
WITH THE HEALTHY DELAWARE FAMILIES ACT**

1 **WHEREAS**, New Castle County is required to comply with the Healthy Delaware
2 Families Act relating to the Family and Medical Leave Insurance Program (153rd General
3 Assembly, House Substitute 1 for House Bill 128, signed into law July 30, 2025); and
4

5 **WHEREAS**, starting January 1, 2026, this Paid Family and Medical Leave Insurance
6 Program (PFML) requires that eligible Delaware workers be allowed up to 12 weeks of
7 partially paid leave to address their own serious health condition, care for a family member
8 with a serious health condition, bond with and care for a new child, or address the impact of
9 a family member's military deployment; and
10

11 **WHEREAS**, in accordance with 19 Del. C. § 1401-17.4, to retain self-insurance
12 approval, New Castle County Government is required to establish, maintain and fund a
13 separate account for family and medical leave claims no later than January 1, 2026; and
14

15 **WHEREAS**, based on 19 Del. C. § 1401-17.4.7, New Castle County is required to
16 fund \$486,725 in this account for the remainder of FY2026 (January 2026 through June
17 2026); and
18

19 **WHEREAS**, \$486,725 will be realigned from the Benefits Contingency to the newly
20 created PFML Contingency; and
21

22 **WHEREAS**, the revenue measures heretofore adopted by the County Council are, in
23 the opinion of the County Executive, estimated to yield sums at least sufficient to balance
24 the proposed expenditures as set forth in the Approved Annual Operating Budget as
25 hereinafter amended.
26

27 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
28

29 Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2025,
30 is hereby amended by deleting the material stricken and adding the material underscored
31 on the attached "Exhibit A."
32

33 Section 2. The foregoing amendment shall be considered a part of the Annual
34 Operating Budget for the fiscal year beginning July 1, 2025, and shall be effective
35 retroactively as though incorporated initially in the Annual Operating Budget.
36

37 Section 3. This Ordinance shall become effective immediately upon its adoption by
38 County Council and approval by the County Executive, or as otherwise provided in 9 Del.
39 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 realigning \$486,725 from the Benefits Contingency, and creates the Paid Family & Medical Leave Insurance Program (PFML) Contingency to comply with the Healthy Delaware Families Act.

FISCAL NOTE: This Ordinance, if approved, amends the FY2026 Approved Operating Budget by realigning \$486,725 from the Benefits Contingency, and creates the Paid Family & Medical Leave Insurance Program (PFML) Contingency to comply with the Healthy Delaware Families Act.

This realignment of funding will result in no increase to the FY2026 Approved Operating Budget as the legislation is a transfer of funds between Contingencies. Funding will need to be included in the FY2027 Requested Operating Budget for the full year.

Acknowledged by the Chief Financial Officer November 5, 2025.

COUNTY COUNCIL

Salaries and Wages	\$	2,708,793
Benefits		1,525,869
Training and Civic Affairs		69,428
Communication and Utilities		16,274
Materials and Supplies		58,986
Contractual Services		256,281
Equipment		3,363
Grants and Fixed Charges		312,220
Operating Transfer Charges		195,519
Total	\$	5,146,733
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		295,771
Contingency		55,000
Operating Transfer Charges		112,454
Total	\$	4,394,267
Total Authorized Full-Time Positions		17

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	14,072,608
Benefits		7,834,901
Training and Civic Affairs		190,005
Communication and Utilities		8,380,342
Materials and Supplies		157,693
Contractual Services		8,546,486
Equipment		428,395
Grants and Fixed Charges		3,987,850
Operating Transfer Charges		1,197,550
Operating Transfer Credits		(14,044,103)
Total	\$	30,751,727
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		4,962,521
Contractual Services		11,103,035
Equipment		511,758
Grants and Fixed Charges		1,549,759
Land and Structures		50,000
Operating Transfer Charges		4,841,323
Operating Transfer Credits		(7,876,371)
Total	\$	87,494,228
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		107,727
Contractual Services		1,524,109
Equipment		67,740
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,071,279
Total	\$	17,014,618
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		36,919
Grants and Fixed Charges		3,235,149
Operating Transfer Charges		1,396,115
Operating Transfer Credits		(243,749)
Total	\$	31,064,952
Total Authorized Full-Time Positions	162	

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		11,672,040
Operating Transfer Charges		8,501,518
Total	\$	148,486,382
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

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		

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		\$	347,229
Total		\$	347,229
Total Authorized Full-Time Positions			

PERSONNEL CONTINGENCY

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

BENEFITS CONTINGENCY

Contingency	2,250,000	\$	1,763,275
Total	2,250,000	\$	<u>1,763,275</u>
Total Authorized Full-Time Positions			

PFML CONTINGENCY

<u>Contingency</u>	0	\$	<u>486,725</u>
Total	0	\$	<u>486,725</u>
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

NEW CASTLE COUNTY

Salaries and Wages	\$	147,269,406
Benefits		80,231,803
Training and Civic Affairs		762,629
Communication and Utilities		38,604,720
Materials and Supplies		8,311,363
Contractual Services		28,480,325
Equipment		2,725,408
Grants and Fixed Charges		21,127,639
Debt Service		47,892,496
Land and Structures		50,000
Contingency		4,488,460
Operating Transfer Charges		17,778,560
Operating Transfer Credits		(22,164,223)
<i>Sub-Total New Castle County</i>	\$	375,558,586
<i>Total Authorized Full-Time Positions</i>		<i>1,684</i>

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF OCTOBER 28, 2025 (UNAUDITED)

Tax Stabilization Reserve Account	41,409,374
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>	117,714,745

ORDINANCE NO. 25-151

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 38 (“UTILITIES”), ARTICLE 2
 (“SEWERS AND SEWAGE DISPOSAL”) AND CHAPTER 38 (“UTILITIES”), ARTICLE 3
 (PROHIBITIONS, ENFORCEMENT, AND PENALTIES)**

WHEREAS, the New Castle County Department of Public Works (“Public Works”) desires to revise the New Castle County Code (“Code”) to eliminate outdated requirements; to better reflect best practices; to clarify both Public Works’ and the sewer system users’ respective obligations under the Code with regard to sewer connections, sewer maintenance; and to update repercussions for violating the Code with respect to the sewer system; and

WHEREAS, County Council finds that the provisions of this Ordinance are rationally and reasonably related to its goal of protecting and preserving legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

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

Section 1. *New Castle County Code* Chapter 38 (“Utilities”), Article 2 (“Sewers and Sewage Disposal”) Section 38.02.003 (“Procedures for processing requests for commitments of sewer capacity in sewer system”) is hereby amended deleting the material that is stricken, as set forth below:

Sec. 38.02.002. - Procedures for processing requests for commitments of sewer capacity in sewer system.

...

~~D. SSSA interim plan sewer agreement. The County may enter into sewer agreements prior to the record plan stage with respect to developments eligible to participate in the Southern Sewer Service Area (SSSA) interim service plan. Such interim service shall initially be provided through use of Middletown's wastewater treatment facility and Water Farm Number One. SSSA interim plan sewer agreements may commit sewer capacity and require payment of any fees related to sewer capacity. The form and execution of such agreements shall be consistent with the Department of Public Works' written policies regarding the allocation and provision of interim sewer service in the SSSA.~~

Section 2. *New Castle County Code* Chapter 38 (“Utilities”), Article 2 (“Sewers and Sewage Disposal”) Section 38.02.004 (“Connection of drains to sanitary sewers”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 38.02.004. - Connection of drains to sanitary sewers.

40 A. ~~No~~Other than one (1) already existing cellar drain, no area drainage, French
41 drains, storm drainage, roof drainage, downspouts, foundation drainage or
42 drainage from any other device , other than one (1) cellar drain, shall be connected
43 to any public or private sanitary sewer. No additional or new drainage shall be
44 connected to any public or private sanitary sewer.

45
46 B. ~~All private sanitary sewers~~ sewer systems and laterals must be maintained in good
47 repair so as to prevent leakage into or out of the system, and to prevent sewage
48 overflows from, or surface water inflow to, the system. ~~The County may require any~~
49 ~~connections found in violation of the criteria above to be removed at the owner's~~
50 ~~expense.~~ Private sanitary sewer systems or laterals that are found to be in disrepair
51 may be required to be repaired at the owner's expense to the Department of Public
52 Works' satisfaction.

53
54 C. Unless otherwise provided by the Department of Public Works, a building or
55 structure having plumbing fixtures installed and intended for human habitation, occupancy or use
56 on premises abutting a street, alley or easement on which there is a public sewer shall have a
57 separate connection to the public sewer system.

58
59 Section 3. *New Castle County Code* Chapter 38 ("Utilities"), Article 2 ("Sewers and
60 Sewage Disposal") Section 38.02.007 ("Maintenance and control of sewers") is hereby amended
61 by adding the material that is underscored and deleting the material that is stricken, as set forth
62 below:

63
64 **Sec. 38.02.007. Maintenance and control of sewers.**

65
66 A. ~~Under this Section, the term 'maintain' shall mean to repair or replace. The~~
67 ~~responsibility for keeping the house lateral clean and free flowing from the building to the sewer~~
68 ~~main shall rest with the property owner.~~

69 1. All licensees who clean sewer laterals shall be licensed in accordance with Chapter
70 6 of the New Castle County Code as administered through the Department of Land Use.

71 2. All licensees who clean sewer laterals are required to clean the lateral thoroughly
72 to the collector sewer. For laterals with exterior access, the entire lateral will be considered
73 thoroughly cleaned only when a cutter one (1) inch smaller than the pipe diameter has been
74 passed through the entire lateral from the exterior access point to the collector sewer. For building
75 drains without exterior cleanout access, the cutter size shall be the maximum diameter that can
76 be passed through the access point.

77 3. Prior to repairing or replacing the portion of the house lateral not maintained by the
78 County, the licensees shall thoroughly clean the lateral to the collector sewer as described in
79 Section 38.02.007.A.2 above. All repairs and replacements outside the building envelope shall
80 be made pursuant to a validly issued plumbing permit. Before completing the pipe connection,
81 all repairs or replacements must be inspected pursuant to rules and procedures promulgated by
82 the Department of Land Use.

83 B. ~~The County shall maintain~~ repair, replace and control the trunk sewers, street
84 sewers, and portions of the house laterals within a public right of way or dedicated County
85 sanitary sewer right-of-way/easement. ~~Laterals shall be maintained by the County from the sewer~~
86 ~~main to one (1) foot beyond the edge of paving or to the back of curb if the sewers run within the~~
87 ~~paved portion of the highway right-of-way. When the sewer main runs within an unpaved portion~~
88 ~~of the highway right-of-way, the lateral shall be maintained by the County from the sewer main~~

89 ~~to the edge of the highway right-of-way. For sewer mains located on privately owned property,~~
90 ~~the County shall maintain the lateral to the limit of the dedicated County sanitary sewer right-of-~~
91 ~~way/easement.~~

92
93 . . .

94
95 Section 4. *New Castle County Code* Chapter 38 ("Utilities"), Article 2 ("Sewers and
96 Sewage Disposal") Section 38.02.014 ("Sewer connection fees") is hereby amended by deleting
97 the material that is stricken, as set forth below:

98
99 **Sec. 38.02.014. Sewer connection fees.**

100
101 A. The Department of Public Works shall charge the following fees for connection to the
102 sanitary sewer system.

103
104 . . .

105
106 ~~4. SSSA interim service charge. The Southern Sewer Service Area (SSSA) interim~~
107 ~~service charge shall be paid in consideration for the county providing interim sewer service in the~~
108 ~~SSSA. The county plans to provide such interim service through the Middletown Wastewater~~
109 ~~Treatment Facility and Water Farm Number One while it evaluates and constructs the best long-~~
110 ~~term treatment and disposal system to service the area. The Department of Public Works shall~~
111 ~~establish the charge based upon the cost of operating and maintaining such interim service. The~~
112 ~~administration of the charge shall be pursuant to the Department of Public Works' written policies~~
113 ~~regarding the allocation and provision of interim sewer service in the SSSA.~~

114
115 Section 5. *New Castle County Code* Chapter 38 ("Utilities"), Article 3 (Prohibitions,
116 Enforcement, and Penalties) is hereby amended by adding the material that is underscored and
117 deleting the material that is stricken, as set forth below:

118
119 **Sec. 38.03.002. - Enforcement.**

120
121 A. Responsibility for enforcement. All rules and regulations described in this Chapter
122 and adopted by the Department in the Enforcement Response Plan shall be enforced by the
123 General Manager of the Department of Public Works or his or her authorized representative.

124 B. Right of entry. The General Manager of the Department of Public Works or his or her
125 representatives may go upon any land for the purpose of making surveys and inspections for
126 sewers, sewer systems, ~~sewage disposal plants~~wastewater treatment systems or ~~pumping~~
127 ~~plants~~ pump stations, or for rights-of-way or other property rights, or periodic inspections and
128 monitoring to determine compliance required for the sewers, sewer systems, ~~sewage disposal~~
129 ~~plants~~wastewater treatment systems and ~~pumping plants~~ stations.

130 1. The General Manager or his or her representatives may inspect at reasonable hours
131 any premises, dwelling or other building in the vicinity of a County sewer to determine if it is
132 connected to the County sewer, to determine if the sewer connection has been made or is being
133 maintained in accordance with the regulations of the County, or to determine compliance.

134 2. Whoever refuses to permit inspections and surveys ~~at reasonable hours~~ shall be fined
135 not less than one hundred dollars (\$100.00) for every such refusal.

136 C. Notice of violation. When the General Manager of the Department of Public Works ~~or~~
137 his or her agent has reasonable cause to believe that any person has violated or is violating this

Chapter or a permit or an order issued under this Chapter, the General Manager of the Department of Public Works or his or her agent may serve upon such person a written notice of violation. Within ten (10) ~~working~~business days of receipt of this notice, the person shall submit to the General Manager of the Department of Public Works an explanation of the violation and a plan for satisfactory correction and prevention of potential future violations, including specific required actions. Submission of this plan shall not relieve the person of liability for any violation occurring before or after the receipt of the notice of violation.

D. Show cause hearing. The General Manager of the Department of Public Works may order any person who contributes to violation of this Chapter or permit or order issued under this Chapter to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and requesting that the person show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) ~~working~~business days prior to the scheduled hearing, except in an emergency as determined by the General Manager of the Department of Public Works. ~~Such~~Service of such notice shall be ~~served to~~made upon any individual or upon any principal executive, general partner [or], corporate officer, or registered agent. Whether or not a duly notified person appears as noticed, additional enforcement action may be pursued.

E. Administrative order. When the General Manager of the Department of Public Works has reasonable cause to believe that any person has violated or continues to violate this Chapter or a permit or an order issued under this Chapter, he or she may issue an order to the person responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate pretreatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the violation.

F. Administrative Fines.

1. As part of a notice of violation or administrative order and notwithstanding any other section of this Chapter, the General Manager of the Department of Public Works may issue administrative fines to any person, not including industrial users, who is found to have violated any section of this Chapter or permit or order issued under this Chapter, in an amount not to exceed one thousand dollars (\$1,000.00) per violation. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense. The total of administrative fines shall not exceed a total of five thousand dollars (\$5,000.00).

2. As part of a notice of violation or administrative order and notwithstanding any other section of this Chapter, the General Manager of the Department of Public Works may issue administrative fines to any industrial user who is found to have violated any section of this Chapter or permit or order issued under this Chapter in an amount not to exceed sixty four thousand dollars (\$64,000.00) per day for each violation. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense.

3. The General Manager may include in its administrative fine its expenses associated with enforcement activities, including sampling and monitoring expenses. Such assessments may be added to the user's next scheduled sewer service charge or the assessment may be collected according to any other remedies available to the General Manager. Unpaid charges, fines and penalties shall constitute a lien against the user's property.

FG. Suspension. The General Manager of the Department of Public Works may suspend the sewer service and/or the permit of a person whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to human health and/or welfare, the collection and treatment system,

187 or the environment. A permit may also be suspended for failure to comply with the conditions of
188 the permit or this Chapter, or for failure to pay fees or surcharges. Any person notified of a
189 suspension of their sewer service and/or permit shall immediately stop or eliminate the
190 contribution. If a person fails to immediately comply with the suspension order, the General
191 Manager shall take such steps as deemed necessary, including immediate severance of the
192 sewer connection, to prevent or minimize damage to the collection and/or treatment system, its
193 receiving stream, or endangerment to any persons. The General Manager may allow the person
194 to recommence the discharge when the endangerment has passed, unless termination
195 proceedings are initiated against the person. Payment of fines and posting of bond in the amount
196 of five thousand dollars (\$5,000.00) may be required, to ensure future compliance with this
197 Chapter.

198 1. The permit holder is not entitled to the return of fees covering the time of suspension.

199 GH. Notification of proposed termination of service or revocation of discharge permit.

200 1. The General Manager shall not terminate service to a person or revoke or terminate
201 a discharge permit or a sewer agreement under this Chapter, except in an emergency, without
202 first delivering to the person written notice of such proposed termination or revocation. The notice
203 shall state the reasons of such termination or revocation and shall allow a reasonable time for
204 satisfactory compliance.

205 2. Permit cancellation. Repeated violations of permit conditions or this Chapter may
206 result in cancellation of the permit. No fees shall be returned for cancelled permits.

207 3. Continuing noncompliance. The General Manager may, upon thirty (30) business
208 days' notice to the permittee, revoke the permit and/or terminate service to the permittee unless,
209 at the expiration of such period, the General Manager is satisfied that the permittee is making
210 satisfactory progress to eliminate or correct the conditions which caused such notice.

211 I. Performance bonds. The General Manager may decline to issue or reissue a permit
212 or sewer agreement to any user who has failed to comply with any provision of this Chapter,
213 permit, or order issued under this Chapter unless such user first files a satisfactory performance
214 bond, payable to New Castle County, in a sum not to exceed the value set by the General
215 Manager to be necessary to achieve consistent compliance.

216 J. Consent orders. The Department of Public Works may enter into consent orders,
217 assurances of compliance or other similar documents establishing an agreement with any user
218 responsible for noncompliance. Such document shall include specific action to be taken by the
219 user to correct the noncompliance within a time period specified by the document. Such
220 document shall have the same force and effect as administrative orders issued pursuant to this
221 Chapter and shall be judicially enforceable.

222 **Sec. 38.03.003. - Penalties.**

223 A. Criminal Liability. Any person who violates any provisions of this Chapter, including
224 knowingly making any false statements, representations, or certifications in any application,
225 record, report, plan, or other document filed or required to be maintained pursuant to this Chapter,
226 shall be subject to the penalties as provided in this Section and Section 1.01.009, as well as any
227 additional violations of state or federal law.

229 1. A willful violation of the provisions of this Chapter shall constitute a Class 1
230 misdemeanor and upon conviction thereof shall be punished as provided in Section 1.01.009.
231 Each day on which any violation continues shall constitute a separate offense for which a
232 separate penalty shall be imposed.

233 B. Civil actions. ~~Administrative fines. Notwithstanding any other section of this~~
234 ~~Chapter, any person, not including industrial users, who is found to have violated any section of~~
235 ~~this Chapter or permit or order issued under this Chapter may be fined in an amount not to exceed~~

one thousand dollars (\$1,000.00) per violation, and not to exceed a total of five thousand dollars (\$5,000.00), in addition to actual damages to the POTW. Any industrial user who is found to have violated any section of this Chapter or permit or order issued under this Chapter may be fined in an amount not to exceed one thousand dollars (\$1,000.00) per day for each violation, in addition to actual damages to the POTW, or imprisonment for not more than one (1) year or both. The General Manager may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses. In addition to any other remedy, the County may maintain a civil action for recovery of administrative fines, actual damages plus attorney's fees, expert witness costs, court costs, and prejudgment and postjudgment interests. Such assessments may be added to the user's next scheduled sewer service charge or the assessment may be collected according to any other remedies available to the General Manager. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property.

C. Injunctive relief. Whenever a person has violated or continues to violate this Chapter or a permit, the General Manager of the Department of Public Works, through counsel, may petition a court of competent jurisdiction for the issuance of a temporary or permanent injunction or both to restrain or compel the actions of the person.

D. Civil actions. In addition to any other remedy, the County may maintain a civil action for recovery of actual damages plus attorney's fees, expert witness costs, court costs, and prejudgment and postjudgment interests. In determining the amount of liability, the General Manager shall take into account all relevant circumstances, including but not limited to the extent of the harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the person's violation, corrective actions taken by the person, and any other relevant factor.

E. Performance bonds. The General Manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Chapter, permit, or order issued under this Chapter unless such user first files a satisfactory performance bond, payable to New Castle County, in a sum not to exceed the value set by the General Manager to be necessary to achieve consistent compliance.

F. Consent orders. The Department of Public Works may enter into consent orders, assurances of compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such document shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such document shall have the same force and effect as administrative orders issued pursuant to this Chapter and shall be judicially enforceable.

Section 6. This Ordinance shall become effective 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
of New Castle County

SYNOPSIS: This legislation updates the Code to clarify the obligations of Public Works and the users of the sewer system. First, the legislation removes outdated references to the Southern Sewer Service Area. Second, the legislation clarifies that, unless expressly provided by the General Manager of Public Works, each individual user of the sewer system must connect directly to the sewer system. Third, the legislation clarifies the roles and responsibilities to clean and maintain sanitary sewer house laterals. Fourth, the legislation revises the enforcement provisions of the Code to clarify that the General Manager of Public Works has authority to levy administrative fines and order other relief for violations of the Code.

FISCAL IMPACT: The changes recommended in this Ordinance are intended to eliminate outdated requirements, clarify obligations, and update violation repercussions. They will have no material fiscal impact in FY2026 or subsequent years.

Acknowledged by the Chief Financial Officer November 5, 2025.

Prime Sponsor(s): Mr. Carter
Requested by: Land Use Department
Date of introduction: November 18, 2025

ORDINANCE NO. 25-152

REVISE ZONING MAP: ST. GEORGES HUNDRED, NORTH SIDE CHURCHTOWN ROAD, 2,091 FEET WEST OF BACK CREEK DRIVE; REZONE TAX PARCEL 13-011.00-162 AND PORTION OF TAX PARCEL 13-011.00-033 FROM SUBURBAN (S) TO SUBURBAN (S) AND HISTORIC OVERLAY ZONE (H).

1 (The purpose of this Rezoning is to rezone 4.48 acres of tax parcel 13-011.00-162
2 and 0.52 acres of tax parcel 13-011.00-033 from suburban (S) to Suburban (S) and
3 Historic Overlay Zone (H). App. 2021- 0287-S/Z.)
4

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

7 Section 1. The Zoning Map of St. Georges Hundred, as amended, is hereby further
8 amended by changing the zoning classification of the land shown on attached Exhibits
9 "A" and "L" dated 10/28/25, 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 A. 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.

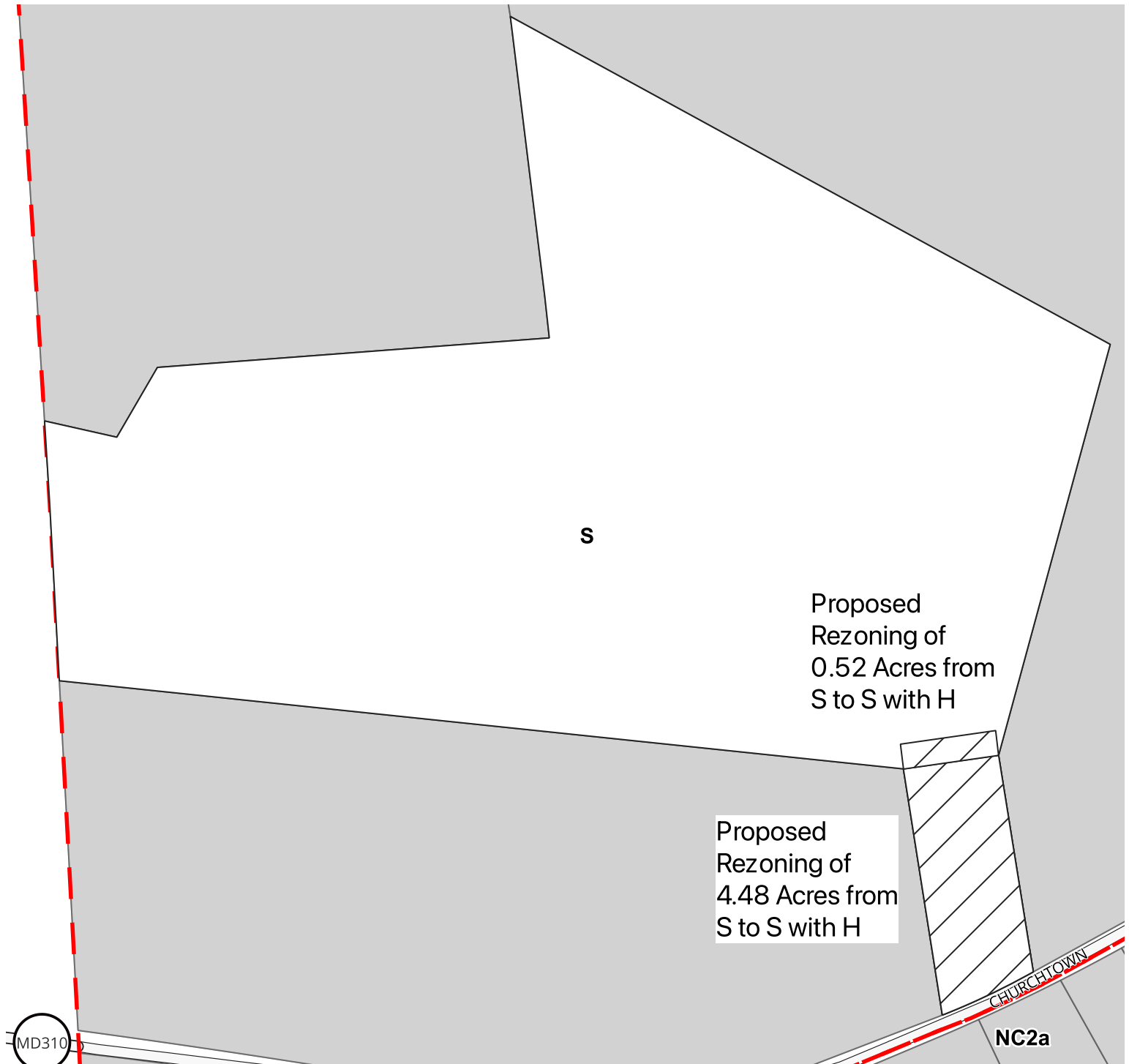
PROPERTY MAP

EXHIBIT A
ZONING ORDINANCE AS INTRODUCED

APPLICANT: COUNTRY CLUB ESTATES LLC
PROPOSED REZONING: S TO
S WITH H

APPLICATION NO. 2021- 0287-S/Z

TAX PARCEL NO: 13-011.00-033
13-011.00-162



HUNDRED: ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4917
Prepared by: Matthew Rogers

Date: 10/28/2025



PERMANENT ORDINANCE NO. 25- 152
Date Adopted by County Council:
Date Approved by County Executive:

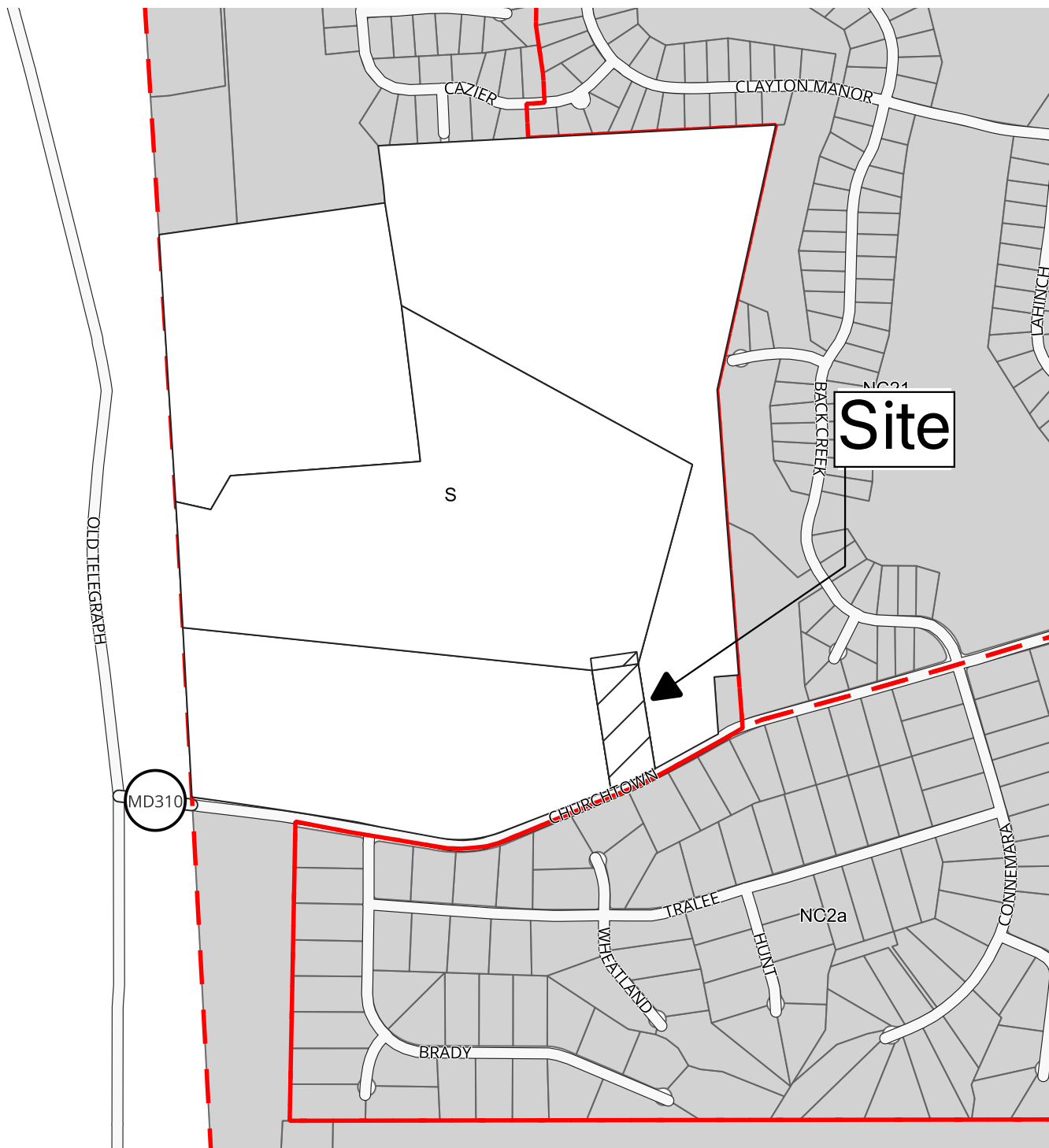
PROPERTY MAP

EXHIBIT L
ZONING ORDINANCE AS INTRODUCED

APPLICANT: COUNTRY CLUB ESTATES LLC
PROPOSED REZONING: S TO
S WITH H

APPLICATION NO. 2021- 0287-S/Z

TAX PARCEL NO: 13-011.00-033
13-011.00-162



HUNDRED: ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:10917
Prepared by: Matthew Rogers

Date: 10/28/2025



PERMANENT ORDINANCE NO. 25- 152
Date Adopted by County Council:
Date Approved by County Executive:

Prime Sponsor(s): Mr. Sheldon
Requested by: Land Use Department
Date of introduction: November 18, 2025

ORDINANCE NO. 25-153

REVISE ZONING MAP: MILL CREEK HUNDRED, NORTHWESTERLY CORNER OF LIMESTONE ROAD AND CONCORD DRIVE; REZONE 16.01 ACRES OF TAX PARCELS 08-037.00-033 (0 LIMESTONE RD, ARMOR SUBDIVISION) AND 08-037.00-037 (3401 LIMESTONE RD) FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION) AND 3.83 ACRES OF TAX PARCEL 08-037.00-037 (3401 LIMESTONE RD) FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION) AND H (HISTORIC OVERLAY ZONE).

1 (The Exploratory Major Land Development Plan with Rezoning for **Springhouse**
2 **Preserve** proposes to combine parcels to construct a development of 124 residential
3 units and the adaptive reuse of a historic structure, and rezone 16.01 acres of tax parcels
4 08-037.00-033 and 08-037.00-037 from S (Suburban) to ST (Suburban Transition) and
5 3.83 acres of tax parcel 08-037.00-037 from S (Suburban) to ST (Suburban Transition)
6 and H (Historic overlay zone). **App. 2023-0634-S/Z**, Council District 9.

7
8 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
9

10 Section 1. The Zoning Map of Mill Creek Hundred, as amended, is hereby further
11 amended by changing the zoning classification of the land shown on attached Exhibits
12 "A" and "L" dated September 15, 2025, as set forth therein.
13

14 Section 2. This Ordinance shall become effective immediately upon passage by
15 New Castle County Council and approval of the County Executive, or as otherwise
16 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.

PROPERTY MAP

EXHIBIT A
ZONING ORDINANCE AS INTRODUCED

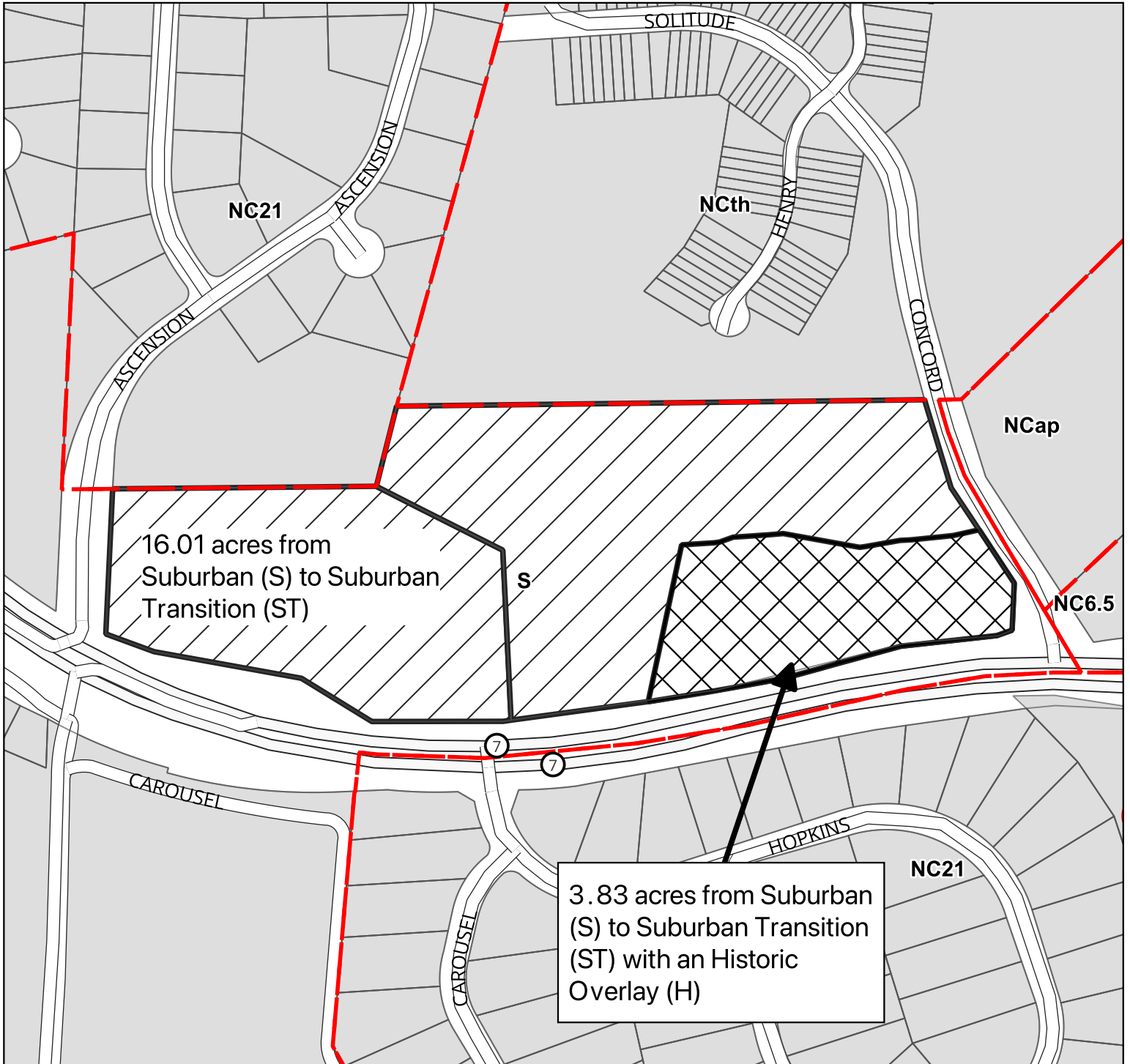
APPLICANT: STEPHEN G. DAVIES AND SUSAN T. DAVIES

APPLICATION NO. 2023-0634-S/Z

PROPOSED REZONING: SUBURBAN (S) TO SUBURBAN
TRANSITION (ST) AND SUBURBAN TRANSITION (ST) WITH
AN HISTORIC OVERLAY (H)

TAX PARCEL NO: 08-037.00-033 &

08-037.00-037



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3323
Prepared by: Matthew Rogers

Date: 9/15/2025



PERMANENT ORDINANCE NO. 25-153

Date Adopted by County Council:

Date Approved by County Executive:

S to ST

S to ST and H

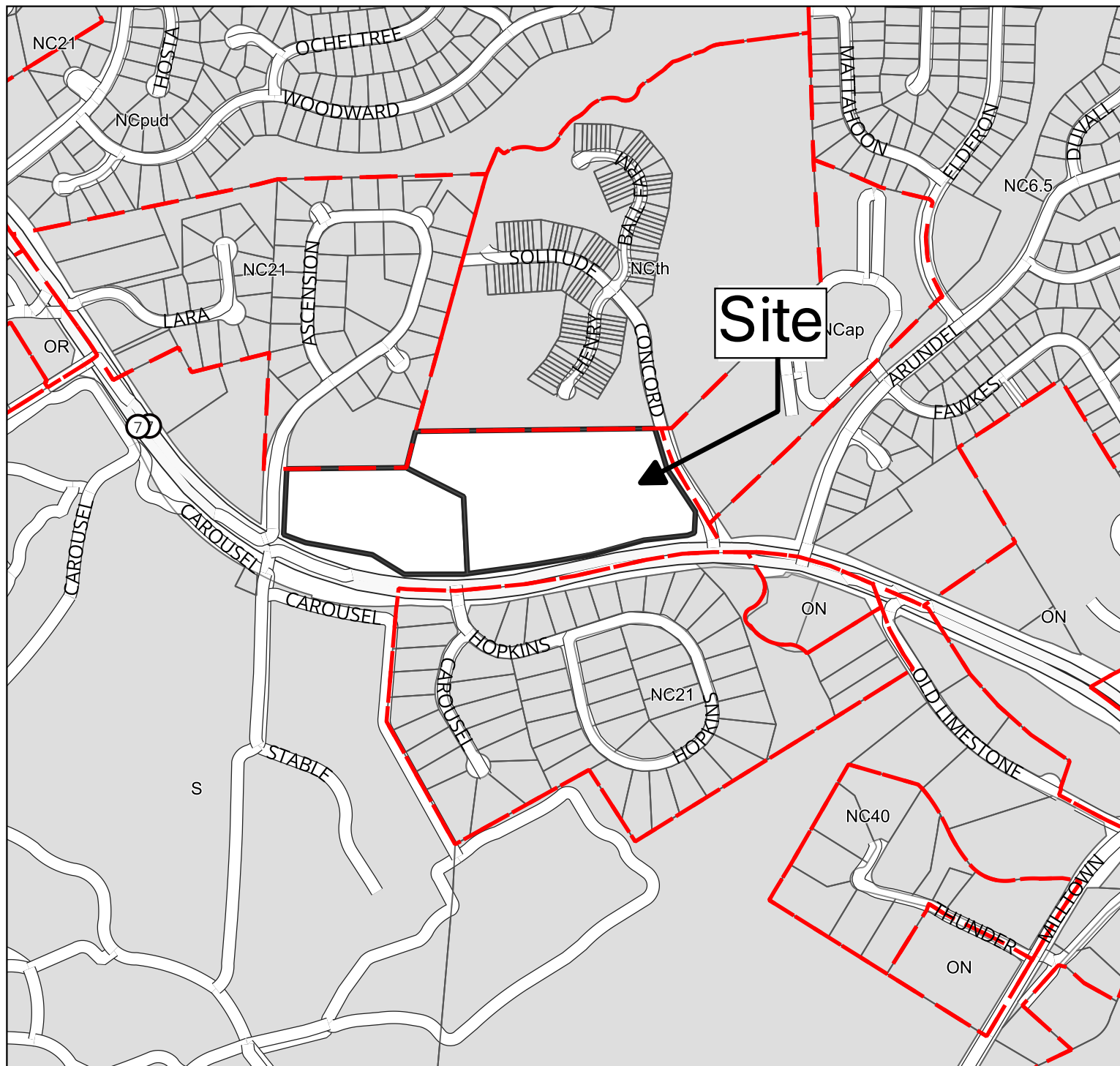
EXHIBIT L
ZONING ORDINANCE AS INTRODUCED

APPLICANT: STEPHEN G. DAVIES AND SUSAN T. DAVIES

APPLICATION NO. 2023-0634-S/Z

TAX PARCEL NO: 08-037.00-033 &
08-037.00-037

PROPOSED REZONING: SUBURBAN (S) TO SUBURBAN
TRANSITION (ST) AND SUBURBAN TRANSITION (ST) WITH
AN HISTORIC OVERLAY (H)



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE



Scale: 1:7323
Prepared by: Matthew Rogers

Date: 9/15/2025

PERMANENT ORDINANCE NO. 25- 153

Date Adopted by County Council:
Date Approved by County Executive:

ORDINANCE NO. 25-155

AMEND THE GRANTS BUDGET:

**APPROPRIATE \$35.46 IN MISCELLANEOUS INCOME AND REALIGN \$165,297.97
WITHIN THE FY2025 STATE AID FOR LIBRARIES GRANT, WHICH IS ADMINISTERED
BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF LIBRARIES**

1 **WHEREAS**, State funds, through a contract with the Department of State, Delaware
2 Division of Libraries, are allocated to libraries to encourage the maintenance and
3 development of proper standards, including personnel standards, hours of operation, library
4 materials, collection standards and interlibrary resource sharing, and to provide for the
5 development of statewide public library services; and
6

7 **WHEREAS**, libraries must meet, or provide evidence of attempting to meet, the
8 minimum standards of operation as established by the Division of Libraries and approved by
9 the State Council on Libraries; and
10

11 **WHEREAS**, original allocated funding in the amount of \$2,841,311 from the
12 Department of State, Delaware Division of Libraries, was previously approved by County
13 Council and appropriated to the FY2025 State Aid for Libraries Grant via Ordinance 24-101;
14 and
15

16 **WHEREAS**, authorization is sought for the realignment of \$165,297.97 in State funds
17 and appropriation of \$35.46 in Miscellaneous Income within the FY2025 State Aid for
18 Libraries Grant for books, part-time salaries and security expenditures; and
19

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

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

27 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
28 amended by deleting the material stricken and adding the material underlined on the attached
29 Exhibits "A" through "K."
30

31 Section 2. This Ordinance shall become effective immediately upon its adoption by
32 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.*
33 § 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 \$35.46 in Miscellaneous Income and realign \$165,297.97 in State funds within the FY2025 State Aid for Libraries Grant. The appropriated miscellaneous income and realignment of funds will be used for books, part-time salaries and security expenditures.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$35.46 in Miscellaneous Income and realigning \$165,297.97 in State funds within the FY2025 State Aid for Libraries Grant.

This Ordinance, if approved, will increase the FY2026 Grants budget by \$35.46. The increase and the realignment will affect FY2026 only since the estimated program completion date is March 30, 2026. There is no anticipated fiscal impact on the Operating and/or Capital Budgets. The Miscellaneous Income balance after this appropriation will be \$0.

Acknowledged by the Chief Financial Officer November 12, 2025.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Library Administration		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 2,559,814.48	\$ 66,947.92	\$ 2,626,762.40
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ 35.46	\$ 35.46
Total	\$ 2,559,814.48	\$ 66,983.38	\$ 2,626,797.86

Expense	Current	Change	Revised
Salaries and Wages	\$ 1,026,028.00	\$ 9,380.10	\$ 1,035,408.10
Benefits	\$ 130,515.00	\$ (8,858.12)	\$ 121,656.88
Training/Civic Affairs	\$ 3,958.58	\$ (1,045.25)	\$ 2,913.33
Communication/Utilities	\$ 20,000.00	\$ (956.52)	\$ 19,043.48
Materials/Supplies	\$ 635,875.66	\$ 145,975.17	\$ 781,850.83
Contractual Services	\$ 667,087.17	\$ (6,593.00)	\$ 660,494.17
Equipment	\$ 75,850.07	\$ (70,556.10)	\$ 5,293.97
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ 500.00	\$ (362.90)	\$ 137.10
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 2,559,814.48	\$ 66,983.38	\$ 2,626,797.86

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"B"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Appoquinimink Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 20,443.16	\$ (3,695.68)	\$ 16,747.48
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 20,443.16	\$ (3,695.68)	\$ 16,747.48

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 1,473.73	\$ (1,000.00)	\$ 473.73
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 4,419.43	\$ (437.31)	\$ 3,982.12
Contractual Services	\$ 14,550.00	\$ (2,258.37)	\$ 12,291.63
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 20,443.16	\$ (3,695.68)	\$ 16,747.48

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"C"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Bear Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 49,401.04	\$ (3,763.95)	\$ 45,637.09
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 49,401.04	\$ (3,763.95)	\$ 45,637.09

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 2,501.12	\$ (2,313.27)	\$ 187.85
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 23,736.30	\$ (1,100.68)	\$ 22,635.62
Contractual Services	\$ 18,363.62	\$ (350.00)	\$ 18,013.62
Equipment	\$ 4,800.00	\$ -	\$ 4,800.00
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 49,401.04	\$ (3,763.95)	\$ 45,637.09

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"D"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Claymont Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 14,984.30	\$ (2,941.76)	\$ 12,042.54
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 14,984.30	\$ (2,941.76)	\$ 12,042.54

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 586.00	\$ (268.20)	\$ 317.80
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 3,073.78	\$ (1,288.01)	\$ 1,785.77
Contractual Services	\$ 10,458.22	\$ (1,310.55)	\$ 9,147.67
Equipment	\$ 866.30	\$ (75.00)	\$ 791.30
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 14,984.30	\$ (2,941.76)	\$ 12,042.54

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"E"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Brandywine Hundred Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 82,380.85	\$ (16,405.08)	\$ 65,975.77
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 82,380.85	\$ (16,405.08)	\$ 65,975.77

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 1,611.15	\$ (82.00)	\$ 1,529.15
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 21,511.68	\$ (5,771.11)	\$ 15,740.57
Contractual Services	\$ 57,148.32	\$ (9,357.75)	\$ 47,790.57
Equipment	\$ 2,109.70	\$ (1,194.22)	\$ 915.48
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 82,380.85	\$ (16,405.08)	\$ 65,975.77

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"F"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Elsmere Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 14,430.00	\$ (1,476.97)	\$ 12,953.03
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 14,430.00	\$ (1,476.97)	\$ 12,953.03

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 1,218.52	\$ (1,190.00)	\$ 28.52
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 10,758.49	\$ (17.74)	\$ 10,740.75
Contractual Services	\$ 2,452.99	\$ (269.23)	\$ 2,183.76
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 14,430.00	\$ (1,476.97)	\$ 12,953.03

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"G"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Hockessin Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 18,728.50	\$ (7,374.75)	\$ 11,353.75
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 18,728.50	\$ (7,374.75)	\$ 11,353.75

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 4,484.50	\$ (2,215.00)	\$ 2,269.50
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 3,800.00	\$ (1,396.28)	\$ 2,403.72
Contractual Services	\$ 6,000.00	\$ (2,128.39)	\$ 3,871.61
Equipment	\$ 4,444.00	\$ (1,635.08)	\$ 2,808.92
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 18,728.50	\$ (7,374.75)	\$ 11,353.75

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

DEPARTMENT:	Community Services	EXHIBIT:	"H"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Kirkwood Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 22,199.18	\$ (7,021.45)	\$ 15,177.73
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 22,199.18	\$ (7,021.45)	\$ 15,177.73

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 3,651.18	\$ (2,650.00)	\$ 1,001.18
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 9,248.00	\$ (2,255.07)	\$ 6,992.93
Contractual Services	\$ 5,800.00	\$ (218.66)	\$ 5,581.34
Equipment	\$ 3,500.00	\$ (1,897.72)	\$ 1,602.28
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 22,199.18	\$ (7,021.45)	\$ 15,177.73

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"I"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Newark Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 29,589.49	\$ (12,924.66)	\$ 16,664.83
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 29,589.49	\$ (12,924.66)	\$ 16,664.83

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 4,771.49	\$ (3,594.57)	\$ 1,176.92
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 11,853.00	\$ (5,320.92)	\$ 6,532.08
Contractual Services	\$ 11,965.00	\$ (3,009.17)	\$ 8,955.83
Equipment	\$ 500.00	\$ (500.00)	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ 500.00	\$ (500.00)	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 29,589.49	\$ (12,924.66)	\$ 16,664.83

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

DEPARTMENT:	Community Services	EXHIBIT:	"J"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Route 9 Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 11,701.00	\$ (5,981.02)	\$ 5,719.98
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 11,701.00	\$ (5,981.02)	\$ 5,719.98

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 1,254.00	\$ (1,082.65)	\$ 171.35
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 5,447.00	\$ (4,798.37)	\$ 648.63
Contractual Services	\$ 5,000.00	\$ (100.00)	\$ 4,900.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 11,701.00	\$ (5,981.02)	\$ 5,719.98

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

DEPARTMENT:	Community Services	EXHIBIT:	"K"
GRANT TITLE:	FY2025 State Aid for Libraries	Ordinance No.	25-155
PROGRAM TITLE:	Woodlawn Library		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 17,639.00	\$ (5,362.60)	\$ 12,276.40
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 17,639.00	\$ (5,362.60)	\$ 12,276.40

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 1,600.00	\$ (1,549.65)	\$ 50.35
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 10,039.00	\$ (3,317.78)	\$ 6,721.22
Contractual Services	\$ 6,000.00	\$ (495.17)	\$ 5,504.83
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 17,639.00	\$ (5,362.60)	\$ 12,276.40

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	3/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-101</u>	<u>6/11/2024</u>

PROGRAM DESCRIPTION:

To provide for statewide public library services and to encourage proper standards regarding personnel, hours of operation, library materials, collections and interlibrary resource sharing.

6/11/2024

11/25/2025

ORDINANCE NO. 25-156

AMEND THE GRANTS BUDGET:

**APPROPRIATE ANTICIPATED FEDERAL FUNDS OF \$9,640,323 FROM THE
U.S. DEPARTMENT OF TREASURY TO THE SOCIAL IMPACT PARTNERSHIPS TO PAY
FOR RESULTS ACT (SIPPRA) – THE FAMILY HOPE PROJECT GRANT, WHICH WILL BE
ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF
COMMUNITY DEVELOPMENT AND HOUSING**

1 **WHEREAS**, the Family Housing Opportunities for Purposeful Empowerment Project
2 (“The Family HOPE Project”) - to implement the Social Impact Partnership to Pay for Results
3 Act (the “Act”), which established a new grant demonstration program to encourage funding
4 social programs that achieve results (the “SIPPRA program”); and
5

6 **WHEREAS**, the Family HOPE Project seeks to end family homelessness throughout
7 Delaware by building on the evidence base for long-term subsidies for permanent housing as a
8 solution for homelessness, while innovating on the deployment of rental assistance; and
9

10 **WHEREAS**, specific eligibility criteria are families who have (1) at least one adult age 19
11 and older, plus one or more child aged 15 and under (inclusive of pregnant caregivers);
12 (2) household income less than 50% of AMI in NCC; and (3) not currently receiving a rental
13 subsidy, housing voucher, or other form of public housing with no requirement that families need
14 to be former residents of New Castle County; and
15

16 **WHEREAS**, the project will provide rental assistance, disbursed as direct cash payments,
17 for 2 years to 120 families coupled with wraparound and case management services aiming to
18 ameliorate families’ housing cost burden, ultimately not exceeding contributions greater than
19 30% of their income toward housing costs; and
20

21 **WHEREAS**, the County Executive has determined that revenues anticipated to be
22 received shall be sufficient to cover the increase in the Grants Budget as hereinafter amended;
23 and
24

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

30 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
31

32 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended
33 by adding the material in Exhibit “A,” which is underscored in its entirety, which is attached hereto
34 and made a part hereof.
35

36 Section 2. This Ordinance shall become effective immediately upon its adoption by New
37 Castle County Council and approval by the County Executive, or as otherwise provided by 9 *Del.*
38 C. § 1156.
39

40 Section 3. It is the intent of County Council that the provisions of this Ordinance are
41 effective retroactive to September 16, 2025.

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 anticipated federal funds of \$9,640,323 from the U.S. Department of Treasury to the Social Impact Partnerships to Pay for Results Act (SIPPRA) – The Family HOPE Project Grant. This funding seeks to end family homelessness throughout Delaware by building on the evidence base for long-term subsidies for permanent housing as a solution to homelessness, while innovating on the deployment of rental assistance.

It is the intent of County Council that the provisions of this Ordinance are effective retroactive to September 16, 2025.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$9,640,323 from the U.S. Department of Treasury to the Social Impact Partnerships to Pay for Results Act (SIPPRA) – The Family HOPE Project Grant.

The project aims to show government savings through increased housing retention and avoidance of shelter stays, which will determine the amount of money released by the U.S. Department of Treasury. The County will be reimbursed for project expenses through the intermediary Family HOPE LLC. Tech Impact, the independent evaluator, will use algorithms and data analysis to evaluate the project's performance against a control group which will determine the project's success and the subsequent release of funds from the U.S. Department of Treasury.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$9,640,323. This increase will affect FY2026 through FY2033 since the targeted program completion date of the program is December 31, 2032. There will be no fiscal impact beyond FY2033 as a result of the grant award.

Acknowledged by the Chief Financial Officer November 14, 2025.

DEPARTMENT:

GRANT TITLE:

PROGRAM TITLE:

Community Services
SIPPRA - The Family HOPE Project
SIPPRA - The Family HOPE Project

EXHIBIT:

Ordinance No.

"A"

25-156

Revenue	Current		Change		Revised
Federal	\$	9,640,323.00	\$	-	\$ 9,640,323.00
State	\$	-	\$	-	\$ -
County	\$	-	\$	-	\$ -
Program Income	\$	-	\$	-	\$ -
Other	\$	-	\$	-	\$ -
Total	\$	9,640,323.00	\$	-	\$ 9,640,323.00

Expense	Current		Change		Revised
Salaries and Wages	\$	234,494.29	\$	-	\$ 234,494.29
Benefits	\$	132,172.71	\$	-	\$ 132,172.71
Training/Civic Affairs	\$	-	\$	-	\$ -
Communication/Utilities	\$	-	\$	-	\$ -
Materials/Supplies	\$	-	\$	-	\$ -
Contractual Services	\$	3,164,112.00	\$	-	\$ 3,164,112.00
Equipment	\$	-	\$	-	\$ -
Grants/Fixed Charges	\$	6,109,544.00	\$	-	\$ 6,109,544.00
Land and Structures	\$	-	\$	-	\$ -
Contingency	\$	-	\$	-	\$ -
Operating Transfer Charges	\$	-	\$	-	\$ -
Operating Transfer Credits	\$	-	\$	-	\$ -
Total	\$	9,640,323.00	\$	-	\$ 9,640,323.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:

9/16/2025

Estimated Program Completion:

12/31/2032

The Local Match:

Found in (ORG):

Ordinance Passed:

Date Revised:

PROGRAM DESCRIPTION:

The SIPPRA Family HOPE Project, funded by the U.S. Department of the Treasury, seeks to end family homelessness throughout Delaware by building on the evidence base for long-term subsidies for permanent housing as a solution to homelessness, while innovating on the deployment of rental assistance.

11/25/2025

RESOLUTION NO. 25-195

**CONGRATULATING 30 YEARS OF PEARLS, PASSION AND PROGRESS THE
NATIONAL COALITION OF 100 BLACK WOMEN**

1 **WHEREAS**, November 1995, the Delaware Coalition of 100 Black Women was
2 established by a group of diverse women committed to linking black women statewide; and
3

4 **WHEREAS**, Ms. Alicia Clark led this organization to create a strong, unified voice
5 addressing issues at the local, national, and international level; and
6

7 **WHEREAS**, since being chartered in 1995, their volunteer-led chapter has never
8 wavered in their commitment. They embrace a bold and necessary vision, to see Black
9 women and girls live in a world where socio-economic inequality and systemic injustices no
10 longer exist; and
11

12 **WHEREAS**, for three decades, the chapter has stood as a beacon of empowerment,
13 advancing the rights and voices of Black women and girls in Delaware; and
14

15 **WHEREAS**, education to health equity, economic empowerment to civic engagement
16 have been present, they have been persistent, and have made a powerful impact; and
17

18 **WHEREAS**, through these programs they have mentored young girls, trained future
19 leaders, supported Black-owned businesses, advocated for policy change, and created
20 space where none existed; and
21

22 **WHEREAS**, for 30 years, the Delaware Coalition of 100 Black Women has stood as
23 a pillar of dedication and faithfulness to our community. We honor and thank them for their
24 unwavering commitment to excellence and their visionary leadership in cultivating and
25 empowering the next generation of Black women leaders who will impact the world.
26

27 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle
28 County that County Council hereby proudly honors and celebrates the elegance, dedication,
29 and achievements of the National Coalition of 100 Black Women and wishes them continued
30 success.

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: There is no discernible impact upon the adoption of this resolution.

Prime Sponsor(s): Mr. Toole, Mr. Caneco
Date of introduction: November 18, 2025

RESOLUTION NO. 25-196

RESOLUTION HONORING MEMBERS OF THE NEW CASTLE COUNTY EMERGENCY COMMUNICATIONS TEAM FOR THEIR DISTINGUISHED SERVICE AND RECOGNITION AT THE 2025 APCO MID-EASTERN AWARDS

1 **WHEREAS**, the New Castle County Emergency Communications Center
2 (NCC911) serves as the vital link between residents and emergency responders,
3 providing 24/7 police, fire, and emergency medical dispatch services across New Castle
4 County; and
5

6 **WHEREAS**, the members of NCC911 demonstrate professionalism, compassion,
7 and calm under pressure in moments of crisis, ensuring the safety and well-being of
8 residents and first responders alike; and
9

10 **WHEREAS**, on October 14, 2025, at the APCO Mid-Eastern Awards in Ocean
11 City, Maryland, multiple members of NCC911 were recognized for excellence in public
12 safety communications across the region; and
13

14 **WHEREAS**, NCC911 received multiple distinctions—including Team of the Year,
15 Trainer of the Year, Telecommunicator of the Year, Technologist *of the Year*, and
16 *Administrator of the Year*—reflecting the department’s continued commitment to
17 excellence, innovation, and public service; and
18

19 **WHEREAS**, Kenneth A. Viridin, Jr., Communications Training Officer, was
20 honored as *Trainer of the Year* for his over 40 years of service, exemplary leadership in
21 developing new dispatchers, and his mentorship of high school students exploring
22 public safety careers; and
23

24 **WHEREAS**, Nicholas A. Purse received the *Telecommunicator of the Year*
25 award for his exceptional accuracy, leadership in quality assurance, and steadfast
26 performance in life-saving dispatch calls; and
27

28 **WHEREAS**, John W. Newman was recognized as *Technologist of the Year* for
29 his technical expertise, system maintenance excellence, and mentorship of new
30 telecommunicators; and
31

32 **WHEREAS**, Chief Donald W. Holden, Chief of Emergency Communications, was
33 named *Administrator of the Year* for his outstanding leadership in advancing staff
34 wellness, recruitment, and the implementation of Delaware’s first Video-to-911 system;
35 and

36 **WHEREAS**, Platoon B of NCC911, under the leadership of Senior Assistant
37 Platoon Leader James Rosseel, was named *Team of the Year* for their coordinated and
38 heroic response to a July 2024 boating emergency near Augustine Beach, saving
39 multiple lives through effective teamwork and inter-agency collaboration.

40 **NOW, THEREFORE, BE IT RESOLVED** that County Council of New Castle
41 County hereby honors and commends the members of the New Castle County
42 Emergency Communications Center for their distinguished service, exceptional
43 achievements, and well-deserved recognition at the 2025 APCO Mid-Eastern Awards.

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

RESOLUTION NO. 25-197

HONORING THE SERVICE AND SACRIFICE OF DELAWARE’S VETERANS

1 **WHEREAS**, in commemoration of the one-year anniversary of the end of World War
2 I, President Woodrow Wilson issued a proclamation declaring November 11, 1919, to be
3 the first observance of Armistice Day. The valor and sacrifice of servicemembers during
4 World War II and the Korean War led to a legislative change in 1954, with Congress
5 passing Public Law 380 to officially change Armistice Day to Veterans Day; and
6

7 **WHEREAS**, this Veterans Day, we recognize approximately 72,000 Delaware
8 veterans and their unwavering service to our state and country. New Castle County honors
9 their sacrifice, commitment and values which have become cornerstones of our
10 neighborhoods and communities, inspiring younger generations to live with integrity and
11 purpose; and
12

13 **WHEREAS**, the contributions of Delaware veterans span numerous conflicts and
14 wars, including Colonial Wars, The Revolutionary War, The War of 1812, The Civil War,
15 The Mexican War, World War I, World War II, The Korean War, The Vietnam War, The Gulf
16 War and The Global War on Terrorism; and
17

18 **WHEREAS**, the enduring legacy of Delaware’s Veterans stands as a crucial pillar of
19 the American experience, a testament to the fact that the freedoms and quality of life we
20 enjoy are secured by their valor and steadfast dedication, through times of conflict and calm
21 alike; and
22

23 **WHEREAS**, Delaware’s Veterans’ positive impacts have gone far beyond the
24 battlefield. As community leaders, educators, and entrepreneurs, they have applied their
25 unshakable resolve, determination, and unwavering commitment to continually enrich our
26 beautiful county and state; and
27

28 **NOW, THEREFORE, BE IT RESOLVED** by and for the County of New Castle
29 County that County Council hereby honors and recognizes the service and sacrifice of
30 Delaware’s Veterans. Your commitment and courage inspire us, and we are forever
31 grateful for your contributions; and
32

33 **BE IT FURTHER RESOLVED** by and for the County of New Castle County that
34 County Council hereby encourages New Castle County residents to attend ceremonies and
35 activities to honor and support our veterans, ensuring their stories and sacrifices are never
36 forgotten.

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

RESOLUTION NO. 25-198

**RECOGNIZING NOVEMBER AS “CODE RED ALERT: HIV AWARENESS MONTH”
IN NEW CASTLE COUNTY**

WHEREAS, HIV (Human Immunodeficiency Virus) continues to affect individuals, families, and communities across New Castle County, the State of Delaware, and the nation; and

WHEREAS, despite advances in treatment and prevention, the fight against HIV is far from over, and awareness, testing, and education remain vital to ending the epidemic; and

WHEREAS, the “**CODE RED ALERT: HIV Awareness Month**” campaign serves as a call to action — emphasizing the urgency of addressing rising infection rates, combating misinformation, and ensuring equitable access to healthcare and prevention resources; and

WHEREAS, stigma and discrimination continue to discourage individuals from seeking testing and treatment, hindering progress toward an HIV-free future; and

WHEREAS, New Castle County Council recognizes that when we choose empathy over fear and community over stigma, we don’t just fight HIV — we nurture hope; and

WHEREAS, the County honors the dedication of healthcare professionals, advocates, educators, and community organizations working tirelessly to prevent HIV transmission, support those living with HIV, and promote public health and equity.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby proclaims the month of November as “**CODE RED ALERT: HIV Awareness Month**” in New Castle County, and encourages all residents to increase awareness, promote education, support those impacted, and unite in the fight to end HIV and the stigma surrounding it.

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

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: November 18, 2025

RESOLUTION NO. 25-199

**WELCOMING WEIS MARKETS TO NEW CASTLE COUNTY AND CELEBRATING
ITS GRAND OPENING AT BAYBERRY TOWN CENTER, MIDDLETOWN, DE**

1 **WHEREAS**, the new Weis Markets store represents a significant investment in
2 New Castle County, bringing high-quality grocery options, a fuel station, and a wide
3 range of products and services to local residents; and

4 **WHEREAS**, this opening marks a milestone in the continued growth and
5 development of the Bayberry Town Center, contributing to the vibrancy and economic
6 strength of the Middletown area; and

7 **WHEREAS**, Weis Markets has a long history of supporting local communities
8 through employment opportunities, sustainability initiatives, and charitable contributions;
9 and

10 **WHEREAS**, the residents of Middletown and all of New Castle County join
11 together in welcoming Weis Markets and celebrating this new addition to our
12 community.

13 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
14 Castle County that the County Council hereby congratulates Weis Markets on the grand
15 opening of its Middletown location and extends a warm welcome to all members of the
16 Weis Markets team; and

17 **BE IT FURTHER RESOLVED** that this Resolution be presented to Weis Markets
18 in recognition of their dedication to providing exceptional service and enhancing the
19 quality of life for the residents of New Castle County.

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

RESOLUTION NO. 25-200

**CELEBRATING AND HONORING DR. JENNA DILEUTERIO ON BEING NAMED
DELAWARE'S 2026 STATE TEACHER OF THE YEAR**

1 **WHEREAS**, Dr. Jenna DiEleuterio grew up and still lives in Wilmington and
2 attended Brandywine School District Schools; Brandywood, P.S. DuPont, Hanby, and
3 Concord High School, Class of 2007. She is the daughter of Mr. Glen DiEleuterio and Mrs.
4 Kelly DiEleuterio and has two siblings; and
5

6 **WHEREAS**, Dr. DiEleuterio earned her Bachelor of Science degree in elementary
7 and special education from Elizabethtown College before graduating from Wilmington
8 University with a Master of Education in reading and Doctor of Education in teacher
9 leadership; and

10 **WHEREAS**, Dr. DiEleuterio, a fifth grade reading specialist at Talley Middle School
11 who is in her fifteenth year of teaching, aims to help middle schoolers develop a positive
12 relationship with literacy by providing meaningful learning experiences that promote deep
13 thinking, build knowledge and equip students to succeed in life; and

14 **WHEREAS**, as the facilitator and pioneer of the Multi-Tiered Systems of Support
15 (MTSS) team at Talley and across all Brandywine secondary schools, she assembled and
16 led teams of staff in analyzing student data, evaluating interventions and overcoming
17 scheduling challenges to make sure students receive instruction tailored to their needs; and

18 **WHEREAS**, she initiated the Knollwood Peace Walks in response to a student's
19 concern about neighborhood safety. The mission of the Peace Walks is to build trust and
20 meaningful connections by regularly gathering and walking together for peace. The New
21 Castle County Police, Project SEED, and numerous community partners have united to
22 show care, support, and commitment to the Knollwood community; and

23 **WHEREAS**, she will address community groups, business leaders, legislators, and
24 educational organizations to inform the public about the status of Delaware schools. She
25 also will become Delaware's candidate in the National Teacher of the Year Program, a
26 project of the Council of Chief State School Officers sponsored by the Voya Foundation.

27 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
28 Castle County that County Council hereby celebrates and honors Dr. Jenna DiEleuterio on
29 being named Delaware's 2026 State Teacher of the year.

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. Caneco
Requested by: Department of Land Use
Date of introduction: October 28, 2025

RESOLUTION NO. 25-189

**PLAN OF SILVER VIEW FARM; ST. GEORGES HUNDRED; SOUTH SIDE OF
VANCE NECK ROAD 4,319 FEET WEST OF SILVER RUN ROAD; MAJOR LAND
DEVELOPMENT PLAN THAT DEPICTS THE SUBDIVISION OF THE SUBJECT
PARCEL (INCLUDING 42 UNITS OF TDR CAPACITY) INTO 192 BUILDING LOTS
UTILIZING THE OPEN SPACE PLANNED OPTION WITH ASSOCIATED OPEN
SPACE, RIGHTS OF WAY, AND A DEDICATED PUMP STATION; S ZONING;
APPLICATION NO. 2022-0500; COUNCIL DISTRICT 12**

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, Plan of Silver View Farm (Application No. 2022-0500) as heretofore
4 approved by the Land Use Department, and the President of County Council is hereby
5 authorized to endorse her approval upon the following plan.

**SILVER VIEW FARM
St. George's 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.



New Castle County Department of Land Use

To: County Council
From: Department of Land Use
Date: November 7, 2025

**RE: Referral of the Plan for Silver View Farm
Application No. 2022-0500
Resolution No. 25-189**

On October 31, 2025, the Department of Land Use received a referral letter to address questions regarding technical compliance of the Silver View Farm major land development plan with *New Castle County Code*, State or federal constitutional requirements, and other laws for which compliance is required under *County Code* Section 40.31.114.

After review of the concerns, copied below for reference, that have been raised by County Council, the Department provides responses and offers this recommendation reaffirming approval of the plan.

1. Plan, Note 18. Please more fully explain the impact of development on critical natural areas listed on the Plan.

Response: Critical Natural Areas are regulated as 100% protected in accordance with Table 40.10.010 of the UDC. Accordingly, the Limit of Disturbance proposed by the plan does not intrude into any of the resources on the site that are afforded a 100% protection level, including Critical Natural Areas, floodplains, wetlands, and Riparian Buffer Areas. These protection levels are intended to reduce or eliminate impacts on such protected resources stemming from development. For this project, the Critical Natural Areas are completely contained within the proposed Natural Resource Open Space areas.

2. Plan, Note 26. Please explain the reasoning and methodology for the 9 proposed fire hydrants.

Response: Fire hydrants are proposed in accordance with the direction of the Office of the State Fire Marshal and applicable State Code. The State Fire Marshal has reviewed the plan and issued an approval as submitted, as required by Section 40.31.114 of the UDC. Additionally, provisions for the placement of hydrants can be found in Article 22 of the UDC, which requires hydrants to be installed within 500 feet of all houses, as measured by way of accessible public thoroughfare.

3. Plan, Note 36. Please justify the 1-year trespass standard for occupied lots and reasoning to justify such a timeline.

Response: This standard is found as a required note from the Engineering Checklist - Record Plan document. The intent is to allow the Developer access to the lot for the purpose of completing overall site drainage and/or landscaping requirements. The 1-year time period includes the effects from each

season, such as heavy spring rains and winter snowfalls, and their impacts on lot drainage and plantings.

4. Please address why there is no note for addition of fire suppression system in a model home.

Response: The permanent model home automatic fire sprinkler system requirement, as adopted through Ordinance 25-062, is included in Chapter 6 of the New Castle County Code, also known as the Building Code. Record plan notes typically do not address Building Code requirements, such as Types of Construction or Use Groups as defined by the Building Code, but instead address site requirements from Chapter 40 of the NCCC, known as the Unified Development Code.



New Castle County Department of Land Use

MEMORANDUM

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

FROM: David Culver

RE: Application Number 2022-0500-S
Silver View Farm
Record Major Land Development Plan

DATE: September 17, 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.

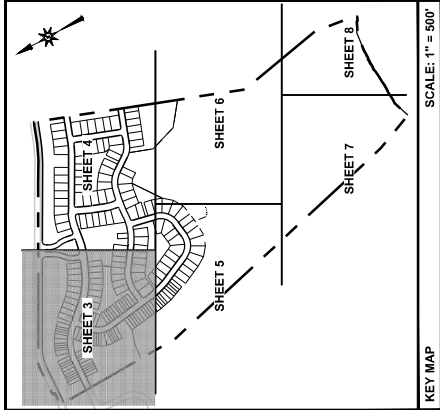
cc: Marcus Henry, County Executive
Mona Parikh, Chief Administrative Officer

Plan of Silver View Farm; St. Georges Hundred; South side of Vance Neck Road 4,319 feet west of Silver Run Road; Major Land Development Plan that depicts the subdivision of the subject parcel (including 42 units of TDR capacity) into 192 building lots utilizing the Open Space Planned option with associated open space, rights of way, and a dedicated pump station.; S zoning; Council District 12.

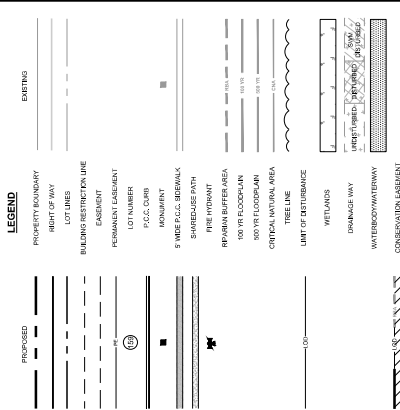
Synopsis: Same as title

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.

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KEY MAP SCALE: 1" = 500'

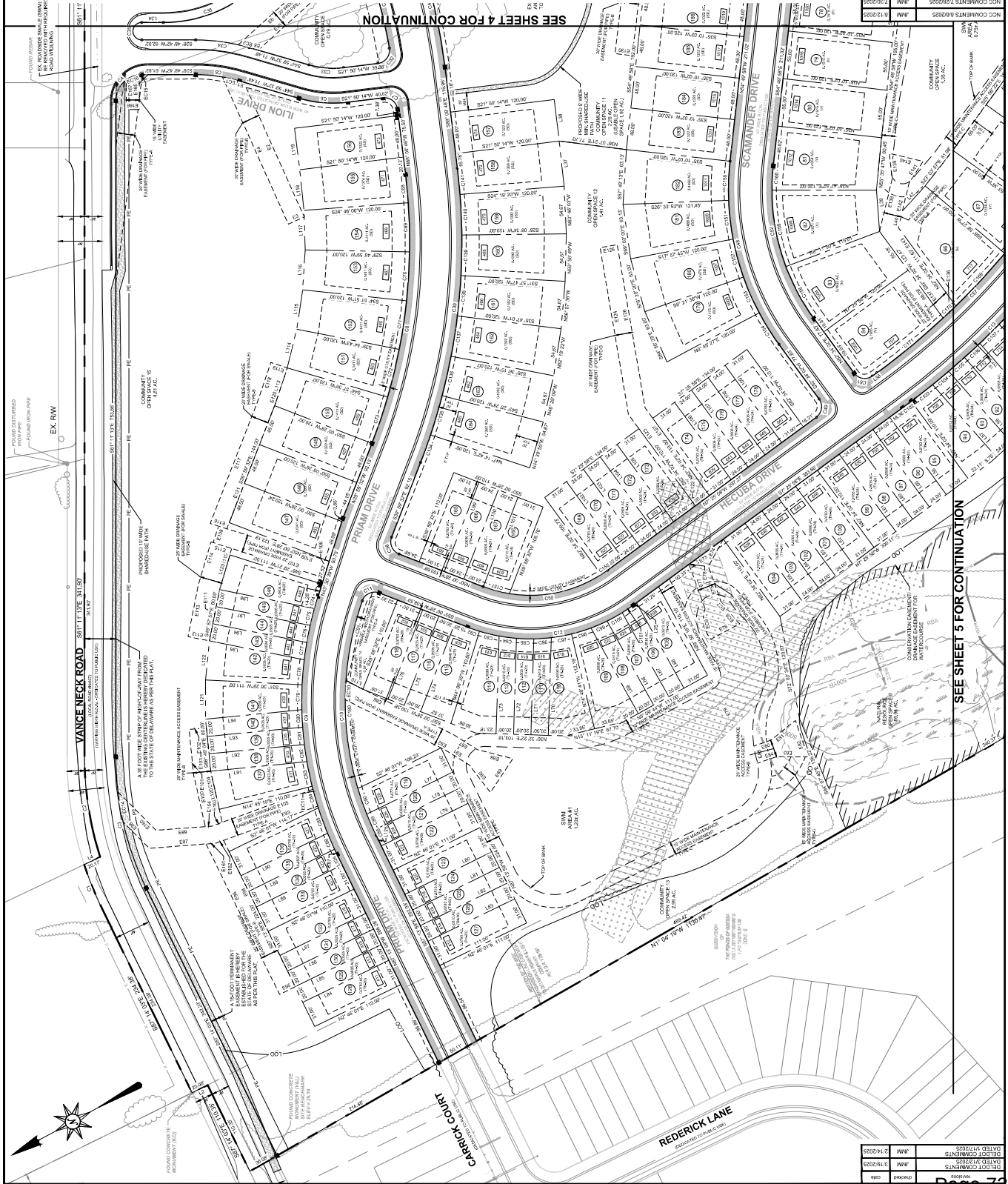


MONUMENT NOTE
MONUMENTS PROPOSED BY THE PLAN ARE TO BE STEEL REINFORCED CONCRETE OR 3" REBAR WITH 2" CAP AS APPROVED ON DILLOT HO-HAK OR CONCRETE MAY BE INSTALLED AS MAG SPIRES OR DRILL HOLES.

**RECORD
MAJOR LAND DEVELOPMENT PLAN
FOR
SILVER VIEW FARM**

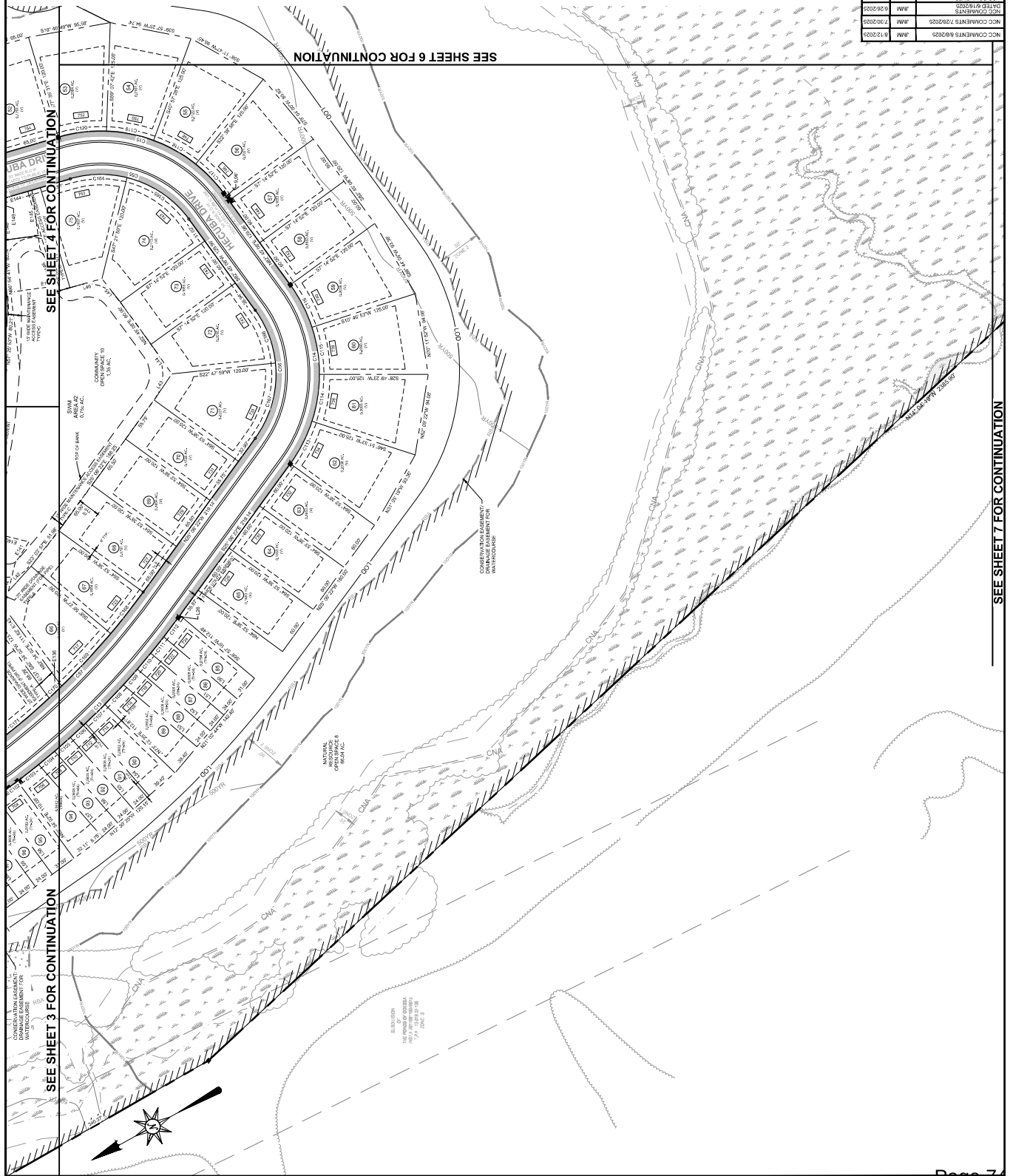
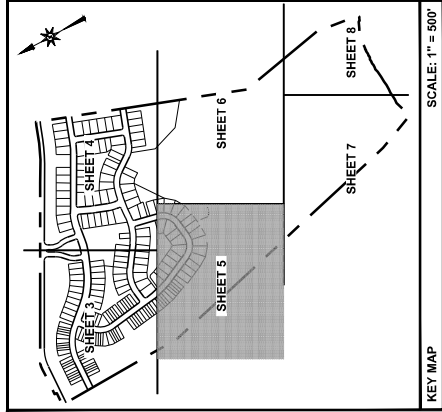
SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

	ATWELL ENGINEERING 17700 N. 10TH AVE. SUITE 200 DENVER, CO 80231 (303) 751-1000 www.atwell.com		SCALE: 1" = 500' DATE: 11/27/2024 SHEET: 3 OF 10 DRAWING NO.: 2144.02.403
	SURVEY BY: KARINS AND ASSOCIATES DESIGNED BY: D.S. DRAWN BY: F.D.S. CHECKED BY: J.M.		NCC COMMENTS 12/27/24 NCC COMMENTS 1/17/2025 NCC COMMENTS 4/10/2025 NCC COMMENTS 5/28/2025 NCC COMMENTS 7/30/2025 NCC COMMENTS 8/26/2025



SEE SHEET 5 FOR CONTINUATION

SEE SHEET 4 FOR CONTINUATION



RECORD MAJOR LAND DEVELOPMENT PLAN FOR **SILVER VIEW FARM** SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

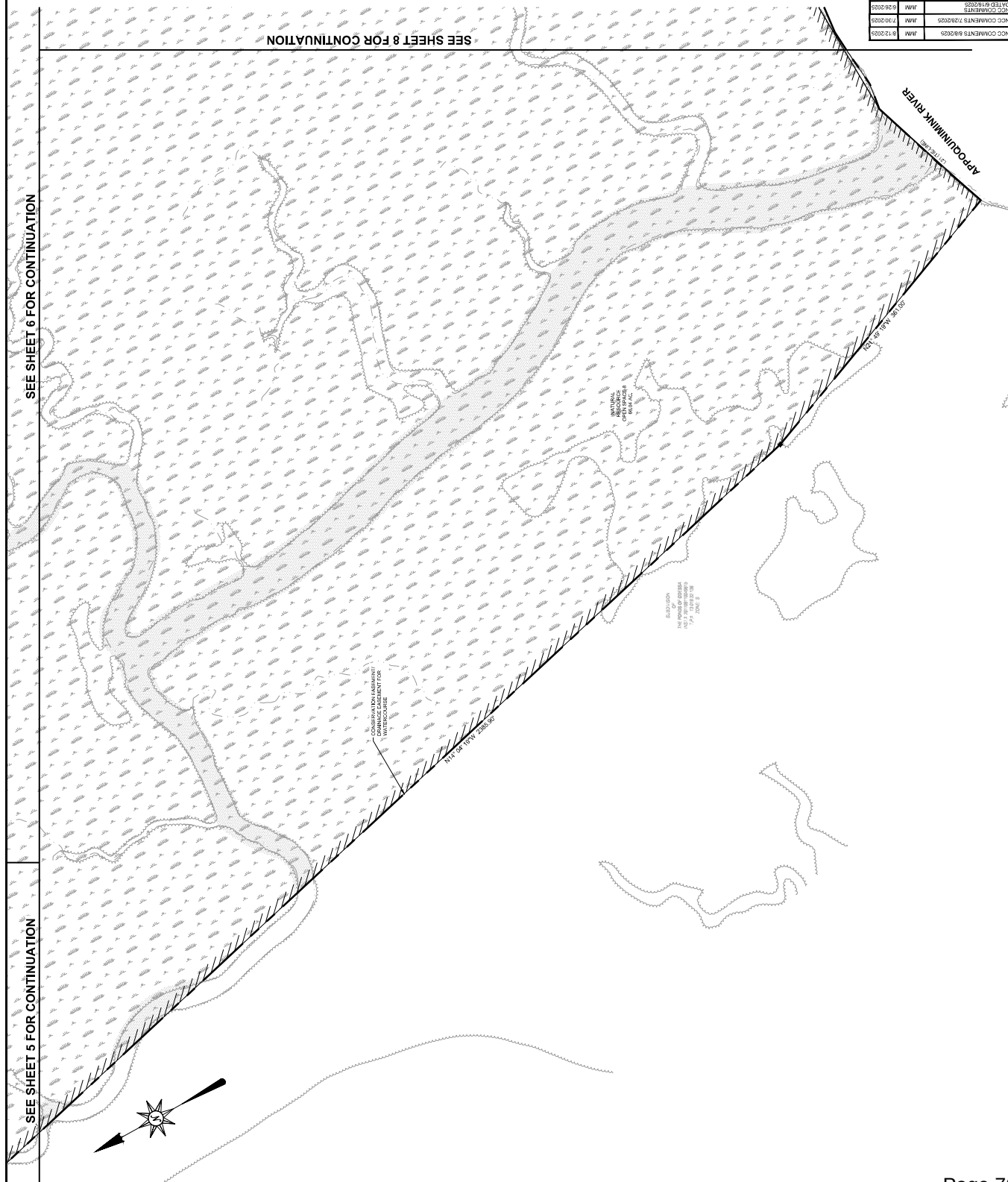


ATWELL
17 PAULI
NEWARK, DE 19711
TEL: 302.446.1111
WWW.ATWELL.COM
FAX: 302.446.1112
DELAWARE REG. NO. 10770

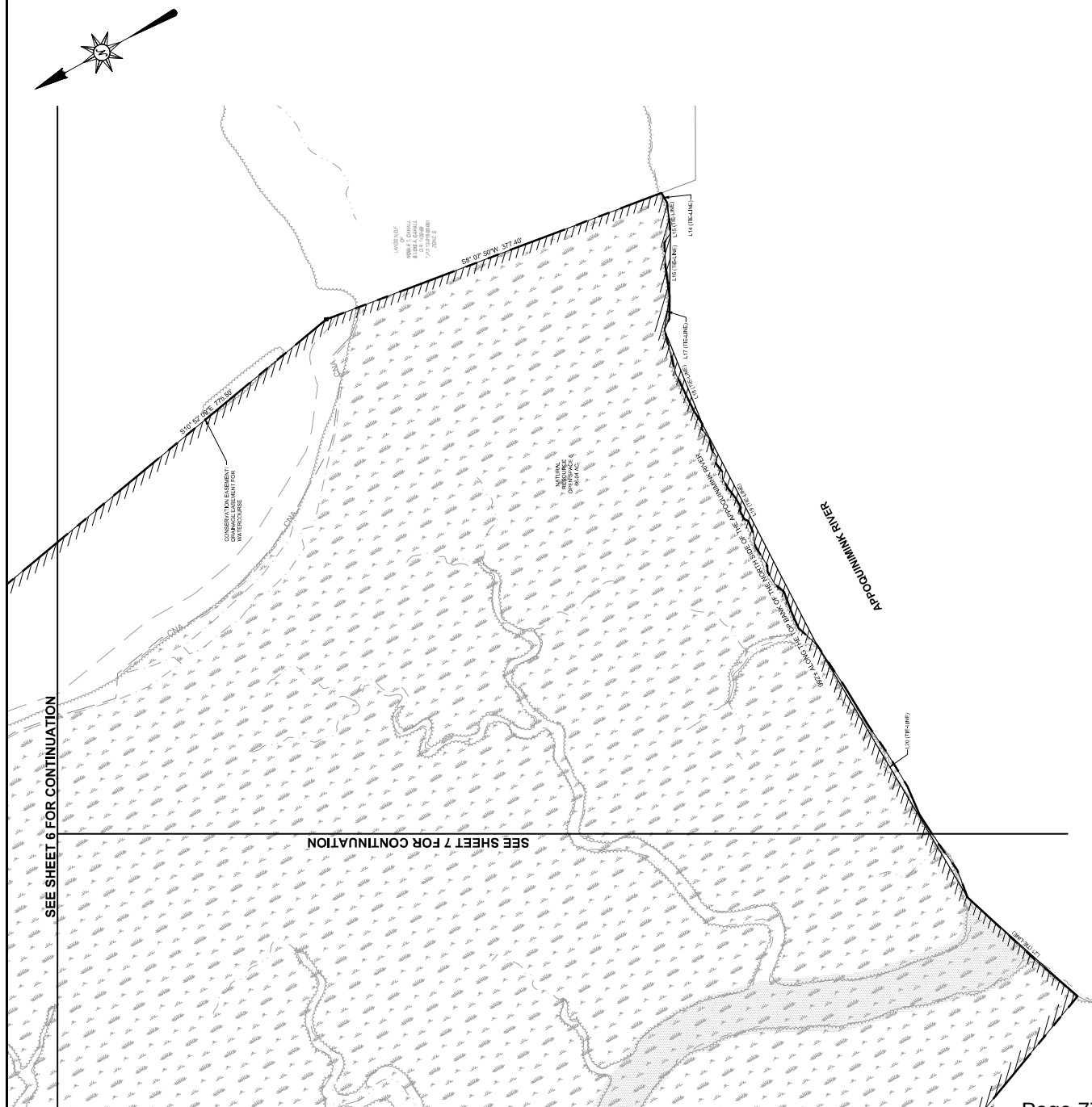
SURVEY BY: KARINS AND ASSOCIATES
DESIGNED BY: D.S.
DRAWN BY: F.D.S.
CHECKED BY: J.M.

SCALE: 1" = 50'
DATE: 1/27/2024
SHEET: 5 OF 10
DRAWING NO.: 244-02-005

NO.	DATE	DESCRIPTION
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100	1/27/2024	ISSUED FOR PERMIT



 ATWELL 17 RALLY DRAMADO CENTER, SUITE 201 30000 WILLOW CREEK RD SUITE 200-300 WILLOW CREEK, CO 80120 (303) 366-3666 www.atwell.com		PROJECT / ADDRESS 10000 WILLOW CREEK RD, SUITE 200 WILLOW CREEK, CO 80120		SCALE: 1" = 50' 	
DATE 11/17/2025		DRAWN BY JMM		DESIGNED BY JMM	
CHECKED BY JMM		SURVEY BY KANNING AND ASSOCIATES 1000 W. 10TH ST., SUITE 100 DENVER, CO 80202		CLIENT KANNING AND ASSOCIATES 1000 W. 10TH ST., SUITE 100 DENVER, CO 80202	
DATE 11/17/2025		DRAWN BY JMM		DESIGNED BY JMM	
CHECKED BY JMM		SURVEY BY KANNING AND ASSOCIATES 1000 W. 10TH ST., SUITE 100 DENVER, CO 80202		CLIENT KANNING AND ASSOCIATES 1000 W. 10TH ST., SUITE 100 DENVER, CO 80202	
DATE 11/17/2025		DRAWN BY JMM		DESIGNED BY JMM	
CHECKED BY JMM		SURVEY BY KANNING AND ASSOCIATES 1000 W. 10TH ST., SUITE 100 DENVER, CO 80202		CLIENT KANNING AND ASSOCIATES 1000 W. 10TH ST., SUITE 100 DENVER, CO 80202	

[illegible]

Curve #	Length	Delta	Curve Type	Chd Direction	Good Length
E01	18.00	24.14	9x50°E	N45° 12' E	20.13
E02	10.00	22.63	7x50°E	N45° 12' E	12.62
E03	15.00	22.73	8x45°E	N51° 42' E	16.99
E04	11.00	21.49	8x30°E	S33° 42' E	11.99
E05	13.00	20.00	7x15°E	S59° 47' E	14.00
E06	17.00	24.14	9x15°E	N45° 12' W	20.13
E07	12.00	21.43	7x15°E	N47° 45' W	14.15
E08	15.00	22.71	12x22°E	N45° 12' W	16.95
E09	15.00	22.71	12x22°E	N45° 12' W	16.95
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E58	15.00	22.71	12x22°E	N45° 12' W	16.95
E59	15.00	22.71	12x22°E	N45° 12' W	16.95
E60	15.00	22.71	12x22°E	N45° 12' W	16.95

[illegible]

Prime Sponsor(s): Mr. Tackett, Ms. Kilpatrick
Requested by: Department of Land Use
Date of introduction: October 28, 2025

ORDINANCE NO. 25-130

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 6 (“BUILDING CODE”) REGARDING ARTICLE 1 (“GENERAL”), ARTICLE 2 (“DEFINITIONS”), ARTICLE 3 (“ADMINISTRATION”), ARTICLE 4 (“BUILDING CODE”), ARTICLE 5 (“RESIDENTIAL CODE”), ARTICLE 9 (“EXISTING BUILDING CODE”), ARTICLE 10 (“ENERGY CONSERVATION CODE”), ARTICLE 11 (“SWIMMING POOL AND SPA CODE”), AND SCHEDULE OF PERMIT AND REVIEW FEES

1 **WHEREAS**, New Castle County is charged with ensuring the health, safety, and
2 welfare of the citizens of New Castle County by administering and enforcing the
3 regulations of the building industry; and
4

5 **WHEREAS**, by the adoption of this Ordinance, the New Castle County Executive
6 and County Council intend: (1) to update Chapter 6 of the *New Castle County Code*
7 consistent with the *International Building Code, 2024 edition*, *International Residential*
8 *Code, 2024 edition*, the *International Existing Building Code, 2024 edition*, the
9 *International Swimming Pool and Spa Code, 2024 edition*, and the *State Energy*
10 *Conservation Code* (also known as the *International Energy Conservation Code*) as may
11 be amended herein; and (2) to otherwise update, clarify, and strengthen the
12 administrative provisions of Chapter 6 of the *New Castle County Code*; and
13

14 **WHEREAS**, based on a comprehensive review of Chapter 6 of the *New Castle*
15 *County Code* by the professional staff in the New Castle County Department of Land Use
16 and comments by stakeholders, applicants and local experts in building code issues, New
17 Castle County has developed updated standards for buildings and structures and has
18 identified additional clarifications, corrections, improvements and changes necessary to
19 further administer and enforce the regulations of the building industry; and
20

21 **WHEREAS**, New Castle County Council finds that the provisions of this Ordinance
22 are rationally and reasonably related to, substantially advance, and are narrowly tailored
23 to achieve its goal of protecting and preserving legitimate government interests, including,
24 but not limited to, the protection and preservation of the public health, safety, prosperity,
25 general welfare, and quality of life.
26

27 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
28

29 Section 1. *New Castle County Code* Chapter 6 (“Building Code”), Article 1
30 (“General”), is hereby amended by adding the material that is underscored and deleting
31 the material that is stricken, as set forth below:
32

33 **ARTICLE 1. GENERAL.**

34 **Sec. 6.01.001. General.**

35
36 B. *Purpose...*

37
38 C. *Scope.* The provisions of this Chapter shall apply to the design, construction, quality
39 of materials, workmanship, ~~alternation~~alteration, movement, relocation, enlargement,
40 replacement, repair, equipment, use and occupancy, location, maintenance, removal and
41 demolition of all premises, buildings, swimming pools, spas, systems and structures. The
42 specific scope of the technical codes herein adopted and enforced, is as follows:

43
44 Section 2. *New Castle County Code* Chapter 6 ("Building Code"), Article 2
45 ("Definitions"), is hereby amended by adding the material that is underscored and deleting
46 the material that is stricken, as set forth below:

47
48 **ARTICLE 2. DEFINITIONS**

49
50 **Sec. 6.02.001. Definitions.**

51
52 The following words, terms, and phrases, when used in this Chapter shall have the
53 meaning ascribed...

54
55 *Building Code Official* means...

56
57 *Building contractor* means a person performing any construction activity which requires
58 the issuance of a building permit, including, but not limited to, the demolition or
59 construction of structures, including, but not limited to, the construction of pools, signs, or
60 new homes, or any ~~constructor~~contractor participating in the Department of Community
61 Services rehabilitation program.

62
63 *County* means ...

64
65 *Code Official* means...

66
67 *Construction and demolition waste* means lumber, roofing material, sheathing, rubble,
68 broken concrete, plaster and brick, conduit, pipe, wire, insulation and similar material
69 which results from a construction process which shall include packaging materials and
70 equipment used in the delivery or shipment of goods to or from the construction site.

71
72 *Contractor license* means...

73
74 *Person* means...

75
76 *Place of public accommodation* means any establishment which caters to or offers
77 goods or services or facilities to, or solicits patronage from, the general public. This

definition includes state agencies, local government agencies, and state-funded agencies performing public functions. This definition shall apply to hotels and motels catering to the transient public, but it shall not apply to the sale or rental of houses, housing units, apartments, rooming houses, or other dwellings, ~~not~~ to tourist homes with less than ten (10) rental units catering to the transient public.

Sanitary sewer contractor means...

Show cause hearing means an administrative hearing held by the Code Official where a person is afforded an opportunity to contest a violation and any penalty or action that has been asserted or will be asserted ~~again~~against such person.

Statewide Energy Conservation Code means...

Stop work order means...

Third party inspector means an individual, or business entity that whose employees are not employed by New Castle County, that provides County required inspections but with the express permission of the Code Official. ~~whose employees are not employed by New Castle County.~~

Third party plan reviewer means...

Section 3. *New Castle County Code* Chapter 6 ("Building Code"), Article 3 ("Administration"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

ARTICLE 3. ADMINISTRATION

Sec. 6.03.001. Requirements for a contractor license.

B. *Additional requirements for a licensed contractor to obtain a permit contractor endorsement.* Every business entity must be separately registered, bonded, and insured.

1. *Testing and licensure...*

2. *Surety bond.* All applicants shall ~~deliver~~provide to New Castle County a surety bond naming the County as the beneficiary and the contractor's business entity as the principal. The bond shall be issued by an A-rated surety company authorized to do business in the State of Delaware by the Delaware Insurance Department in accordance with the bond schedule set forth in the Appendix. The bond shall provide that the principal, and its surety or sureties, shall indemnify and hold harmless from any or all loss, damage, or expenses growing out of or in any way connected to the

execution of work done under and by virtue of the authority contained in said license, including the negligence of the principal, its agents, and employees. The bond shall also cover any and all costs or expenses relating to the enforcement of this Chapter including the repair, replacement, or correction of any works undertaken by said contractor and shall cover any unpaid administrative fees and fines relating to violations of this Chapter. Proceeds from the surety bond will be limited to costs associated with the remediation of code violations and will not include costs associated with the remediation of any work non-compliant with the New Home Minimum Warranty Standards contained in the Appendix that do not amount to code violations. Bond proceeds may be used to purchase a new home warranty or the equivalent thereof where the registered builder fails to provide one in violation of this Chapter. The surety bond shall be kept current for the entire license period.

3. *Insurance coverage requirements...*

C. *Limited contractor license.*

1. *Issuance...*

a. To allow....

b. To allow a licensed contractor who is seeking the re-issuance of a permit contractor endorsement that has been suspended or revoked, or the issuance of a permit contractor endorsement that has been denied, to secure a limited number of permits and certificates of occupancy approval for a specific period of time as stated in the limited contractor license. After the expiration of any suspension period and at such time the work that has been in substantial compliance with this Code, the applicant may re-apply for a permit contractor endorsement.

Sec. 06.03.012. Permits.

C. *Work exempt from permit...*

1. *Building, Residential and Swimming Pool and Spa.*

f. Replacement...

g. Fences, other than swimming pool barriers.

h. Retaining walls...

o. Flotation tank systems intended for sensory deprivation therapy...

p. Brick repointing.

q. Electric vehicle charging stations.

r. Flagpoles.

s. Refacing of existing signs provided no change is made to the dimensions.

2. *For one- and two-family dwellings only regulated by the Residential Code.* The following exemptions are in addition to work identified in Sec. 06.03.012.C.1.

e. Temporary modular ramps, constructed of light-frame materials...

f. Replacement of deck boards and railings.

g. Installation of rooftop solar panels for the purpose of producing electricity.

3. *Gas:...*

4. *Plumbing:*

c. The clearing of....

d. Sump pumps, or the replacement thereof.

D. *Emergency repairs...*

Sec. 6.03.018 Inspections.

A. *General...*

E. *Approval required...*

F. *Final inspection.* Upon completion of the building or structure, and before issuance of the certificate of ~~occupancy~~approval, a final inspection shall be made by a County employee duly authorized by the Code Official. A third party inspector may perform a final inspection only when express permission has been granted to do so by the Code Official. Failure to comply with approved plans shall result in additional inspection and review fees as set forth in the Appendix.

G. *Who is eligible to perform inspections required by the County...*

~~1. *Inspection agencies.* The Code Official is authorized to accept reports of approved inspection agencies on construction requiring a building permit, provided the Code Official, after sufficient investigation, determines that such agencies are qualified and reliable. Inspections must be conducted under the direct supervision of a design professional.~~

212
213 1. Third party inspection agencies. The Code Official is authorized to accept reports
214 from approved inspection agencies on construction requiring a building permit, provided
215 all the following are met:

- 216
217 a. The report is prepared by a design professional.
218
219 b. The inspection was conducted under the direct supervision of the design
220 professional.
221
222 c. The Code Official, after sufficient investigation, determines that the agency is
223 qualified and reliable.
224

225 2. *Design Professionals...*

226
227 H. *Third party inspections.*

228
229 1. *Regulations for third party inspections...*

- 230
231 a. General. Third party inspectors shall be responsible for inspecting the
232 construction to make sure that the building or structure conforms to New Castle
233 County Building Code and all other laws, rules, and regulations that apply to
234 the construction, installation, and modification of buildings and structures and
235 associated mechanical systems and plumbing. Completed inspection reports
236 and checklists for all required inspections must be approved by the Code
237 Official before a certificate of occupancy approval will be issued. In no case shall
238 a third party inspector perform a final inspection unless express permission has
239 been granted to do so by the Code Official.

- 240
241 b. *Conflict...*
242

243 Section 4. *New Castle County Code* Chapter 6 ("Building Code"), Article 4
244 ("Building Code"), is hereby amended by adding the material that is underscored and
245 deleting the material that is stricken, as set forth below:
246

247 **ARTICLE 4. BUILDING CODE**

248
249 **Sec. 6.04.001. Adoption of the International Building Code.**

250
251 That certain document, on file with the office of the Clerk of the County Council, being
252 marked and designated as the International Building Code, ~~2021~~2024 edition, as
253 published by the International Code Council, be and is hereby adopted as the Building
254 Code of New Castle. All the regulations, provisions, conditions, and terms of the
255 International Building Code, ~~2021~~2024 edition, and any supplements, referenced codes,
256 and standards, are hereby referred to, adopted and made part of this Chapter, as if fully

set out in this legislation, with the additions, insertions, deletions and changes prescribed in Sec. 6.04.002.

Sec. 6.04.002. Amendments to the International Building Code.

The following sections of the International Building Code, ~~2021~~2024 edition, are revised as follows. All code references including text and lines are based on the ~~2021~~2024 International Building Code, second printing: ~~September 2021~~August 2024. Note: Although the International Building Code does not identify sections with a “B” designation, such a designation is utilized to avoid any confusion as to which Code the amendment relates.

References to the International Fire Code, ~~2021~~2024 edition, as published by the International Code Council, are not specifically adopted. Provisions of the International Fire Code are addressed through the adoption of the National Fire Prevention Association (NFPA) Codes and Standards and the Delaware Fire Prevention Regulations as adopted by the Delaware State Fire Marshal’s Office.

CHAPTER 1. ADMINISTRATION...

CHAPTER 3. USE AND OCCUPANCY CLASSIFICATION

Section B305.2, Group E, Day care facilities, is amended in the ~~third~~first line by deleting the phrase “five children” and substituting the phrase “twelve children.”

Section B305.2.3, Five or fewer children in a dwelling unit, is amended in the title and the ~~third~~first line by deleting the word “Five” and substituting the word “Twelve”.

Section B308.5, Institutional Group I-4, day care facilities, is amended in the ~~third~~second line by deleting the phrase “persons” and substituting the phrase “adults or more than 12 children.”

Section B308.5.1, Classification as Group E, is amended in the ~~second~~first line by deleting the word “five” and substituting the word “twelve”.

Section B308.5.4, Five or fewer persons receiving care in a dwelling unit, is amended in the title and ~~third~~first line by deleting the phrase “Five or fewer persons” and substituting “More than five adults or more than twelve children of any age”.

Section B310.4, Residential Group R-3, is amended in the ~~eighth~~third line by deleting the word “persons” and substituting the phrase “adults or twelve or fewer children”.

Section B310.4.1, Care facilities within a dwelling, is amended in the ~~second~~first line by deleting the word “persons” and substituting the phrase “adults or twelve or fewer children” and ~~in the fourth, fifth and sixth lines~~ by deleting the phrase “an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of

the International Residential Code” and substituting the phrase “the following restrictions are met: (i) A license shall be obtained from the State of Delaware Department of Services of Children, Youth, and Their Families. All regulations of such Department shall be met; (ii) Rooms to be occupied by infants shall have a direct path of egress, on the same floor level, to the exterior of the house; (iii) Smoke alarms shall be installed in accordance with Section B907; (iv) Carbon monoxide detection shall be installed in accordance with Section B915.”

CHAPTER 4. SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY...

CHAPTER 9. FIRE PROTECTION SYSTEMS

Section B903.2.1.2...

Section B907.2.1, Group A, is amended in the ~~fifth, sixth, and seventh~~second and third lines by deleting the phrase “or where the Group A occupant load is more than 100 persons above or below the lowest level of exit discharge”.

CHAPTER 10. MEANS OF EGRESS

Section B1023.9, Stairway identification signs, is amended in the ~~third~~second line by deleting the word “three” and substituting the word “two.”

~~*Section B1025.1, General*, is amended in the second and third lines by deleting the phrase “high-rise buildings” and substituting the phrase “buildings having three (3) or more stories above or below the level of exit discharge” and in the third line by deleting the phrase “or R-1” and substituting the phrase “R-1 or R-2”.~~

CHAPTER 11. ACCESSIBILITY

~~*B1105.1.1, Automatic doors*~~*Power-operated door at public entrances*, is amended in the first line by deleting the phrase “facilities with the occupancies and building occupant loads greater than those indicated in Table 1105.1.1” and substituting the phrase “places of public accommodations as defined by this Chapter” and in the ~~fifth~~third line by adding the phrase “as in accordance with 6 Del. C. ch. 45 (“Equal accommodations”).” to the end of the first sentence.

Table B1105.1.1, Public entrance with power-operated door, is amended by deleting the table in its entirety.

CHAPTER 13. ENERGY EFFICIENCY...

CHAPTER 16. STRUCTURAL DESIGN

~~Section B1608.2, Ground snow loads~~, is amended to indicate the ground snow loads to be used in determining the design snow loads for roofs is 25 pounds per square foot.

~~Section B1612.2...~~

~~Section B1612.3, Established~~Establishment of flood hazard areas, is clarified to depict that the effective date of the most recent FIRM maps for New Castle County is January 22, 2020 and encompasses Map Number [0003C0025J10003C0035L through and including Map Number 40003C0475J10003C0437K and all revisions defined by FEMA FIRM maps.

~~Section B1612.3.2 Determination of impacts~~, is amended in the ~~sixth~~third line by deleting the phrase “1 foot (305 mm)” and substituting the phrase “0.1 foot”.

CHAPTER 18. SOILS AND FOUNDATIONS

~~Section 1803.5.2, Questionable soil and rock~~, is amended by adding the following sentence to the end of the section: “All applications in subsidence areas shall include a report, prepared by a professional geologist or a professional geotechnical engineer registered in the State of Delaware, evaluating the vulnerability of the subsurface (sinkholes).”

~~Section B1805.4.3...~~

CHAPTER 22. STEEL

~~Section B2205.1B2202.1, General~~, is amended by adding the following sentence at the beginning of the paragraph: “The structural engineer of record shall be responsible for the design and adequacy of all structural steel, including connections.”

CHAPTER 23. WOOD...

~~CHAPTER 24. GLASS AND GLAZING~~

~~Section B2403.1, Identification~~, is amended by adding the following sentence to the end of the subsection: “Glass that is not labeled shall be assumed to be annealed or plate glass.”

CHAPTER 27. ELECTRICAL

~~Section B2702.1.4, Load transfer~~, is amended in the ~~fifth~~third line by deleting the number “60” and substituting the number “10”.

CHAPTER 30. ELEVATORS AND CONVEYING SYSTEMS

~~Chapter 30, Elevators and conveying systems, is amended by adding the following section and subsections: Section B3009, Private Residence Elevators, is amended by deleting the text in its entirety and replacing it with the following:~~

~~Section B3009, Certificate of Compliance...~~

CHAPTER 31. SPECIAL CONSTRUCTION...

CHAPTER 32. ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY...

CHAPTER 33. SAFEGUARDS DURING CONSTRUCTION

~~Section B3302.5, Handling and storage of construction and demolition waste, trash, and litter. During all construction activities, the lot(s) shall be kept neat of trash and building materials. All construction sites shall be required to obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction and demolition waste created or accumulated on the site, which might be blown from the site. All such construction refuse shall be maintained in a closed container, or a container of sufficient depth to prevent construction and demolition waste from blowing out of the container, at all times, until transferred to a landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists and thereby create traffic hazards. [H]It shall be a violation to permit accumulated debris, litter, or trash attributable to the construction site and the construction activity to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, [øf]or in transit to a landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over- flowing.~~

~~Section 5. New Castle County Code Chapter 6 ("Building Code"), Article 5 ("Residential Code"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.~~

ARTICLE 5. RESIDENTIAL CODE

Sec. 6.05.001. Adoption of the International Residential Code

~~That certain document, on file with the office of the Clerk of the County Council, being marked and designated as the International Residential Code, 20212024 edition, including Appendices AEB A and AJB O, as published by the International Code Council, be and is hereby adopted as the Residential Code of New Castle County. All the regulations, provisions, conditions, and terms of the International Residential Code, 20212024 edition, and any supplements, referenced codes, and standards, are hereby referred to, adopted and made part of this Chapter, as if fully set out in this legislation, with the additions, insertions, deletions and changes prescribed in Sec. 6.05.002.~~

Sec. 6.05.002. Amendments to the International Residential Code.

The following sections of the International Residential Code, ~~2021~~2024 edition, are revised as follows. All code references including text and lines are based on the ~~2021~~2024 International Residential Code, second printing: ~~November 2021~~October 2024. ~~Note: Although the International Residential Code does not identify sections with a “R” designation, such a designation is utilized to avoid any confusion as to which Code the amendment relates.~~

References to the International Fire Code, ~~2021~~2024 edition, as published by the International Code Council, are not specifically adopted. Provisions of the International Fire Code are addressed through the adoption of the National Fire Prevention Association (NFPA) Codes and Standards and the Delaware Fire Prevention Regulations as adopted by the Delaware State Fire Marshal’s Office.

CHAPTER 3. BUILDING PLANNING

Table R301.2(1), Climatic and Geographic Design Criteria, is filled in as follows:

GROUND SNOW LOAD ^a	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp
	Speed ^d (mph)	Topographic effects ^k	Special wind region ^l	Wind-borne debris zone ^j		Weathering ^a	Frost line depth ^b	Termite ^c				
25 lbs./sq.ft.	115 mph	No	No	No	B	Severe	32"	Yes	No	10/05/2000 <u>2/04/2015</u> <u>22/2020</u>	596	54°F
MANUAL J DESIGN CRITERIA												
Elevation	Altitude correction factor ^e	Coincident wet bulb		Indoor winter design dry-bulb temperature		Indoor winter design dry-bulb temperature		Outdoor winter design dry-bulb temperature		Heating temperature difference		
79 ft	1.0	74		72		72		16		56°F		
Latitude	Daily range	Indoor summer design relative humidity		Summer design gains		Indoor summer design dry- bulb temperature		Outdoor summer design dry- bulb temperature		Cooling temperature difference		
40o	M	50%		38		75		89		14		

Table R301.2(1), Flood hazards, is clarified to depict that the effective date of the most recent FIRM maps for New Castle County is January 22, 2020 and encompasses Map Number ~~40003C0025J~~10003C0035L through and including Map Number ~~40003C0475J~~10003C0437K and all revisions defined by FEMA FIRM maps.

Figure R301.2(6), Ground snow loads for the United States...

Section R302.1, Exterior walls, Exception Number 3, is amended in the first line by adding the word “garages,” after the word “detached” and in the ~~second~~first line by

deleting “exempted from permit” and inserting “that have a fire separation distance of 3 feet or more.”

Table R302.3.6, Dwelling-shared accessory room separation, is amended in the second column of the second row by adding the phrase “two layers of” before the number “5/8.”

Table R302.3.6, Dwelling-shared accessory room separation, is amended in the second column of the third row by deleting “1/2-inch” and substituting the phrase, “two layers of 5/8-inch Type X”.

~~Section R305.1, Minimum height~~, is amended in the first and second lines by deleting the phrase “and portions of basements containing these spaces.”

~~Section R305.1.1, Basements~~, is amended in the first line by deleting the phrases “Portions of” and “do not.”

~~Section R322.1.4.2~~R306.1.4.2, Determination of impacts, is amended in the ninth line by deleting the phrase “1 foot (305 mm)” and substituting the phrase “0.1 foot”.

~~Section R322.2.1~~R306.2.1, Elevation requirements, Number 1, is amended in the ~~third~~second line by adding the phrase “or crawlspace” after the word “floors” and in the ~~fourth~~second line by deleting the phrase “1 foot (305 mm)” and substituting “18 inches (457 mm).”

~~Section R322.2.1~~R306.2.1, Elevation requirements, Number 2, is amended in the ~~sixth~~second line by deleting the phrase “1 foot (305 mm)” and substituting “18 inches (457 mm).”

~~Section R322.2.1~~R306.2.1, Elevation requirements, Number 3, is amended in the ~~third~~first line by deleting the phrase “1 foot (305 mm)” and substituting “18 inches (457 mm).”

~~Section R313.1~~R309.1, Townhouse automatic fire sprinkler systems, is amended in the second line by deleting the word “shall” and substituting the word “may.”

~~Section R313.1~~R309.1, Townhouse automatic fire sprinkler system, Exception, is amended by deleting the exception in its entirety.

~~Section R313.1.1~~R309.1.1, Design and installation, is amended in the third line by deleting the phrase “Section P2904 or”.

~~Section R313.2~~R309.2, One- and two-family dwellings automatic fire sprinkler systems, is amended in the second line by deleting the word “shall” and substituting the word “may.”

511 *Section ~~R313.2~~R309.2, One- and two-family dwellings automatic fire sprinkler systems,*
512 *is amended by deleting the exception in its entirety.*

513
514 *Section ~~R313.2.1~~R309.2.1, Design and installation,* is amended in the third line by
515 deleting the phrase "Section P2904 or".

516
517 *Section ~~R313.3~~R309.3, Permanent model home automatic fire sprinkler systems.* An
518 operative automatic fire sprinkler system shall be installed in all new permanent model
519 homes for which a building permit is submitted on or after July 1, 2025.

520
521 *Exception:* An automatic fire sprinkler system shall not be required where additions
522 or alterations are made to an existing permanent model home that does not have
523 an automatic fire sprinkler system installed.

524
525 *Section ~~R313.3.1~~R309.3.1, Design and installation.* An automatic fire sprinkler
526 system for a permanent model home shall be designed and installed in accordance
527 with NFPA 13D.

528
529 *Section ~~R313.3.2~~R309.3.2, Assessment.* The Department of Land Use shall issue
530 a report to County Council and the County Executive within 18 months after the
531 effective date of this Section, reviewing variables such as the number of installation
532 requests for fire sprinkler systems, efforts to promote sprinkler systems, costs of
533 installation, ongoing monthly/quarterly/annual costs such as water bills and annual
534 inspection, as well as related data which provides insight into the viability of
535 automatic fire sprinkler systems and expansion thereof.

536
537 *Section ~~R309.1~~R317.1, Floor surface,* is amended by deleting the second sentence and
538 substituting the following: "That area of the floor used for parking automobiles or other
539 vehicles shall have a four (4) inch step between the garage and the living space and
540 shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle
541 entry doorway."

542
543 *Section ~~R311.7.5.1~~R318.7.5.1, Risers, Exception,* is amended by adding the following
544 as exception number three:

- 545
546 3. Where the bottom or top riser adjoins a sloping public way, walkway or
547 driveway having an established grade and serving as a landing, the bottom or
548 top riser is permitted to be reduced along the slope to less than 4 inches (102
549 mm) in height with the variation in height of the bottom or top riser not to exceed
550 one unit vertical in 12 units horizontal (8-percent slope) of stairway width.

551
552 *Section ~~R310.7~~R319.7, Alterations or repairs of existing basements,* is amended in the
553 ~~second~~first line by adding the phrase "and ~~alternations~~alterations" after the word
554 "rooms" and in the ~~fourth~~second and ~~fifth~~third lines by deleting the phrase "Other than
555 sleeping rooms, w" and substituting "W" and by deleting the phrase "alterations or".

~~Section R322.3.2, Elevation requirements, Number 1, is amended in the seventh line by deleting the phrase “1 foot (305 mm)” and substituting the phrase “18 inches (457 mm).”~~

~~Section R322.3.2, Elevation requirements, Number 5, is amended in the second line by adding the phrase “not to exceed 20 cubic yards on a single lot,” after the word “fill,”.~~

~~Section R303.4~~R325.3, *Mechanical ventilation*, is amended by deleting the subsection in its entirety.

~~Section R303.11~~R325.9, *Prohibited connections*, is added as a new subsection as follows:

~~Section R303.11~~R325.9, *Prohibited connections*. It shall be unlawful for any person to connect sump pump, French drains, area drainage, storm drainage, roof drainage, swimming pool drainage, condensate pump drainage, or drainage from any device directly or indirectly into any public or private sewer, except when such a connection has been specifically authorized in writing by the General Manager of Public Works.

Exception: Heater condensate drains connected into the sanitary sewer system for slab-on-grade foundation or total crawl space dwellings. The connection of this drain shall be upstream of a trap to block the backflow of any sewer gases into the dwelling.

~~Section R329.2~~R331.2, *Installation*, is amended in the ~~fourth~~second line by deleting the phrase “Chapters 34 through 43” and substituting the phrase “the Statewide Fuel Gas Code”.

~~Section R331.1~~R333, *Construction Sanitation*, is added as a new section as follows:

Section ~~R331.1~~R333, *Construction sanitation*.

~~Section R331.1~~R333.1, *Facilities Required*. Sanitary facilities shall be provided during construction, remodeling or demolition activities in accordance with the Statewide Plumbing Code.

~~Section R331.2~~R333.2, *Storage of construction and demolition waste*. Construction and demolition waste may be stored upon the land where actual construction or demolition is in progress; provided, however, that such waste shall not be stored for a period exceeding ninety (90) days and all other waste not stored in a dumpster shall not be stored for periods exceeding thirty (30) days.

~~Section R331.3~~R333.3, *Handling and storage of construction and demolition waste, trash, and litter*. During all construction activities, the lot(s) shall be kept neat of trash and building materials. All construction sites shall be required to

obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction and demolition waste created or accumulated on the site, which might be blown from the site. All such construction refuse shall be maintained in a closed container, or a container of sufficient depth to prevent construction and demolition waste from blowing out of the container, at all times, until transferred to a landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists and thereby create traffic hazards. It shall be a violation to permit accumulated debris, litter, or trash attributable to the construction site and the construction activity to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or in transit to a landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

Section ~~R331.4~~R333.4, Final Inspection. A final clean-up is required, including the removal of all building debris, stumps, portable toilets, etc. within five (5) days after the final inspection on that parcel.

Exception: Stumps located outside of the limit of disturbance that are not required to be removed by any plan approved by the Department are not subject to this section.

Section ~~R331.5~~R333.5, Enforcement. Any person who fails to comply with the requirements found in this Section shall be subject to the penalty and enforcement provisions provided in this Chapter.

CHAPTER 4. FOUNDATION

R403.1.1, Minimum size, is amended in the ~~fifth~~second and third line by deleting the phrase “6 inches (152 mm)” and substituting the phrase “8 inches (203 mm)”.

Section R405.2.3, Drainage system, is amended in the ~~fifth and sixth lines~~third line by deleting the phrase “below the bottom of the basement floor” and substituting the phrase “in depth.”

Section R407.3, Structural requirements, is amended in the ~~second~~first line by adding the phrase “at the top and” after the word “displacement”.

APPENDIX A EBA. MANUFACTURED HOUSING USED AS DWELLINGS

Appendix A EBA. Manufactured housing used as dwellings, is adopted with the following modifications: Subsection AEBA102.5, section AEBA104 through and including section AEBA112 and section AEBA117 are hereby deleted.

APPENDIX A JBO. EXISTING BUILDINGS AND STRUCTURES

649 *Appendix A**JBO*. *Existing building and structures*, is adopted in its entirety.

650
651 Section 6. *New Castle County Code* Chapter 6 (“Building Code”), Article 9
652 (“Existing Building Code”), is hereby amended by adding the material that is underscored
653 and deleting the material that is stricken, as set forth below:

654 655 **ARTICLE 9. EXISTING BUILDING CODE**

656 657 **Sec. 6.09.001. Adoption of the International Existing Building Code.**

658
659 That certain document, on file with the office of the Clerk of the County Council, being
660 marked and designated as the International Existing Building Code, 2021~~2024~~ edition,
661 including Appendix A and Appendix B, as published by the International Code Council,
662 be and is hereby adopted as the Existing Building Code of New Castle County. All
663 regulations, provisions, conditions, and terms of the International Existing Building Code,
664 2021~~2024~~ edition, and any supplements, referenced codes, and standards, are hereby
665 referred to, adopted and made part of this Chapter, as if fully set out in this legislation,
666 with the additions, insertions, deletions and changes prescribed in Sec. 6.09.002.

667 668 **Sec. 6.09.002. Amendments to the International Existing Building Code.**

669
670 The following sections of the International Existing Building Code, 2021~~2024~~ edition,
671 are revised as follows. All code references including text and lines are based on the
672 2021~~2024~~ International Existing Building Code, first printing: ~~December 2020~~August
673 2023. Note: Although the *International Existing Building Code* does not identify sections
674 with an “E” designation, such a designation is utilized to avoid any confusion as to what
675 Code the amendment relates.

676
677 Section 7. *New Castle County Code* Chapter 6 (“Building Code”), Article 10
678 (“Energy Conservation Code”), is hereby amended by adding the material that is
679 underscored and deleting the material that is stricken, as set forth below:

680 681 **ARTICLE 10. ENERGY CONSERVATION CODE**

682 683 **Sec. 6.10.001. Enforcement of the Statewide Energy Conservation Code**

684
685 Pursuant to 16 *Del. C.* ch. 76...

686
687 Note: New Castle County enforces the provisions of 16 *Del. C.* ch. 80 (“Residential
688 Dwelling Electric Vehicle Charging Infrastructure”). New Castle County also enforces the
689 provisions of 16 *Del. C.* ch. 76 (“County or Municipal Building, Plumbing, Electrical and
690 Other Codes”), including section § 7605 (“Solar-ready zone”).

691 692 ~~**Sec. 6.10.002. Amendments of the Statewide Energy Conservation Code.**~~

693 ~~The following sections of the International Energy Conservation Code, 2018 Edition,~~
694 ~~(IECC) are revised as follows. All code references including text and lines are based on~~

the 2018 International Energy Conservation Code, fifth printing: November 2021. Note: Although the IECC does not identify sections with the designations that follow, to avoid any confusion, commercial provisions are provided with a “C” designation and residential provisions are provided with an “R” designation.

IECC—COMMERCIAL PROVISIONS

CHAPTER 2. DEFINITIONS

Section C202, General definitions, is amended by adding the following:

~~*Electric Vehicle (EV).* An automotive-type vehicle for on-road use such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.~~

~~*Electric Vehicle Support Equipment (EVSE).* The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.~~

~~*Electric Vehicle Supply Equipment Space (EVSE Space).* A designated parking space with dedicated electric vehicle supply equipment, installed as required under the currently adopted electrical code in the State of Delaware, and capable of charging an electric vehicle located within five (5) feet of the parking space,~~

~~*EV-Capable Parking Space.* A designated parking space that can be converted to an EVSE Space and is subject to the following requirements, unless otherwise required under the currently adopted electrical code of the State of Delaware:~~

- ~~1. The conduit shall be continuous between a junction box or receptacle located within five (5) feet of the parking space and an electrical panel serving the area of the parking space. The junction box or receptacle must be conspicuously marked and identified as “For electric vehicle charging”.~~
- ~~2. The conduit shall be sized and rated to accommodate a branch circuit of sufficient size to the future electrical charging facility.~~

3. ~~The electrical panel shall reserve sufficient dedicated physical space for the breaker required to supply the future electrical charging facility and shall be identified as "For electric vehicle charging".~~

~~CHAPTER 4. COMMERCIAL ENERGY EFFICIENCY~~

~~Section C401, General, is amended by adding the following subsection:~~

~~*C401.3, Electric Vehicle charging infrastructure.* Electric infrastructure for the current and future charging of electric vehicles shall be installed in accordance with this section and the most recently adopted electrical code in the State of Delaware. Parking spaces intended for electric vehicle charging shall be in accordance with the Unified Development Code. This chapter shall apply to Group R-2 occupancies for which a building permit is submitted for on or after July 1, 2022.~~

~~*C401.3.1, Residential occupancies.* Parking facilities serving Group R-2 occupancies shall comply with Section C401.3.1.1.~~

~~*C401.3.1.1, Parking spaces provided.* For all Group R-2 occupancies, ten percent (10%) of the total available designated parking spaces must be EV-capable parking spaces. The calculations for the required number of spaces must be rounded up to the nearest whole number. There shall be a minimum of two EV-capable parking spaces, one of which shall be designated as a handicap accessible parking space. All handicapped-accessible parking spaces must be in accordance with The Americans with Disabilities Act, as shall all EV charging stations when present.~~

~~*C403.3.2, Construction documents.* Construction documents must indicate the location of all proposed electric vehicle parking spaces.~~

~~IECC — RESIDENTIAL PROVISIONS~~

~~CHAPTER 2. DEFINITIONS~~

~~Section R202, General definitions, is amended by adding the following:~~

~~*Electric Vehicle (EV).* An automotive type vehicle for on-road use such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Plug-in hybrid electric vehicles are electric vehicles having a second source of motive power. Off-road, self-propelled electric mobile equipment, such as industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.~~

~~*Electric Vehicle Support Equipment (EVSE).* The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.~~

~~*Electric Vehicle Supply Equipment Space (EVSE Space).* A designated parking space with dedicated electric vehicle supply equipment, installed as required under the currently adopted electrical code in the State of Delaware, and capable of charging an electric vehicle located within five (5) feet of the parking space,~~

~~*EV-Capable Parking Space.* A designated parking space that can be converted to an EVSE Space and is subject to the following requirements, unless otherwise required under the currently adopted electrical code of the State of Delaware:~~

- ~~1. The conduit shall be continuous between a junction box or receptacle located within five (5) feet of the parking space and an electrical panel serving the area of the parking space. The junction box or receptacle must be conspicuously marked and identified as "For electric vehicle charging".~~
- ~~2. The conduit shall be sized and rated to accommodate a branch circuit of sufficient size to the future electrical charging facility.~~
- ~~3. The electrical panel shall reserve sufficient dedicated physical space for the breaker required to supply the future electrical charging facility and shall be identified as "For electric vehicle charging".~~

~~*EV-Ready Parking Space.* A designated parking space that meets the requirements for an EV-capable parking space and includes a designated electrical outlet that complies with currently adopted electrical code of the State of Delaware.~~

~~CHAPTER 4. RESIDENTIAL ENERGY EFFICIENCY~~

~~Section R401, General, is amended by adding the following subsection:~~

~~*R401.4, Electric Vehicle charging infrastructure.* Electric infrastructure for the current and future charging of electric vehicles shall be installed in accordance with this section and the most recently adopted electrical code in the State of Delaware. Parking spaces intended for electric vehicle charging shall be in accordance with the Unified Development Code. This chapter shall apply to one- and two- family dwellings and townhouses for which a building permit is submitted for on or after July 1, 2022.~~

~~*R401.5, Building and Parking Requirements.*~~

~~R401.5.1., Garages and off-street parking.~~

~~R401.5.1.1. Where a one- and two-family dwelling or townhouse includes an attached or detached garage and the electrical panel is not located in the garage, the EV-capable parking space must be located in the attached or detached garage.~~

~~R401.5.1.2. Where a one- and two-family dwelling or townhouse does not include an attached or detached garage, an EV-capable parking space must be provided in the driveway, where applicable, or at a dedicated parking space designated for the dwelling or townhouse, and the EV-capable parking space infrastructure must be sealed and labeled for future use. All dedicated parking spaces shall be in accordance with the Unified Development Code.~~

~~R401.5.2, EV-capable parking space upgrade. Where one- and two-family dwelling or townhouse is being constructed for a specific buyer, the developer shall offer the buyer the option of upgrading the EV-capable parking space to an EV-ready parking space and ensuring that the EV-ready parking space provides access to discounted Plug-In Vehicle (PIV) electricity rates, where available.~~

~~APPENDIX CA. SOLAR-READY ZONE — COMMERCIAL~~

~~Appendix CA. Solar-Ready Zone — Commercial, is adopted with the following modifications:~~

~~Section CA101.1, General, is amended by deleting it in its entirety and substituting the following:~~

~~Section CA101.1, General. These provisions shall be applicable for new construction of commercial buildings in New Castle County for which a building permit has been submitted to the Department of Land Use on or after January 1, 2023 and which have a foundation footprint of 50,000 square feet or more.~~

~~Section CA103.1, General, is amended in the second line by deleting the phrase “are five stories or less in height above grade plane, and are oriented between 110 degrees and 270 degrees of true north or have low-slope roofs. Solar-ready zones shall comply with Sections CB103.2 through CB103.9.” and substituting the phrase and sentence “have low-sloped roofs. Solar-ready zones shall comply with Sections CA103.2 through CA103.8.”~~

~~Section CA103.1, General, Exception #1, is amended by adding the phrase “or where a vegetative “green” roof is proposed, installed and maintained for 60 percent or more of total rooftop area” after the word “system”.~~

~~Section CA103.1, General, Exception #2, is amended by deleting it in its entirety.~~

~~Section CA103.1, General, Exception #3, is amended by renumbering it to Exception #2 and adding the phrase “due to significant shade (shaded more than 70 percent of daylight hours) after the word “zone”.~~

~~Section CA103.1, General, Exception #4, is amended by renumbering it to Exception #3.~~

~~Section CA103.2, Construction document requirements for a solar-ready zone, is amended by adding the following sentence to the end of the subsection “The presence of a solar-ready zone does not relieve the requirement for a roof structural evaluation before a future installation of a solar photovoltaic or solar thermal system.”~~

~~Section CA103.3, Solar-ready zone area, is amended in the fifth and sixth lines by deleting the phrase “as required by The International Fire Code”.~~

~~Section CA103.4, Obstructions, is amended by adding the following sentence to the end of the subsection “Solar-ready zones maybe relocated to allow future installation of roof equipment as long as the 40 percent minimum allocation is maintained.”~~

~~Section CA103.6, Interconnection pathway, is amended in the second line by adding the phrase “, raceway” after the word “conduit” and in the third line by adding the phrase “reserved space for” before the words “electrical service”.~~

~~Section CA103.7, Electrical service reserved space, is amended by deleting the subsection in its entirety and substituting the following: “The main electrical service panel shall have a reserved space labeled “For Future Solar Electric”, or if a licensed design professional certifies that additional or alternative space is needed for the placement of equipment necessary for the installation of a solar electric system, space shall be reserved either on the interior or exterior wall proximate to the main electrical service panel or on a prepared exterior pad site in close proximity to the electrical service panel. Any such space shall be labeled “For Future Solar Electric” in a conspicuous manner.~~

Section 8. *New Castle County Code* Chapter 6 (“Building Code”), Article 11 (“Swimming Pool and Spa Code”), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

ARTICLE 11. SWIMMING POOL AND SPA CODE

Sec. 6.11.001. Adoption of the International Swimming Pool and Spa Code.

That certain document, on file with the office of the Clerk of the County Council, being marked and designated as the International Swimming Pool and Spa Code, 2024~~2024~~ edition, as published by the International Code Council, be and is hereby adopted as the Swimming Pool and Spa Code of New Castle County. All regulations, provisions, conditions, and terms of the International Swimming Pool and Spa Code, 2024~~2024~~ edition, and any supplements, referenced codes, and standards, are hereby referred to, adopted and made part of this Chapter, as if fully set out in this legislation, with the additions, insertions, deletions and changes prescribed in Sec. 6.11.002.

Sec. 6.11.002. Amendments to the International Swimming Pool and Spa Code.

The following sections of the International Swimming Pool and Spa Code, 2024~~2024~~ edition, are revised as follows. All code references including text and lines are based on the 2024~~2024~~ International Swimming Pool and Spa Code, second printing: ~~June~~ 2024~~August~~ 2024. Note: Although the International Swimming Pool and Spa Code does not identify sections with an “SP” designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates.

CHAPTER 3. GENERAL COMPLIANCE

~~Section SP302.1 through and including Section SP321.4, are amended by deleting all references to the phrase “Section 102.7.1” and substituting “this Chapter”.~~

Section SP305.4, Structure wall as barrier, is amended in the ~~fourth~~second line by deleting the phrase “one of.”

Section SP305.4, Structure wall as barrier...

Section 9. *New Castle County Code* Chapter 6 (“Building Code”), Schedule of Permit and Review Fees, is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

SCHEDULE OF PERMIT AND REVIEW FEES

Building Permit

Valuation fee:

For the first \$1,000 valuation or any part thereof up to \$1,000,000.....\$12.00

For each additional \$1,000 valuation in excess of \$1,000,000.....\$5.25

Minimum fee.....\$60.00

Zoning review fee: 10% of permit valuation fee

Minimum fee.....\$21.00

Maximum fee.....\$145.00

Certificate of Occupancy fee:.....\$60.00

NCC Volunteer Fire Assistance Fund fee: 0.50% of permit valuation fee

Permit extension

Application fee...

Expired permit fine

Per offense~~\$25.00~~\$100.00

Section 10. Certain documents on file in the office of the Clerk of County Council, being marked and designated as the *International Building Code, 2024 edition, International Residential Code, 2024 edition, International Mechanical Code, 2021 edition, International Plumbing Code, 2021 edition, International Fuel Gas Code, 2021 edition, International Existing Building Code, 2024 edition, International Swimming Pool and Spa Code, 2024 edition, and International Energy Conservation Code, 2018 edition*, all published by the International Code Council, are hereby adopted as the Building Code of New Castle County for the control of buildings and structures as provided in this Chapter. All the sections, conditions and terms of the above referenced International Codes are hereby referred to, adopted and made a part of this Chapter as if fully set out in this section, with the additions, insertions, deletions, and changes prescribed in this ordinance.

Section 11. Inconsistent ordinances and resolutions repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed upon the effective date of this Ordinance.

Section 12. Effective date of the provisions of the Ordinance. The provisions of this Ordinance shall become effective on January 1, 2026.

Section 13. Continuation of existing ordinances and resolutions. The sections appearing in this Ordinance, so far as they are in substance the same as those ordinances and resolutions adopted and included in the *New Castle County Code*, shall be considered as continuations thereof and not as new enactments.

Section 14. Continuation of existing institutions, rights, and liabilities. The revisions of prior ordinances, resolutions, rules and regulations, provided for in this Ordinance, shall not affect any act done, or any cause of action accruing or accrued or established, or any suit or proceeding had or commenced in any civil action, nor any plea, defense, bar or matter existing before the time when such revisions shall take effect; but the proceedings in every such case shall conform with this ordinance to the extent applicable.

All the provisions of ordinances, resolutions, rules and regulations revised by this Ordinance shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office or trust, or of any transaction or event of any limitation or any right or obligation or the construction of any contract already affected by such ordinances, resolutions, rules and regulations, notwithstanding the revisions of such provisions.

1013 No offense committed and no penalty or forfeiture incurred, under any of the
1014 ordinances, resolutions, rules and regulations revised by this Ordinance and before the
1015 time when such revisions shall take effect shall be affected by such revisions.
1016

1017 No action or prosecution, pending the effective date of the revisions provided in
1018 this Ordinance, for any offense committed or for the recovery of any penalty or forfeiture
1019 incurred under any of the ordinances, resolutions, rules and regulations revised herein
1020 shall be abated or affected by such revisions, except that the proceedings in such action
1021 or prosecution shall conform with this Ordinance if applicable.
1022

1023 The provisions in this Ordinance shall not be construed to abolish or impair existing
1024 remedies available to New Castle County or its officers or agencies relating to the
1025 remediation of any dangerous, unsafe, or unsanitary condition.
1026

1027 Section 15. Severability. It is hereby declared to be the intention of the County
1028 Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance
1029 are severable, and if any phrase, clause, sentence, paragraph or section of this
1030 Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of
1031 a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any
1032 of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.
1033 If any provision of this Ordinance is found to be unconstitutional or void, the applicable
1034 former ordinance provisions shall become effective and shall be considered as
1035 continuations thereof and not as new enactments regardless if severability is possible.
1036

1037 Section 16. Other laws. The provisions of this Ordinance shall not be deemed to
1038 nullify any provisions of local, state, or federal law except as stated in Section 11 above.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: The following is a summary of the revisions contained in this Ordinance broken down by *New Castle County Code* Article or Section number.

Sec. 6.01.001. These amendments correct typographical and grammatical errors found within Chapter Six.

Sec. 6.02.001. These amendments correct typographical and grammatical errors found within Chapter Six and clarify that a third party inspector may be an individual or business authorized to perform required inspections but whose staff are not employed by New Castle County.

Sec. 6.03.001. These amendments correct typographical and grammatical errors found within Chapter Six and change references from 'certificates of occupancy' to 'certificates of approval' for consistency across code sections.

Sec. 6.03.012. These amendments clarify the scope of exemptions for fences; adds exemptions for brick repointing, EV charging stations, flagpoles, and sign refacing; and adds replacement of deck boards and railings, rooftop solar panels, and sump pumps to residential work exempt from a permit.

Sec. 6.03.018. These amendments align third party inspector language with the updated definition and prohibit final inspections from being performed without explicit Land Use approval, which reinforces important public safety considerations.

Sec. 6.04.001. This amendment adopts the 2024 International Building Code (IBC) as the building code for New Castle County.

Sec. 6.04.002. This amendment updates Chapter Six to reflect the applicable version of the International Building Code (IBC) and revises section references to align with the 2024 I-Codes and the current NFPA code. The 2024 IBC introduced a significant formatting change, transitioning from a two-column to a one-column layout. As a result, several section numbers were relocated, and this amendment ensures that all citations within Chapter Six accurately correspond to the updated code structure.

Sec. 6.05.001. This amendment adopts the 2024 International Residential Code (IRC) as the residential code for New Castle County.

Sec. 6.05.002. This amendment updates Chapter Six to reflect the applicable version of the International Residential Code (IRC) and revises section references to align with the 2024 I-Codes. The 2024 IRC introduced a significant formatting change, transitioning from a two-column to a one-column layout. As a result, several section numbers were relocated, and this amendment ensures that all citations within Chapter Six accurately correspond to the updated code structure.

Sec. 6.09.001. This amendment adopts the 2024 International Existing Building Code (IEBC) as the existing building code for New Castle County.

Sec. 6.09.002. This amendment defines the specific IEBC code version used for Chapter Six amendments.

Sec. 6.10.001. This amendment clarifies that New Castle County will continue to regulate EV-Ready and Solar Ready laws.

Sec. 6.10.002. This amendment removes New Castle County's prior amendments to the IECC pertaining to EV-Ready and Solar Ready requirements. As these provisions have been superseded by state-level legislation, Section 6.10.001 now references state law.

Sec. 6.11.001. This amendment adopts the 2024 International Swimming Pool and Spa Code (ISPSC) as the swimming pool and spa code for New Castle County.

Sec. 6.11.002. This amendment updates Chapter Six to reflect the applicable version of the International Swimming Pool and Spa Code (ISPSC) and revises section references to align with the 2024 I-Codes. The 2024 ISPSC introduced a significant formatting change, transitioning from a two-column to a one-column layout. As a result, this amendment ensures that all citations within Chapter Six accurately correspond to the updated code structure. It also removes an unnecessary deletion as it relates to a code reference.

Schedule of Permit and Review Fees. This amendment updates Chapter Six to reflect current practices by incorporating the 0.5% NCC Volunteer Fire Service Fund fee established by Ordinance 14-057 (2014) and increasing the expired permit fine from \$25 to \$100, consistent with the FY20 budget authorization in Ordinance 19-039 (2019).

FISCAL NOTE: There is no discernible fiscal impact.

ORDINANCE NO. 25-131

AMEND THE GRANTS BUDGET:

**APPROPRIATE INTEREST INCOME \$9,779.64 AND PROGRAM INCOME \$36,465.04 TO
THE FY2025 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), WHICH IS
ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF
COMMUNITY DEVELOPMENT AND HOUSING**

1 **WHEREAS**, original allocated funding from the U.S. Department of Housing and Urban
2 Development (HUD) \$964,060 and estimated program income \$50,000 was previously approved
3 by County Council and appropriated to the FY2025 Home Investment Partnership Program
4 (HOME) Grant via Ordinance 24-097; and
5

6 **WHEREAS**, HOME programs are funded from the U.S. Department of Housing and
7 Urban Development (HUD) and program income from the rehabilitation and acquisition of
8 housing and the administration of the program; and
9

10 **WHEREAS**, the families served by HOME programs are low to moderate income
11 households in New Castle County – outside the cities of Wilmington and Newark; and
12

13 **WHEREAS**, authorization is being sought for the appropriation of \$9,779.64 in interest
14 income and \$36,465.04 in program income to the FY2025 HOME Grant to be used for future
15 sub-grantee projects; and
16

17 **WHEREAS**, interest and program income received is sufficient to cover the increase in
18 the Grants Budget as hereinafter amended; and
19

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

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

27 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended
28 by adding the material that is underscored and deleting the material that is stricken on the
29 attached Exhibit "A."
30

31 Section 2. This Ordinance shall become effective immediately upon its adoption by
32 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* §
33 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 \$9,779.64 in interest income and \$36,465.04 in program income to the FY2025 Home Investment Partnerships Program (HOME), which will be administered by the Department of Community Services, Division of Community Development and Housing. These funds will be used for future sub-grantee projects.

HOME programs are funded from the U.S. Department of Housing and Urban Development (HUD) and program income for the rehabilitation and acquisition of housing and the administration of the program. Families served are low to moderate income households in New Castle County – outside the cities of Wilmington and Newark. The current budget is to rehabilitate homes, which must be in full code compliance for funding, and for subgrantee programs that support housing, including loans.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$9,779.64 in interest income and \$36,465.04 in program income to the FY2025 Home Investment Partnerships Program (HOME).

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$46,244.68. This increase will affect FY2026 through FY2030, since the targeted program completion date for this grant is June 30, 2030. There is no discernible fiscal impact on the current operating budget. The Interest Income and Program Income balance after this appropriation will be \$0.

Acknowledged by the Chief Financial Officer October xx 2025.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	FY25 Home Investment Partnership Program	Ordinance No.	25-131
PROGRAM TITLE:	FY25 Home Investment Partnership Program		

Revenue	Current	Change	Revised
Federal	\$ 964,059.59	\$ -	\$ 964,059.59
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ 50,000.00	\$ 36,465.04	\$ 86,465.04
Other	\$ -	\$ 9,779.64	\$ 9,779.64
Total	\$ 1,014,059.59	\$ 46,244.68	\$ 1,060,304.27

Expense	Current	Change	Revised
Salaries and Wages	\$ 85,483.94	\$ -	\$ 85,483.94
Benefits	\$ 50,123.52	\$ -	\$ 50,123.52
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 14,161.27	\$ -	\$ 14,161.27
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ 858,479.00	\$ 46,244.68	\$ 904,723.68
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ 5,811.86	\$ -	\$ 5,811.86
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 1,014,059.59	\$ 46,244.68	\$ 1,060,304.27

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	6/30/2030
The Local Match:	Found in (ORG):
Ordinance Passed: <u>24-097</u>	Date Revised: <u>6/11/2024</u>

PROGRAM DESCRIPTION:

HOME Programs are funded from HUD for housing rehabilitation and acquisition, and administration of the program. Families served are low to moderate income households in New Castle County - outside the cities of Wilmington or Newark. The current budget is to rehabilitate homes to meet code and for subgrantee programs that support housing.

6/11/2024

10/28/2025

ORDINANCE NO. 25-132

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$141,826.06 IN PROGRAM INCOME AND REALIGN \$300,567.49 IN
THE COMMUNITY DEVELOPMENT BLOCK GRANT FY2025, WHICH IS
ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF
COMMUNITY DEVELOPMENT AND HOUSING**

1 **WHEREAS**, original allocated funding in the amount of \$2,452,724.00 from the U.S.
2 Department of Housing and Urban Development (HUD) and estimated program income in
3 the amount of \$350,000.00 was previously approved by County Council and appropriated to
4 the Community Development Block Grant FY2025 via Ordinance 24-096; and
5

6 **WHEREAS**, the realignment of \$139,000.00 in federal funds within the CDBG FY2025
7 Grant for Salaries and Benefits for Program Delivery was previously approved by County
8 Council via Ordinance 25-057; and
9

10 **WHEREAS**, authorization is sought for the appropriation of \$141,826.06 in program
11 income and the realignment of \$300,567.49 in federal funds within the CDBG FY2025 Grant
12 for Salaries and Benefits for Program Delivery; and
13

14 **WHEREAS**, the Community Development Block Grant (CDBG) is funded through the
15 U.S. Department of Housing and Urban Development (HUD) and through loan repayments
16 from rehabilitation projects and down payment and settlement loans; and
17

18 **WHEREAS**, the major objectives of the CDBG program include providing financial
19 assistance to moderate to low-income residents of New Castle County, most of which are
20 elderly, to rehabilitate their homes; down payment and settlement help for low to moderate
21 income residents buying their first home; funding to agencies that provide housing support
22 services; grants for emergency repairs; funding for the revitalization of aging neighborhoods
23 throughout the County; and social services; and
24

25 **WHEREAS**, program income received is sufficient to cover the increase in the Grants
26 Budget as hereinafter amended; 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
36 amended by deleting the material stricken and adding the material underlined on the attached
37 Exhibit "A."
38

39
40 Section 2. This Ordinance shall become effective immediately upon its adoption by

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 \$141,826.06 in program income and realign \$300,567.49 in federal funds within the Community Development Block Grant FY2025 to Salary and Benefits for Program Delivery.

The Community Development Block Grant (CDBG) is funded through HUD and through loan repayments from rehabilitation projects and down payment and settlement loans. The major objectives of the CDBG program include providing financial assistance to moderate to low-income residents of New Castle County, most of which are elderly, to rehab their homes; down payment and settlement help for low to moderate income residents buying their first home; funding to agencies that provide housing support services; grants for emergency repairs; funding for the revitalization of aging neighborhoods throughout the County; and social services.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Grants Budget by appropriating \$141,826.06 in program income to the FY2025 Community Development Block Grant. The realignment of \$300,567.49 in federal funds in the Community Development Block Grant FY2025 will have no fiscal impact. There is no discernible fiscal impact on the current operating budget. The Program Income balance after this appropriation will be \$0.

This appropriation and realignment will affect FY2026 through FY2032, since the targeted program completion date is September 1, 2031.

Acknowledged by the Chief Financial Officer October 16, 2025.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	FY25 Community Development Block Grant	Ordinance No.	25-132
PROGRAM TITLE:	FY25 Community Development Block Grant		

Revenue	Current	Change	Revised
Federal	\$ 2,452,724.00	\$ -	\$ 2,452,724.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ 350,000.00	\$ 136,826.06	\$ 486,826.06
Other	\$ 	\$ 5,000.00	\$ 5,000.00
Total	\$ 2,802,724.00	\$ 141,826.06	\$ 2,944,550.06

Expense	Current	Change	Revised
Salaries and Wages	\$ 624,298.23	\$ 282,923.64	\$ 907,221.87
Benefits	\$ 365,184.35	\$ 159,469.91	\$ 524,654.26
Training/Civic Affairs	\$ 2,105.32	\$ (116.00)	\$ 1,989.32
Communication/Utilities	\$ 5,017.61	\$ -	\$ 5,017.61
Materials/Supplies	\$ 21,477.01	\$ (7,022.56)	\$ 14,454.45
Contractual Services	\$ 402,263.86	\$ (215,300.00)	\$ 186,963.86
Equipment	\$ 670.30	\$ -	\$ 670.30
Grants/Fixed Charges	\$ 1,272,912.00	\$ (46,182.06)	\$ 1,226,729.94
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ 108,795.32	\$ (31,946.87)	\$ 76,848.45
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 2,802,724.00	\$ 141,826.06	\$ 2,944,550.06

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2024
Estimated Program Completion:	9/1/2031
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
24-096	6/11/2024
<u>25-057</u>	<u>5/13/2025</u>

PROGRAM DESCRIPTION:

Funding is provided through the Department of Housing and Urban Development (HUD) to assist low to moderate income residents of New Castle County with various housing support services such as: home rehabilitation, first time homebuyer down payment and settlement help, grants for minor home repairs, the revitalization of aging neighborhoods and other social services.

5/13/2025

10/28/2025

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: October 28, 2025

ORDINANCE NO. 25-133

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$86,924.65 IN ACTUAL PROGRAM INCOME AND \$150,000.00 IN
ANTICIPATED PROGRAM INCOME TO THE SUMMER RECREATION CAMPS GRANT**

1 **WHEREAS**, the Summer Recreation Camp Program provides low- and moderate-income
2 children with the opportunity to attend a summer camp program; and
3

4 **WHEREAS**, one-third of campers receive financial aid from Federal and County funds;
5 and
6

7 **WHEREAS**, the County Executive anticipates that funds from actual and anticipated
8 program income will be sufficient to fund the Grants Budget hereinafter amended; and
9

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

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

16 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended
17 by deleting the material bracketed and stricken and by adding the material underscored on the
18 attached Exhibit "A."
19

20 Section 2. This Ordinance shall become effective immediately upon its adoption by
21 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* §
22 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 \$86,924.65 in actual program income and \$150,000.00 in anticipated program income to the Summer Recreation Camps Grant which is administered by the Department of Community Services, Division of Community Resources.

FISCAL NOTE: The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by \$236,924.65. FY2025 funding was authorized in the amount \$297,509.12 in actual and anticipated program income. New Castle County Funding of \$64,790 is included in the Approved Operating Budget in the Department of Community Services. This increase will affect FY2026 and beyond since this is a continuous program. The Department will be utilizing the current program income balance of \$86,924.65 and anticipates receiving an additional \$150,000.00. There is no discernible fiscal impact on the current operating budget. The Program Income balance after this appropriation will be \$0.

Acknowledged by the Chief Financial Officer October 16, 2025.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	Summer Recreation Camps	Ordinance No.	25-133
PROGRAM TITLE:	Summer Recreation Camps		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ -	\$ -	\$ -
County	\$ 194,400.00		\$ 194,400.00
Program Income	\$ 1,101,140.56	\$ 236,924.65	\$ 1,338,065.21
Other	\$ 21,109.55	\$ -	\$ 21,109.55
Total	\$ 1,316,650.11	\$ 236,924.65	\$ 1,553,574.76

Expense	Current	Change	Revised
Salaries and Wages	\$ 851,191.74	\$ 189,260.00	\$ 1,040,451.74
Benefits	\$ 84,263.88	\$ 18,799.31	\$ 103,063.19
Training/Civic Affairs	\$ 6,090.00	\$ -	\$ 6,090.00
Communication/Utilities	\$ 14,969.11	\$ 138.58	\$ 15,107.69
Materials/Supplies	\$ 88,188.98	\$ (4,786.72)	\$ 83,402.26
Contractual Services	\$ 260,485.02	\$ 42,394.48	\$ 302,879.50
Equipment	\$ 1,665.02	\$ (881.00)	\$ 784.02
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ 9,796.36	\$ (8,000.00)	\$ 1,796.36
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 1,316,650.11	\$ 236,924.65	\$ 1,553,574.76

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2005

Estimated Program Completion: ongoing

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

Ordinance Passed:	Date Revised:
05-049 May 2005	13-094 December 2013
05-135 December 2005	14-121 November 2014
06-049 April 2006	16-131 November 2016
07-045 April 2007	18-047 May 2018
08-042 April 2008	19-031 March 2019
09-033 April 2009	20-025 April 2020
09-097 October 2009	21-058 April 2021
10-077 July 2010	22-049 April 2022
10-104 October 2010	23-044 April 2023
11-112 December 2011	24-037 March 2024
12-114 November 2012	<u>24-174 November 2024</u>

PROGRAM DESCRIPTION:

The New Castle County Summer Recreation Camps Grant will serve children in New Castle County from June 2026 through September 2026.

11/26/2024

10/28/2025

Prime Sponsor(s): Mr. Toole, Mr. Caneco
Requested by: Public Safety
Date of introduction: October 28, 2025

ORDINANCE NO. 25-134

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$480,150.72 FROM THE STATE OF DELAWARE DEPARTMENT OF
SAFETY AND HOMELAND SECURITY TO THE FY2026 FUNDS TO COMBAT
VIOLENT CRIME GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY,
DIVISION OF POLICE**

1 **WHEREAS**, funding has been awarded from the State of Delaware, Department of
2 Safety and Homeland Security to the FY2026 Funds to Combat Violent Crime Grant; and
3

4 **WHEREAS**, the funding will be used by the New Castle County Department of
5 Public Safety, Division of Police for overtime patrols in high crime areas, specialized
6 training and the purchase of essential police equipment; and
7

8 **WHEREAS**, the County Executive has determined that grants received will be
9 sufficient to cover the increase in the Grants Budget as hereinafter amended; and
10

11 **WHEREAS**, Council has determined that the provisions of this Ordinance
12 substantially advance, and are reasonably and rationally related to, legitimate
13 government interests (i.e., promoting the health, safety, morals, convenience, order
14 prosperity and/or welfare of the present and future inhabitants of this State).
15

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

18 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
19 amended by adding the material on the attached Exhibit "A," which is considered to be
20 underscored in its entirety, attached hereto and made a part thereof.
21

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

26 Section 3. It is the intent of the County Council that the provisions of this Ordinance
27 shall be effective retroactive to September 10, 2025.

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 \$480,150.72 from the State of Delaware Department of Safety and Homeland Security to the FY2026 Funds to Combat Violent Crime Grant. The funding will be used by the New Castle County Department of Public Safety, Division of Police for overtime patrols in high crime areas, specialized training and the purchase of essential police equipment.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 10, 2025.

FISCAL NOTE: The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$480,150.72. This increase will impact FY2026 and FY2027 since the targeted program completion date is September 30, 2026. In addition, New Castle County is providing a cash match within the Department of Public Safety, Division of Police of \$124,147.86 to cover the full costs of employee benefits. There will be an annual fee of \$1,575.00 for AMPED software which is currently within Public Safety's Approved Operating Budget.

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

Acknowledged by the Chief Financial Officer October 10, 2025.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	FY2026 Funds to Combat Violent Crime	Ordinance No.	25-134
PROGRAM TITLE:	FY2026 Funds to Combat Violent Crime		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 480,150.72	\$ -	\$ 480,150.72
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 480,150.72	\$ -	\$ 480,150.72

Expense	Current	Change	Revised
Salaries and Wages	\$ 217,462.72	\$ -	\$ 217,462.72
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 232,283.00	\$ -	\$ 232,283.00
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ -	\$ -	\$ -
Equipment	\$ 15,405.00	\$ -	\$ 15,405.00
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ 15,000.00	\$ -	\$ 15,000.00
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 480,150.72	\$ -	\$ 480,150.72

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	9/10/2025
Estimated Program Completion:	9/30/2026
Operating Budget Impact:	\$ 124,147.86
Available in (ORG):	10200304-10200308
Ordinance Passed:	
Date Revised:	

PROGRAM DESCRIPTION:

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

10/28/2025

Prime Sponsor(s): Mr. Hollins, Mr. Street
Co-sponsor(s): Mr. Tackett,
Ms. Williams-Johns
Requested by: Community Services
Date of introduction: October 28, 2025

ORDINANCE NO. 25-135

**AMEND THE FY2026 CAPITAL PROGRAM AND BUDGET: APPROPRIATE
\$150,000 IN FUNDING RECEIVED FROM THE STATE OF DELAWARE FISCAL
YEAR 2026 BOND AND CAPITAL IMPROVEMENTS ACT TO THE DEPARTMENT
OF COMMUNITY SERVICES, GLASGOW LIBRARY CAPITAL PROJECT**

1 **WHEREAS**, the Department of Community Services has received documentation
2 certifying that the State of Delaware Fiscal Year 2026 Bond and Capital Improvements
3 Act (153rd General Assembly, Senate Bill 200, signed into law July 1, 2025) has
4 appropriated \$150,000 to New Castle County from the State of Delaware, Department of
5 State; and

6
7 **WHEREAS**, the funding is for the Glasgow Library Needs Assessment Study.

8
9 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

10
11 Section 1. The Capital Budget Ordinance for the fiscal year beginning July 1, 2025
12 is hereby amended by deleting the material that is stricken and adding the material that
13 is underscored on the attached Exhibit "A."

14
15 Section 2. The Capital Program Resolution for the fiscal year beginning July 1,
16 2025 is hereby amended by adding the material on the attached Exhibit "B," which shall
17 be considered underscored in its entirety.

18
19 Section 3. State funding in the amount of \$150,000 is appropriated to the
20 Department of Community Services, Glasgow Library Capital Project for the Glasgow
21 Library Needs Assessment Study.

22
23 Section 3. This Ordinance shall become effective immediately upon its adoption
24 by County Council and approval by the County Executive, or as otherwise provided in 9
25 *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: This Ordinance, if approved, will appropriate \$150,000 in funding received from the State of Delaware Fiscal Year 2026 Bond and Capital Improvements Act (153rd General Assembly, Senate Bill 200, signed into law July 1, 2025) to the Glasgow Library Capital Project for the Glasgow Library Needs Assessment Study.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Capital Budget by appropriating \$150,000 in funding received from the State of Delaware Fiscal Year 2026 Bond and Capital Improvements Act (153rd General Assembly, Senate Bill 200, signed into law July 1, 2025) to the Glasgow Library Capital Project.

The revised FY2026 Capital Budget amount for the Glasgow Library Capital Project will be \$150,000.

The revised FY2026 New Castle County Capital Budget grand total will be \$86,524,248.

Acknowledged by the Chief Financial Officer October 16, 2025.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2026

DEPARTMENT OF ADMINISTRATION

Human Capital Management Platform	\$ 600,000
Land Use Information System	1,200,000
Reassessment 2024	2,000,000
Sewer and Tax Billing Replacement	2,300,000
Network Infrastructure Rearchitect and Upgrade	<u>1,150,000</u>
Subtotal	\$ 7,250,000

DEPARTMENT OF COMMUNITY SERVICES

Appoquinimink Library Maker Space HVAC	\$ 200,000
Carousel Park Indoor Arena Footing	100,000
<u>Glasgow Library</u>	<u>150,000</u>
Newark Library	400,000
Surratte Pool Renovations 2026	<u>100,000</u>
Subtotal	<u>800,000.00 \$ 950,000</u>

DEPARTMENT OF COUNTY EXECUTIVE

Executive GF Capital Contingency	<u>\$ 675,000</u>
Subtotal	\$ 675,000

DEPARTMENT OF PUBLIC SAFETY

800MgHZ Communications Equipment 2026-2027	\$ 400,000
Communications Upgrade 2026-2027	250,000
Public Safety Building Renovations	300,000
Public Safety Equipment 2026	136,000
Public Safety Vest Protection Program 2026	<u>302,448</u>
Subtotal	\$ 1,388,448

DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Building Rehabilitation 2026-2027	\$ 3,500,000
Fleet Equipment 2021	(49,929)
Fleet Equipment 2022	(103,797)
Fleet Equipment 2023	(48,900)
Fleet Equipment 2024	(1,700,000)
Fleet Equipment 2026	6,577,658
Garage Renovations	2,500,000
General Roof Renovations	(75,000)
HVAC Replacement	2,800,000
Security 2021	500,000
Vehicle Lift System	<u>56,000</u>
Subtotal	\$ 13,956,032

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2026

DEPARTMENT OF PUBLIC WORKS (Continued)

Parks

Agricultural Preservation	\$ 1,000,000
Bechtel Park Improvements	750,000
Carousel Park	150,000
Game Court Improvements 2021	150,000
General Parkland Improvements PRE2021	(650,000)
General Parkland Improvements 2021	(1,000,000)
General Parkland Improvements 2024	800,000
Glasgow Regional Park	1,500,000
Middle Run Valley Reforestation	150,000
Open Space Preservation	1,500,000
Play Area Improvements 2026-2027	1,000,000
Rockwood Park	500,000
Southern Regional Park	1,000,000
Subtotal	\$ 6,850,000

Sewer/Stormwater

Airport Road System Rehabilitation	\$ 3,000,000
Asset Management	400,000
Christina River Force Main	22,000,000
Countywide Drainage Problems	850,000
DelDOT Coordination Project 2021	3,000,000
General Sewer Improvements	1,250,000
General Stormwater Improvements 2021	471,659
Manhole Rehabilitation	750,000
Pump Station Rehab 2026-2027	1,500,000
Sewer Fleet Equipment 2023	(22,233)
Sewer Fleet Equipment 2024	(600,000)
Sewer Fleet Equipment 2026	2,755,342
Sewer Repairs and Rehabilitation 2026-2027	4,200,000
Southern Sewer Service Area	3,000,000
Stoney Creek Basin Rehabilitation	600,000
Stormwater Basin Renovation II	2,500,000
Water Quality Improvement Plans	5,000,000
White Clay System Rehabilitation	4,800,000
Subtotal	\$ 55,454,768

CAPITAL BUDGET TOTAL	86,374,248.00	<u><u>\$ 86,524,248</u></u>
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EXHIBIT B

PROJECT PROFILES
COMMUNITY SERVICES (continued)

Project Name (Number): Glasgow Library (C402501)					
Description: Needs assessment study for the Glasgow area.				Council Districts: 11	
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ -	\$ -	\$ -	\$ 150,000	\$ 150,000
FY2026	-	-	-	-	-
			150,000		150,000
FY2027	-	-	-	-	-
FY2028	-	-	-	-	-
FY2029	-	-	-	-	-
FY2030	-	-	-	-	-
FY2031	-	-	-	-	-
Future Years	-	-	-	-	-
Total	\$ -	\$ -	\$ -	\$ 150,000	\$ 150,000
			\$ 150,000		\$ 300,000
Available Authorizations:		\$ 1,940,412			
Available Funding:		\$ 1,940,412			
Operating Budget Impact:		\$ -			

*Available Authorizations / Funding as of February 28, 2025, net of obligations.

FY2026 Activity: Complete needs assessment study for the Glasgow area.
Future Activity: No activity planned.

ORDINANCE NO. 25-136

**TO APPROPRIATE \$300,000 IN THE NEW CASTLE COUNTY HOUSING TRUST FUND
FOR AN EVICTION SETTLEMENT ASSISTANCE FUND TO BE ADMINISTERED BY THE
DEPARTMENT OF COMMUNITY SERVICES**

1 **WHEREAS**, the New Castle County Housing Trust Fund was created with the support of
2 County Council for the “purpose of dedicating public funds and revenues from other sources to
3 address the housing needs of very low income households earning less than 50% of median
4 income, low income households earning 50 to 80% of median income, and moderate income
5 households earning 80% to 120% of median income” (see Resolution No. 07-176 as amended
6 by Amendment No. 1); and
7

8 **WHEREAS**, the Housing Trust Fund will be used to promote the preservation and
9 development of affordable housing within New Castle County with priorities recommended by
10 the Housing Advisory Board; and
11

12 **WHEREAS**, the Housing Trust Fund has a balance of \$1,042,861.06 as of September
13 30, 2025 and the appropriation of \$300,000 will be used for an Eviction Settlement Assistance
14 Fund; and
15

16 **WHEREAS**, the Eviction Settlement Assistance Fund will help approximately 250
17 residents who meet income requirements of less than 80% Area Median Income (AMI) with one
18 month’s rent, which would last less than a year; and
19

20 **WHEREAS**, the revenue measures heretofore adopted by County Council are necessary
21 to preserve and development affordable housing within New Castle County; and
22

23 **WHEREAS**, each contract or purchase order funded through this Housing Trust Fund
24 appropriation will be submitted on a Resolution for Council’s consideration as required by *New*
25 *Castle County Code* § 2.02.004.
26

27 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
28

29 Section 1. To promote the preservation and development of affordable housing within
30 New Castle County, \$300,000 in the New Castle County Housing Trust Fund is hereby
31 appropriated to be administered by the Department of Community Services.
32

33 Section 2. This Ordinance shall become effective immediately upon its adoption by
34 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* §
35 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, appropriates \$300,000 in the New Castle County Housing Trust Fund for an Eviction Settlement Assistance Fund. There are no Affordable Housing Funds included in the funding of this Ordinance. The funds will be administered by the Department of Community Services.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$300,000 in the New Castle County Housing Trust Fund for an Eviction Settlement Assistance Fund. There is no discernible impact to the Operating Budget since this is an appropriation in the Housing Trust Fund. The intent is to appropriate funds in the Grants and Fixed Charges Budget Line Item. The Housing Trust Fund balance available for appropriation is \$1,042,861.06 as of September 30, 2025.

Acknowledged by the Acting Chief Financial Officer October 13, 2025.

Prime Sponsor(s): Ms. Williams-Johns
Requested by: Administration/HR
Date of introduction: October 28, 2025

ORDINANCE NO. 25-137

AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES MANAGERS AND AMINISTRATORS REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 3109 FOR THE CLASS SPECIFICATION OF CHIEF OF CONSTRUCTION SUPPORT CHANGING FROM 35-HOUR WORK WEEK TO 40-HOUR WORK WEEK FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF CONSTRUCTION SUPPORT

1 **WHEREAS**, in accordance with the collective bargaining agreement between
2 New Castle County and the Delaware Public Employees Council 81, AFSCME
3 (American Federation of State, County and Municipal Employees), AFL-CIO, Affiliate
4 Local 3109, the County may increase the work week up to 40 hours at straight time
5 rates, if conditions in the government warrant such action; and
6

7 **WHEREAS**, the Department of Public Works, Division of Construction Support
8 determined the work week for Chief of Construction Support needs to be increased from
9 a 35-hour work week to 40-hour work week, at the same hourly rate of pay, to reflect the
10 work currently being performed; and
11

12 **WHEREAS**, it is recommended that the Pay Grade for the class specification
13 Chief of Construction Support remain Pay Grade 30; and
14

15 **WHEREAS**, the Human Resources Advisory Board at its meeting on October 3,
16 2025, reviewed the class specification for Chief of Construction Support and
17 recommended the change from 35-Hour work week to 40-Hour work week on the Pay
18 Plan and Rates of Pay for Classified Service Managers and Administrators Represented
19 by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109;
20 and
21

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

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

25 Section 1. The Pay Plan and Rates of Pay for Classified Service 35-Hour
26 Managers and Administrators Represented by the Delaware Public Employees Council
27 81, AFSCME, AFL-CIO, Affiliate Local 3109, effective July 1, 2025 through June 30,
28 2026, is hereby amended by deleting the material that is stricken as set forth in Exhibit
29 "A."
30
31

32 Section 2. The Pay Plan and Rates of Pay for Classified Service 35-Hour
33 Managers and Administrators Represented by the Delaware Public Employees Council
34 81, AFSCME, AFL-CIO, Affiliate Local 3109, effective July 1, 2026, is hereby amended
35 by deleting the material that is stricken as set forth in Exhibit "B".
36

Section 3. The Pay Plan and Rates of Pay for Classified Service 40-Hour Managers and Administrators Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109, effective July 1, 2025 through June 30, 2026, is hereby amended by adding the material that is underscored in Exhibit "C".

Section 4. The Pay Plan and Rates of Pay for Classified Service 40-Hour Managers and Administrators Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109, effective July 1, 2026, is hereby amended by adding the material that is underscored in Exhibit "D".

Section 5. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C. § 1156*.

Adopted by Council of
New Castle County on:

Monique Williams-Johns
President of Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, changes the work week for the position title of Chief of Construction Support from 35-Hour Work Week to 40-Hour Work Week removing it from the Pay Plan and Rates of Pay for Classified Service 35-Hour Managers and Administrators Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109 and adding it to the Pay Plan and Rates of Pay for Classified Service 40-Hour Managers and Administrators Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109, as recommended by the Human Resources Advisory Board.

FISCAL IMPACT: This Ordinance, if approved, changes the work week for the position title of Chief of Construction Support from 35-Hour Work Week to 40-Hour Work Week removing it from the Pay Plan and Rates of Pay for Classified Service 35-Hour Managers and Administrators Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109 and adding it to the Pay Plan and Rates of Pay for Classified Service 40-Hour Managers and Administrators Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 3109, as recommended by the Human Resources Advisory Board.

There is currently one filled position with the title of Chief of Construction Support. The estimated fiscal impact (Salaries/Wages and Benefits) for changing from a 35-hour work week to a 40-hour work week for this position is \$25,885 in Fiscal Year 2026, \$26,533 in Fiscal Year 2027, and \$26,533 in Fiscal Year 2028.

Acknowledged by the Chief Financial Officer October 15, 2025.

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE 35-HOUR MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)**

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

Effective: 07/01/2025 (Ordinance 24-150)

Revised: xx/xx/xxxx (Ordinance 25-xxx) Remove Chief of Construction Support (add to 3109 40 HR)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE 35-HOUR MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)**

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

Effective: 07/01/2026 (Ordinance 24-150)

Revised: xx/xx/xxxx (Ordinance 25-xxx) Remove Chief of Construction Support (add to 3109 40 HR)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE 40-HOUR MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
<u>CHIEF OF CONSTRUCTION SUPPORT</u>	<u>30</u>	<u>80.986</u>	<u>85.038</u>	<u>89.289</u>	<u>93.753</u>	<u>98.441</u>	<u>103.362</u>	<u>108.531</u>	<u>113.958</u>	<u>119.656</u>	<u>125.639</u>	<u>131.922</u>

Effective: 07/01/2025 (Ordinance 24-150)

Revised: xx/xx/xxxx (Ordinance 25-xxx) Create 40 HR Pay Plan - Add Chief of Construction Support (moved from 3109 35 HR)

**PAY PLANS AND RATES OF PAY FOR
CLASSIFIED SERVICE 40-HOUR MANAGERS AND ADMINISTRATORS REPRESENTED BY LOCAL 3109
(Non-Paramedic Classifications)**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
<u>CHIEF OF CONSTRUCTION SUPPORT</u>	<u>30</u>	<u>83,010</u>	<u>87,164</u>	<u>91,521</u>	<u>96,097</u>	<u>100,902</u>	<u>105,946</u>	<u>111,244</u>	<u>116,807</u>	<u>122,647</u>	<u>128,780</u>	<u>135,219</u>

Effective: 07/01/2026 (Ordinance 24-150)

Revised: xx/xx/xxxx (Ordinance 25-xxx) Create 40 HR Pay Plan - Add Chief of Construction Support (moved from 3109 35 HR)

ORDINANCE NO. 25-138

**AMEND PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR
AND 40-HOUR WORKWEEK EMPLOYEES REPRESENTED BY THE DELAWARE
PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607
FOR THE CLASS SPECIFICATION OF CHIEF OF FACILITY MAINTENANCE FOR
THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF SEWER OPERATIONS
ADMINISTRATION**

1 **WHEREAS**, in accordance with the collective bargaining agreement between
2 New Castle County and the Delaware Public Employees Council 81, AFSCME
3 (American Federation of State, County and Municipal Employees), AFL-CIO, Affiliate
4 Local 1607, the County may increase the work week up to 40 hours at straight time
5 rates, if conditions in the government warrant such action; and
6

7 **WHEREAS**, the Department of Public Works, Division of Sewer Operations
8 Administration determined the workweek for Chief of Facility Maintenance needs to be
9 increased from 35-hour workweek to 40-hour workweek, at the same hourly rate of pay,
10 to reflect the work currently being performed; and
11

12 **WHEREAS**, it is recommended that the Pay Grade for the class specification
13 Chief of Facility Maintenance remain Pay Grade 30; and
14

15 **WHEREAS**, the Human Resources Advisory Board at its meeting on October 3,
16 2025, reviewed the class specification for Chief of Facility Maintenance and
17 recommended the change from 35-Hour work week to 40-Hour work week on the Pay
18 Plan and Rates of Pay for Classified Service 40-Hour workweek employees
19 Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO,
20 Affiliate Local 1607; and
21

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

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

27 Section 1. The Pay Plan and Rates of Pay for Classified Service 35-Hour
28 Workweek employees, Represented by the Delaware Public Employees Council 81,
29 AFSCME, AFL-CIO, Affiliate Local 1607, effective July 1, 2025 through June 30, 2026,
30 is hereby amended by deleting the material that is stricken as set forth in Exhibit "A."
31

32 Section 2. The Pay Plan and Rates of Pay for Classified Service 35-Hour
33 Workweek employees, Represented by the Delaware Public Employees Council 81,
34 AFSCME, AFL-CIO, Affiliate Local 1607, effective July 1, 2026, is hereby amended by
35 deleting the material that is stricken as set forth in Exhibit "B".
36

37 Section 3. The Pay Plan and Rates of Pay for Classified Service 40-Hour
38 Workweek employees, Represented by the Delaware Public Employees Council 81,
39 AFSCME, AFL-CIO, Affiliate Local 1607, effective July 1, 2025 through June 30, 2026,
40 is hereby amended by adding the material that is underscored in Exhibit "C".
41

42 Section 4. The Pay Plan and Rates of Pay for Classified Service 40-Hour
43 Workweek employees, Represented by the Delaware Public Employees Council 81,
44 AFSCME, AFL-CIO, Affiliate Local 1607, effective July 1, 2026, is hereby amended by
45 adding the material that is underscored in Exhibit "D".
46

47 Section 5. This Ordinance shall become effective immediately upon its adoption
48 by County Council and approval by the County Executive, or as otherwise provided in 9
49 *Del. C. § 1156*.

Adopted by Council of
New Castle County on:

Monique Williams-Johns
President of Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, changes the work week for the position title of Chief of Facility Maintenance from 35-Hour Work Week to 40-Hour Work Week removing it from the Pay Plan and Rates of Pay for Classified Service 35-Hour Managers and Administrators Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607 and adding it to the Pay Plan and Rates of Pay for Classified Service 40-Hour Managers and Administrators Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607 as recommended by the Human Resources Advisory Board.

FISCAL IMPACT: This Ordinance, if approved, changes the work week for the position title of Chief of Facility Maintenance from 35-Hour Work Week to 40-Hour Work Week removing it from the Pay Plan and Rates of Pay for Classified Service 35-Hour Managers and Administrators Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607 and adding it to the Pay Plan and Rates of Pay for Classified Service 40-Hour Managers and Administrators Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607 as recommended by the Human Resources Advisory Board.

There is currently one filled position with the title of Chief of Facility Maintenance. The estimated fiscal impact (Salaries/Wages and Benefits) for changing from a 35-hour work week to a 40-hour work week for this position is \$25,812 in Fiscal Year 2026, \$26,457 in Fiscal Year 2027, and \$26,457 in Fiscal Year 2028.

Acknowledged by the Chief Financial Officer October 15, 2025.

**PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
CLERK	12	29,457	30,929	32,476	34,099	35,801	37,593	39,472	41,445	43,518	45,695	47,980
SURVEYOR ASSISTANT	12											
ADMINISTRATIVE SERVICES TECHNICIAN	14	32,476	34,099	35,801	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,897
AUTOMOTIVE PARTS CLERK	14											
CLERK TYPIST	14											
COMPUTER OPERATOR I	14											
JUNIOR ADMINISTRATIVE AIDE	14											
KEY OPERATOR	14											
MICROFILM TECHNICIAN	14											
PUBLIC SAFETY AIDE	14											
ACCOUNT CLERK I	15	34,099	35,801	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,543
CUSTOMER SERVICES COORDINATOR	15											
DRAFTING TECHNICIAN I	15											
INTERLIBRARY LOAN ASSISTANT	15											
LIBRARY ASSISTANT	15											
COMPUTER OPERATOR II	16	35,801	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,320
SURVEY INSTRUMENT OPERATOR	16											
ACCOUNT CLERK II	17	37,593	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,238
COURT CLERK	17											
DEPUTY I	17											
PRINCIPAL LIBRARY ASSISTANT	17											
SECRETARY	17											
STOREKEEPER	17											
PUBLIC WORKS DATA TECHNICIAN	17											
DISPATCHER	18	39,472	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298
GRAPHIC ARTS DESIGNER	18											
MAINTENANCE PROGRAM TECHNICIAN	18											
RADIO COMMUNICATOR	18											
SANITARY MAINTENANCE TECHNICIAN	18											
TREASURY CUSTOMER SERVICE REPRESENTATIVE	18											
ACCOUNT CLERK III	19	41,445	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,514
ADMINISTRATIVE AIDE	19											
ASSESSMENT TECHNICIAN	19											
ASSESSOR I	19											
BUDGET OFFICE ASSISTANT	19											
LIBRARY SPECIALIST	19											
PARTY CHIEF	19											
CERTIFIED ASSESSOR I	20	43,518	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890
COMMUNITY DEVELOPMENT HOUSING INSPECTOR	20											
CUSTOMER INFORMATION & ASSISTANCE SPECIALIST	20											
CUSTOMER SERVICE AND INFORMATION TECHNICIAN	20											
DELINQUENT ACCOUNT COLLECTOR	20											
DEPUTY II	20											
DRAFTING TECHNICIAN II	20											
GRAPHIC ARTS DESIGNER II	20											
HOUSING PROGRAM ASSISTANT	20											
MAINTENANCE OFFICE ADMINISTRATOR	20											
PAYROLL ASSISTANT I	20											
PERMIT PROCESS TECHNICIAN	20											
PUBLIC WORKS INSPECTOR	20											
SANITARY SEWER INFORMATION SPECIALIST	20											
SENIOR OFFICE ASSISTANT	20											
SENIOR SANITARY MAINTENANCE TECHNICIAN	20											
VICTIM'S ASSISTANCE OFFICER	20											
ASSISTANT PROCUREMENT AGENT	21	45,695	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,434
BUILDING AND SITE INSPECTOR	21											
CERTIFIED PERMIT PROCESS TECHNICIAN	21											
CODE ENFORCEMENT OFFICER	21											
CONSTRUCTION INSPECTOR	21											
DRAFTING TECHNICIAN III	21											
ENVIRONMENTAL ANALYST	21											
PLAN EXAMINER	21											
PLUMBING AND MECHANICAL CODE SUPERVISOR	21											
PLUMBING AND MECHANICAL PLAN EXAMINER	21											
RIGHT-OF-WAY AGENT	21											
SENIOR CUSTOMER SERVICES & INFORMATION TECHNICIAN	21											
SENIOR PERMIT PROCESS TECHNICIAN	21											

**PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ACCOUNTANT I	22	47,979	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,159
ASSESSOR II	22											
GEOGRAPHIC INFORMATION SYSTEMS TECHNICIAN	22											
HOUSING REHABILITATION SPECIALIST I	22											
OPERATIONS SPECIALIST	22											
ACCOUNTING OPERATIONS ASSISTANT	23	50,378	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066
CENTRAL RECEIVING SUPERVISOR	23											
CENTRAL SERVICES TECHNICIAN	23											
CERTIFIED ASSESSOR II	23											
CERTIFIED BUILDING AND SITE INSPECTOR	23											
CERTIFIED PLAN EXAMINER	23											
CERTIFIED PLUMBING & MECHANICAL PLAN EXAMINER	23											
CERTIFIED PROPERTY MAINTENANCE & HOUSING INSPECTOR	23											
COMPLAINTS SPECIALIST	23											
CONSTRUCTION INSPECTION SUPERVISOR	23											
EQUESTRIAN PROGRAM COORDINATOR	23											
HOUSING REHABILITATION SPECIALIST II	23											
SENIOR CERTIFIED PERMIT PROCESS TECHNICIAN	23											
SURVEY PARTIES SUPERVISOR	23											
TREASURY ASSOCIATE	23											
CHIEF RIGHT-OF-WAY AGENT	24	52,898	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066	86,169
CUSTOMER SERVICES SPECIALIST	24											
GEOGRAPHIC INFORMATION SYSTEMS SPECIALIST	24											
PUBLIC WORKS CONTRACTS OFFICER	24											
SCHOOL CROSSING GUARD SUPERVISOR	24											
SITE INSPECTIONS SUPERVISOR	24											
STAFF ENGINEER	24											
ACCOUNTANT II	25	55,544	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066	86,167	90,476
CHIEF CONSTRUCTION INSPECTOR	25											
EQUESTRIAN PROGRAM SUPERVISOR	25											
PROCUREMENT AGENT	25											
SENIOR CERTIFIED BUILDING AND SITE INSPECTOR	25											
SENIOR CERTIFIED PLAN EXAMINER	25											
SENIOR CERTIFIED PLUMBING AND MECHANICAL PLAN EXAMINER	25											
SENIOR CERTIFIED PROPERTY MAINTENANCE AND HOUSING INSPECTOR	25											
SENIOR STAFF ENGINEER	25											
SUPERINTENDENT OF WASTEWATER TREATMENT	25											
CHIEF FIELD SUPERVISOR	26	58,321	61,237	64,298	67,515	70,890	74,437	78,157	82,066	86,167	90,477	95,001
CIVIL ENGINEER I	26											
DRAFTING AND DESIGN SUPERVISOR	26											
ENVIRONMENTAL PROGRAM MANAGER I	26											
GEOGRAPHIC INFORMATION SYSTEMS ANALYST	26											
PAYROLL ASSISTANT II	26											
PROGRAMMER ANALYST	26											
ARCHITECT	28	64,298	67,515	70,890	74,437	78,157	82,066	86,167	90,477	95,000	99,750	104,737
CIVIL ENGINEER II	28											
ENVIRONMENTAL PROGRAM MANAGER II	28											
SENIOR PROCUREMENT AGENT	28											
SEWER MANAGEMENT ENGINEER	28											
SENIOR APPLICATION ENGINEER	28											
CHIEF OF FACILITY MAINTENANCE	30	70,890	74,437	78,157	82,066	86,167	90,477	95,000	99,750	104,739	109,977	115,477
CHIEF OF PROJECT MANAGEMENT	30											
CIVIL ENGINEER III	30											
ENVIRONMENTAL PROGRAM MANAGER III	30											
PUBLIC WORKS PROJECT ADMINISTRATOR	30											
CHIEF OF DRAINAGE OPERATIONS	32	78,157	82,066	86,167	90,477	95,000	99,750	104,739	109,977	115,477	121,249	127,311
CHIEF OF SITE MANAGEMENT	32											

Effective: 07/01/2025 (Ordinance 24-089)
Revised: 12/19/2024 (Ordinance 24-177)
Revised: 01/16/2025 (Ordinance 24-179)
Revised: 2/24/2025 (Ordinance 25-016)
Revised: xx/xx/xxxx (Ordinance 25-xxx) Remove Chief of Fac. Maint (add to 1607 40 HR)

**PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
CLERK	12	30,193	31,702	33,288	34,951	36,696	38,533	40,459	42,481	44,606	46,837	49,180
SURVEYOR ASSISTANT	12											
ADMINISTRATIVE SERVICES TECHNICIAN	14	33,288	34,951	36,696	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,219
AUTOMOTIVE PARTS CLERK	14											
CLERK TYPIST	14											
COMPUTER OPERATOR I	14											
JUNIOR ADMINISTRATIVE AIDE	14											
KEY OPERATOR	14											
MICROFILM TECHNICIAN	14											
PUBLIC SAFETY AIDE	14											
ACCOUNT CLERK I	15	34,951	36,696	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,932
CUSTOMER SERVICES COORDINATOR	15											
DRAFTING TECHNICIAN I	15											
INTERLIBRARY LOAN ASSISTANT	15											
LIBRARY ASSISTANT	15											
COMPUTER OPERATOR II	16	36,696	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,778
SURVEY INSTRUMENT OPERATOR	16											
ACCOUNT CLERK II	17	38,533	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,769
COURT CLERK	17											
DEPUTY I	17											
PRINCIPAL LIBRARY ASSISTANT	17											
SECRETARY	17											
STOREKEEPER	17											
PUBLIC WORKS DATA TECHNICIAN	17											
DISPATCHER	18	40,459	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905
GRAPHIC ARTS DESIGNER	18											
MAINTENANCE PROGRAM TECHNICIAN	18											
RADIO COMMUNICATOR	18											
SANITARY MAINTENANCE TECHNICIAN	18											
TREASURY CUSTOMER SERVICE REPRESENTATIVE	18											
ACCOUNT CLERK III	19	42,481	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,202
ADMINISTRATIVE AIDE	19											
ASSESSMENT TECHNICIAN	19											
ASSESSOR I	19											
BUDGET OFFICE ASSISTANT	19											
LIBRARY SPECIALIST	19											
PARTY CHIEF	19											
CERTIFIED ASSESSOR I	20	44,606	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662
COMMUNITY DEVELOPMENT HOUSING INSPECTOR	20											
CUSTOMER INFORMATION & ASSISTANCE SPECIALIST	20											
CUSTOMER SERVICE AND INFORMATION TECHNICIAN	20											
DELINQUENT ACCOUNT COLLECTOR	20											
DEPUTY II	20											
DRAFTING TECHNICIAN II	20											
GRAPHIC ARTS DESIGNER II	20											
HOUSING PROGRAM ASSISTANT	20											
MAINTENANCE OFFICE ADMINISTRATOR	20											
PAYROLL ASSISTANT I	20											
PERMIT PROCESS TECHNICIAN	20											
PUBLIC WORKS INSPECTOR	20											
SANITARY SEWER INFORMATION SPECIALIST	20											
SENIOR OFFICE ASSISTANT	20											
SENIOR SANITARY MAINTENANCE TECHNICIAN	20											
VICTIM'S ASSISTANCE OFFICER	20											
ASSISTANT PROCUREMENT AGENT	21	46,837	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,295
BUILDING AND SITE INSPECTOR	21											
CERTIFIED PERMIT PROCESS TECHNICIAN	21											
CODE ENFORCEMENT OFFICER	21											
CONSTRUCTION INSPECTOR	21											
DRAFTING TECHNICIAN III	21											
ENVIRONMENTAL ANALYST	21											
PLAN EXAMINER	21											
PLUMBING AND MECHANICAL CODE SUPERVISOR	21											
PLUMBING AND MECHANICAL PLAN EXAMINER	21											
RIGHT-OF-WAY AGENT	21											
SENIOR CUSTOMER SERVICES & INFORMATION TECHNICIAN	21											
SENIOR PERMIT PROCESS TECHNICIAN	21											

**PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 35-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
ACCOUNTANT I	22	49,178	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,113
ASSESSOR II	22											
GEOGRAPHIC INFORMATION SYSTEMS TECHNICIAN	22											
HOUSING REHABILITATION SPECIALIST I	22											
OPERATIONS SPECIALIST	22											
ACCOUNTING OPERATIONS ASSISTANT	23	51,637	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118
CENTRAL RECEIVING SUPERVISOR	23											
CENTRAL SERVICES TECHNICIAN	23											
CERTIFIED ASSESSOR II	23											
CERTIFIED BUILDING AND SITE INSPECTOR	23											
CERTIFIED PLAN EXAMINER	23											
CERTIFIED PLUMBING & MECHANICAL PLAN EXAMINER	23											
CERTIFIED PROPERTY MAINTENANCE & HOUSING INSPECTOR	23											
COMPLAINTS SPECIALIST	23											
CONSTRUCTION INSPECTION SUPERVISOR	23											
EQUESTRIAN PROGRAM COORDINATOR	23											
HOUSING REHABILITATION SPECIALIST II	23											
SENIOR CERTIFIED PERMIT PROCESS TECHNICIAN	23											
SURVEY PARTIES SUPERVISOR	23											
TREASURY ASSOCIATE	23											
CHIEF RIGHT-OF-WAY AGENT	24	54,220	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118	88,323
CUSTOMER SERVICES SPECIALIST	24											
GEOGRAPHIC INFORMATION SYSTEMS SPECIALIST	24											
PUBLIC WORKS CONTRACTS OFFICER	24											
SCHOOL CROSSING GUARD SUPERVISOR	24											
SITE INSPECTIONS SUPERVISOR	24											
STAFF ENGINEER	24											
ACCOUNTANT II	25	56,933	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118	88,321	92,738
CHIEF CONSTRUCTION INSPECTOR	25											
EQUESTRIAN PROGRAM SUPERVISOR	25											
PROCUREMENT AGENT	25											
SENIOR CERTIFIED BUILDING AND SITE INSPECTOR	25											
SENIOR CERTIFIED PLAN EXAMINER	25											
SENIOR CERTIFIED PLUMBING AND MECHANICAL PLAN EXAMINER	25											
SENIOR CERTIFIED PROPERTY MAINTENANCE AND HOUSING INSPECTOR	25											
SENIOR STAFF ENGINEER	25											
SUPERINTENDENT OF WASTEWATER TREATMENT	25											
CHIEF FIELD SUPERVISOR	26	59,779	62,768	65,905	69,203	72,662	76,298	80,111	84,118	88,321	92,739	97,376
CIVIL ENGINEER I	26											
DRAFTING AND DESIGN SUPERVISOR	26											
ENVIRONMENTAL PROGRAM MANAGER I	26											
GEOGRAPHIC INFORMATION SYSTEMS ANALYST	26											
PAYROLL ASSISTANT II	26											
PROGRAMMER ANALYST	26											
ARCHITECT	28	65,905	69,203	72,662	76,298	80,111	84,118	88,321	92,739	97,375	102,244	107,355
CIVIL ENGINEER II	28											
ENVIRONMENTAL PROGRAM MANAGER II	28											
SENIOR PROCUREMENT AGENT	28											
SEWER MANAGEMENT ENGINEER	28											
SENIOR APPLICATION ENGINEER	28											
CHIEF OF FACILITY MAINTENANCE	30	72,662	76,298	80,111	84,118	88,321	92,739	97,375	102,244	107,357	112,726	118,364
CHIEF OF PROJECT MANAGEMENT	30											
CIVIL ENGINEER III	30											
ENVIRONMENTAL PROGRAM MANAGER III	30											
PUBLIC WORKS PROJECT ADMINISTRATOR	30											
CHIEF OF DRAINAGE OPERATIONS	32	80,111	84,118	88,321	92,739	97,375	102,244	107,357	112,726	118,364	124,280	130,494
CHIEF OF SITE MANAGEMENT	32											

Effective: 07/01/2026 (Ordinance 24-089)

Revised: 12/19/2024 (Ordinance 24-177)

Revised: 01/16/2025 (Ordinance 24-179)

Revised: 2/24/2025 (Ordinance 25-016)

Revised: xx/xx/xxxx (Ordinance 25-xxx) Remove Chief of Fac. Maint (add to 1607 40 HR)

**PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 40-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
BUILDING MAINTENANCE SUPERVISOR	23	57,576	60,453	63,477	66,653	69,986	73,485	77,159	81,018	85,069	89,323	93,790
GARAGE SUPERVISOR	23											
MASTER MECHANIC	23											
PROPERTY MAINTENANCE TECHNICIAN	23											
 BUILDINGS SUPERVISOR	 25	 63,477	 66,653	 69,986	 73,485	 77,159	 81,018	 85,069	 89,323	 93,789	 98,477	 103,401
MASTER ELECTRONICS TECHNICIAN	25											
PARKS FORESTRY TECHNICIAN	25											
PROPERTY SUPERVISOR	25											
PUBLIC WORKS EQUIPMENT COORDINATOR	25											
 FACILITY MAINTENANCE SUPERVISOR	 28	 73,484	 77,159	 81,018	 85,068	 89,321	 93,790	 98,479	 103,404	 108,572	 114,001	 119,700
SUPERINTENDENT OF SEWER MAINTENANCE	28											
SUPERVISOR OF CONSTRUCTION SUPPORT	28											
 <u>CHIEF OF FACILITY MAINTENANCE</u>	 <u>30</u>	 <u>80,832</u>	 <u>84,875</u>	 <u>89,120</u>	 <u>93,575</u>	 <u>98,253</u>	 <u>103,169</u>	 <u>108,327</u>	 <u>113,744</u>	 <u>119,429</u>	 <u>125,401</u>	 <u>131,670</u>

Effective: 07/01/2025 (Ordinance 24-089)

Revised: xx/xx/xxxx (25-xxx) Chief of Facilities Maintenance 35HR to 40HR

**PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 40-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
BUILDING MAINTENANCE SUPERVISOR	23	59,015	61,964	65,064	68,319	71,736	75,322	79,088	83,043	87,196	91,556	96,135
GARAGE SUPERVISOR	23											
MASTER MECHANIC	23											
PROPERTY MAINTENANCE TECHNICIAN	23											
BUILDINGS SUPERVISOR	25	65,064	68,319	71,736	75,322	79,088	83,043	87,196	91,556	96,134	100,939	105,986
MASTER ELECTRONICS TECHNICIAN	25											
PARKS FORESTRY TECHNICIAN	25											
PROPERTY SUPERVISOR	25											
PUBLIC WORKS EQUIPMENT COORDINATOR	25											
FACILITY MAINTENANCE SUPERVISOR	28	75,321	79,088	83,043	87,195	91,554	96,135	100,941	105,989	111,286	116,851	122,693
SUPERINTENDENT OF SEWER MAINTENANCE	28											
SUPERVISOR OF CONSTRUCTION SUPPORT	28											
<u>CHIEF OF FACILITY MAINTENANCE</u>	<u>30</u>	<u>82,853</u>	<u>86,997</u>	<u>91,347</u>	<u>95,915</u>	<u>100,709</u>	<u>105,749</u>	<u>111,035</u>	<u>116,588</u>	<u>122,415</u>	<u>128,536</u>	<u>134,962</u>

Effective: 07/01/2026 (Ordinance 24-089)

Revised: xx/xx/xxxx (25-xxx) Chief of Facilities Maintenance 35HR to 40HR

ORDINANCE NO. 25-139

AMEND THE FY2026 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$2,000,000 IN FUNDING FROM THE REASSESSMENT RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, REASSESSMENT 2024 CAPITAL PROJECT

1 **WHEREAS**, New Castle County awarded a contract for a third-party vendor to conduct a
2 general reassessment to reflect revised assessments of real property for taxes levied in Fiscal
3 Year 2026; and
4

5 **WHEREAS**, an original appropriation of \$8,000,000 from the Reassessment Reserve
6 Account to the Reassessment 2024 Capital Project was previously approved by County Council
7 via Ordinance 21-078; and
8

9 **WHEREAS**, appropriation of \$7,000,000 from the Reassessment Reserve Account to the
10 Reassessment 2024 Capital Project was previously approved by County Council via Ordinance
11 23-025; and
12

13 **WHEREAS**, appropriation of \$5,000,000 from the Reassessment Reserve Account to the
14 Reassessment 2024 Capital Project was previously approved by County Council via Ordinance
15 24-118; and
16

17 **WHEREAS**, authorization is being sought for the appropriation of an additional
18 \$2,000,000 from the Reassessment Reserve Account to the Reassessment 2024 Capital Project
19 to support the final expenditures for the current reassessment initiative, including costs
20 associated with appeals, rebilling and legal costs.
21

22 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
23

24 Section 1. The Capital Budget Ordinance for the fiscal year beginning July 1, 2025 is
25 hereby amended by deleting the material stricken and adding the material underscored on the
26 attached Exhibit "A."
27

28 Section 2. The Capital Program Resolution for the fiscal year beginning July 1, 2025 is
29 hereby amended by deleting the material stricken and adding the material underscored on the
30 attached Exhibit "B."
31

32 Section 3. Reassessment Reserve funding in the amount of \$2,000,000 is appropriated
33 to the Department of Administration, Reassessment 2024 Capital Project to support the final
34 expenditures for the current reassessment initiative, including costs associated with appeals,
35 rebilling and legal costs.
36

37 Section 4. This Ordinance shall become effective immediately upon its adoption by
38 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* §
39 1156.

Adopted by County Council of
New Castle County on:

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

Approved on:

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$2,000,000 in funding from the Reassessment Reserve Account to the Department of Administration, Reassessment 2024 Capital Project to support the final expenditures for the current reassessment initiative, including costs associated with appeals, rebilling and legal costs.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Capital Budget by appropriating \$2,000,000 from Reassessment Reserve Account to the Department of Administration, Reassessment 2024 Capital Project.

The revised FY2026 Capital Budget amount for the Reassessment 2024 Capital Project will be \$2,000,000.

The revised FY2026 New Castle County Capital Budget grand total will be \$86,374,248. There is no fiscal impact on the Operating Budget. The Reassessment Reserve balance upon passage of this Ordinance will be approximately \$0.

Acknowledged by the Chief Financial Officer October 10, 2025.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2026

25-139

DEPARTMENT OF ADMINISTRATION

Human Capital Management Platform		\$	600,000
Land Use Information System			1,200,000
Reassessment 2024			2,000,000
Sewer and Tax Billing Replacement			2,300,000
Network Infrastructure Rearchitect and Upgrade			1,150,000
Subtotal	5,250,000.00	\$	7,250,000

DEPARTMENT OF COMMUNITY SERVICES

Appoquinimink Library Maker Space HVAC		\$	200,000
Carousel Park Indoor Arena Footing			100,000
Newark Library			400,000
Surratte Pool Renovations 2026			100,000
Subtotal		\$	800,000

DEPARTMENT OF COUNTY EXECUTIVE

Executive GF Capital Contingency		\$	675,000
Subtotal		\$	675,000

DEPARTMENT OF PUBLIC SAFETY

800MgHZ Communications Equipment 2026-2027		\$	400,000
Communications Upgrade 2026-2027			250,000
Public Safety Building Renovations			300,000
Public Safety Equipment 2026			136,000
Public Safety Vest Protection Program 2026			302,448
Subtotal		\$	1,388,448

DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Building Rehabilitation 2026-2027		\$	3,500,000
Fleet Equipment 2021			(49,929)
Fleet Equipment 2022			(103,797)
Fleet Equipment 2023			(48,900)
Fleet Equipment 2024			(1,700,000)
Fleet Equipment 2026			6,577,658
Garage Renovations			2,500,000
General Roof Renovations			(75,000)
HVAC Replacement			2,800,000
Security 2021			500,000
Vehicle Lift System			56,000
Subtotal		\$	13,956,032

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2026

25-139

DEPARTMENT OF PUBLIC WORKS (Continued)

Parks

Agricultural Preservation	\$ 1,000,000
Bechtel Park Improvements	750,000
Carousel Park	150,000
Game Court Improvements 2021	150,000
General Parkland Improvements PRE2021	(650,000)
General Parkland Improvements 2021	(1,000,000)
General Parkland Improvements 2024	800,000
Glasgow Regional Park	1,500,000
Middle Run Valley Reforestation	150,000
Open Space Preservation	1,500,000
Play Area Improvements 2026-2027	1,000,000
Rockwood Park	500,000
Southern Regional Park	1,000,000
Subtotal	\$ 6,850,000

Sewer/Stormwater

Airport Road System Rehabilitation	\$ 3,000,000
Asset Management	400,000
Christina River Force Main	22,000,000
Countywide Drainage Problems	850,000
DelDOT Coordination Project 2021	3,000,000
General Sewer Improvements	1,250,000
General Stormwater Improvements 2021	471,659
Manhole Rehabilitation	750,000
Pump Station Rehab 2026-2027	1,500,000
Sewer Fleet Equipment 2023	(22,233)
Sewer Fleet Equipment 2024	(600,000)
Sewer Fleet Equipment 2026	2,755,342
Sewer Repairs and Rehabilitation 2026-2027	4,200,000
Southern Sewer Service Area	3,000,000
Stoney Creek Basin Rehabilitation	600,000
Stormwater Basin Renovation II	2,500,000
Water Quality Improvement Plans	5,000,000
White Clay System Rehabilitation	4,800,000
Subtotal	\$ 55,454,768

CAPITAL BUDGET TOTAL

~~-84,374,248.00~~

\$ 86,374,248

EXHIBIT B

PROJECT PROFILES
ADMINISTRATION (continued)

Project Name (Number): Reassessment 2024 (C122101)					
Description: Conduct a general reassessment and implement a computer assisted mass appraisal system.				Council Districts: All	
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ -	\$ -	\$ -	\$ 20,000,000	\$ 20,000,000
FY2026	-	-	-	-	-
				2,000,000	2,000,000
FY2027	-	-	-	-	-
FY2028	-	-	-	-	-
FY2029	-	-	-	-	-
FY2030	-	-	-	-	-
FY2031	-	-	-	-	-
Future Years	-	-	-	-	-
Total	\$ -	\$ -	\$ -	\$ 20,000,000	\$ 20,000,000
				\$ 22,000,000	\$ 22,000,000
Available Authorizations:		\$ 1,940,412			
Available Funding:		\$ 1,940,412			
Operating Budget Impact:		\$ -			

**Available Authorizations / Funding as of February 28, 2025, net of obligations.*

FY2026 Activity: The deadline for filing a formal reassessment appeal with the Board of Assessment Review was March 31, 2025. <u>Support final expenditures for current reassessment initiative, including costs associated with appeals, rebilling and legal costs.</u>
Future Activity: No activity planned.

Prime Sponsor(s): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of introduction: October 28, 2025

ORDINANCE NO. 25-140

**AUTHORIZING THE ISSUANCE OF UP TO \$17,679,097 IN A GENERAL
OBLIGATION BOND THROUGH THE DELAWARE WATER POLLUTION
CONTROL REVOLVING FUND FOR THE DEPARTMENT OF PUBLIC WORKS,
RICHARDSON PARK SEWAGE PUMP STATION, PHASE 2**

1 **WHEREAS**, Chapter 22 of Title 9 of the Delaware Code, as amended, authorizes New
2 Castle County to plan, acquire, purchase, construct, reconstruct, improve, better and extend,
3 and maintain and operate sewerage systems therein defined, and the County Council of New
4 Castle County has determined to complete the construction of the New Richardson Park Sewage
5 Pump Station and appurtenances, including all vertical assets, mechanical, electrical and site
6 improvements (the "Project"); and
7

8 **WHEREAS**, it has been deemed necessary to appropriate up to \$17,679,097 for the
9 completion of the Project including the installation of 625 linear feet of 42-inch gravity sewer, 70
10 linear feet of 36-inch gravity sewer, and 520 linear feet of 24-inch and 30-inch ductile iron force
11 main in order to provide reliable, safe and consistent wastewater service to the Richardson Park
12 Sewer Basin which consists of an estimated population of 30,000 residents and customers; and
13

14 **WHEREAS**, this Ordinance corresponds to Resolution 25-190 authorizing the County
15 Executive to execute a financing agreement in connection with the funding of the Project, for up
16 to \$17,679,097 with the Delaware Water Pollution Control Revolving Fund, acting by and through
17 the Delaware Department of Natural Resources and Environmental Control; and
18

19 **NOW THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS** (10 of 13 of
20 the members elected to the County Council concurring therein):
21

22 Section 1. New Castle County shall authorize the issuance of its negotiable bond in the
23 maximum aggregate principal amount of up to \$17,679,097 for the Project.
24

25 Section 2. The funds raised by the issuance of the bond hereby authorized, after the
26 payment of the charges and expenses connected with the preparation, sale, and issuance
27 thereof, shall be expended only for the purposes for which such said bond has been authorized,
28 or for the payment of the principal of, and interest on, loans made in anticipation of the sale of
29 such bond.
30

31 Section 3. The effect of the bonded indebtedness hereby authorized upon the total
32 bonded indebtedness of New Castle County is shown on the attached Exhibit "A".
33

34 Section 4. It is hereby determined and declared that the normal life of said improvements
35 is not less than three (3) years (9 Del. C. § 1163(a)(1)).
36

37 Section 5. This Ordinance shall become effective immediately upon its adoption by
38 County Council and approval by the County Executive, or as otherwise provided in 9 Del C. §
39 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: Authorize the issuance of up to \$17,679,097 of a general obligation bond through the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, to the Department of Public Works, Richardson Park Sewage Pump Station, Phase 2 project.

FISCAL NOTE: This Ordinance, if approved, will authorize the issuance of up to \$17,679,097 of general obligation bond funds through the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, to the Department of Public Works, Richardson Park Sewage Pump Station, Phase 2.

The fiscal impact of issuing a County Bond with a maximum aggregate principal amount of up to \$17,679,097 assuming a term of twenty-five (25) years with a constant principal amount is demonstrated in the attached Exhibit "A".

Acknowledged by the Chief Financial Officer October 16, 2025.

Exhibit “A”

FISCAL NOTE: This Ordinance will authorize a County Bond in the maximum aggregate principal amount (net of issuance costs) of up to \$17,679,097.

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

<u>Previous Authorizations</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
Authorized and Issued Bonds ^{(1), (2)} (10/31/2025)	\$565,782,967	\$188,543,466	\$754,326,433
Authorized and Unissued Bonds ⁽¹⁾ (10/31/2025)	<u>229,627,557</u>	116,574,026 ⁽³⁾	<u>346,201,584</u>
Total Previous Authorizations	<u>795,410,524</u>	<u>305,117,492</u>	1,100,528,016
Proposed Net Authorizations ⁽⁴⁾ by the Ordinance	17,679,097	4,596,565	22,275,662
Total Previous Authorizations and Proposed Net Authorizations	<u>\$813,089,621</u>	<u>\$309,714,057</u>	<u>\$1,122,803,679</u>

⁽¹⁾ Amounts include authorized bonded debt for general obligation bond issuances, State Revolving Fund loans and Water Infrastructure Finance and Innovation Act (WIFIA) loans.

⁽²⁾ Amounts have been adjusted to reflect retired principal and interest through 10/31/2025.

⁽³⁾ Interest for general obligation bond issuances is computed at 4.0 percent, for State Revolving Fund loans at 2.0 percent and for WIFIA loans at 4.5 percent.

⁽⁴⁾ Assuming a constant principal amount of \$707,164 over a term of twenty-five years, total debt service interest for the \$17,679,097 aggregate principal, computed at 2.0%, would be \$4,596,565.

Prime Sponsor(s): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of introduction: October 28, 2025

ORDINANCE NO. 25-141

**AMEND THE FY2026 CAPITAL PROGRAM AND BUDGET:
INCREASE BOND AUTHORIZATIONS IN THE AMOUNT UP TO \$17,679,097
TO THE DEPARTMENT OF PUBLIC WORKS, RICHARDSON PARK PUMP STATION
UPGRADE CAPITAL PROJECT**

1 **WHEREAS**, this legislation will increase the FY2026 Capital Budget by up to
2 \$17,679,097 in General Obligation Bond Authorizations with the Delaware Water Pollution
3 Control Revolving Fund, acting by and through the Delaware Department of Natural
4 Resources and Environmental Control, to finance the Richardson Park Pump Station
5 Upgrade Capital Project; and
6

7 **WHEREAS**, the additional funding is necessary for the completion of the Project
8 including the installation of 625 linear feet of 42-inch gravity sewer, 70 linear feet of 36-inch
9 gravity sewer, and 520 linear feet of 24-inch and 30-inch ductile iron force main in order to
10 provide reliable, safe and consistent wastewater service to the Richardson Park Sewer Basin
11 which consists of an estimated population of 30,000 residents and customers.
12

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

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

19 Section 2. The Capital Program Resolution for the fiscal year beginning July 1, 2025
20 is hereby amended by adding the material on the attached Exhibit "B," which shall be
21 considered underscored in its entirety.
22

23 Section 3. Bond funding in the amount of up to \$17,679,097 is appropriated to the
24 Department of Public Works, Richardson Park Pump Station Upgrade Project.
25

26 Section 3. This Ordinance shall become effective immediately upon its adoption by
27 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.*
28 § 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 up to \$17,679,097 in General Obligation Bond funding through the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, to the Department of Public Works, Richardson Park Pump Station Upgrade Capital Project, to finance Phase 2 of the project.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Capital Budget by appropriating up to \$17,679,097 in General Obligation Bond funding through the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, to the Department of Public Works, Richardson Park Pump Station Upgrade Capital Project, to finance Phase 2 of the project.

The revised FY2026 Capital Budget amount for the Richardson Park Pump Station Upgrade Capital Project will be \$17,679,097.

The revised FY2026 New Castle County Capital Budget grand total will be \$104,053,345.

Acknowledged by the Chief Financial Officer October 16, 2025.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2026

25-141

DEPARTMENT OF ADMINISTRATION

Human Capital Management Platform	\$	600,000
Land Use Information System		1,200,000
Reassessment 2024		2,000,000
Sewer and Tax Billing Replacement		2,300,000
Network Infrastructure Rearchitect and Upgrade		1,150,000

Subtotal	\$	7,250,000
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DEPARTMENT OF COMMUNITY SERVICES

Appoquinimink Library Maker Space HVAC	\$	200,000
Carousel Park Indoor Arena Footing		100,000
Newark Library		400,000
Surratte Pool Renovations 2026		100,000

Subtotal	\$	800,000
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DEPARTMENT OF COUNTY EXECUTIVE

Executive GF Capital Contingency	\$	675,000

Subtotal	\$	675,000
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DEPARTMENT OF PUBLIC SAFETY

800MgHZ Communications Equipment 2026-2027	\$	400,000
Communications Upgrade 2026-2027		250,000
Public Safety Building Renovations		300,000
Public Safety Equipment 2026		136,000
Public Safety Vest Protection Program 2026		302,448

Subtotal	\$	1,388,448
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DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Building Rehabilitation 2026-2027	\$	3,500,000
Fleet Equipment 2021		(49,929)
Fleet Equipment 2022		(103,797)
Fleet Equipment 2023		(48,900)
Fleet Equipment 2024		(1,700,000)
Fleet Equipment 2026		6,577,658
Garage Renovations		2,500,000
General Roof Renovations		(75,000)
HVAC Replacement		2,800,000
Security 2021		500,000
Vehicle Lift System		56,000

Subtotal	\$	13,956,032
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EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2026

25-141

DEPARTMENT OF PUBLIC WORKS (Continued)

Parks

Agricultural Preservation	\$	1,000,000
Bechtel Park Improvements		750,000
Carousel Park		150,000
Game Court Improvements 2021		150,000
General Parkland Improvements PRE2021		(650,000)
General Parkland Improvements 2021		(1,000,000)
General Parkland Improvements 2024		800,000
Glasgow Regional Park		1,500,000
Middle Run Valley Reforestation		150,000
Open Space Preservation		1,500,000
Play Area Improvements 2026-2027		1,000,000
Rockwood Park		500,000
Southern Regional Park		1,000,000
Subtotal	\$	6,850,000

Sewer/Stormwater

Airport Road System Rehabilitation	\$	3,000,000
Asset Management		400,000
Christina River Force Main		22,000,000
Countywide Drainage Problems		850,000
DelDOT Coordination Project 2021		3,000,000
General Sewer Improvements		1,250,000
General Stormwater Improvements 2021		471,659
Manhole Rehabilitation		750,000
Pump Station Rehab 2026-2027		1,500,000
<u>Richardson Park Pump Station Upgrade</u>		17,679,097
Sewer Fleet Equipment 2023		(22,233)
Sewer Fleet Equipment 2024		(600,000)
Sewer Fleet Equipment 2026		2,755,342
Sewer Repairs and Rehabilitation 2026-2027		4,200,000
Southern Sewer Service Area		3,000,000
Stoney Creek Basin Rehabilitation		600,000
Stormwater Basin Renovation II		2,500,000
Water Quality Improvement Plans		5,000,000
White Clay System Rehabilitation		4,800,000
Subtotal	-55,454,768.00	\$ 73,133,865

CAPITAL BUDGET TOTAL

-86,374,248	\$ 104,053,345
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EXHIBIT B**PROJECT PROFILES
PUBLIC WORKS - SEWER/STORMWATER (continued)**

Project Name (Number): Richardson Park Pump Station Upgrade (C300618)					
Description: Upgrade/replacement of the pumps, generators, electrical motor control center and power distribution equipment.				Council Districts: 1	
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ 7,998,310	\$ -	\$ -	\$ 1,001,690	\$ 9,000,000
FY2026	_____	-	-		_____
	<u>17,679,097</u>				<u>17,679,097</u>
FY2027	-	-	-	-	
FY2028	-	-	-	-	-
FY2029	-	-	-	-	-
FY2030	-	-	-	-	-
FY2031	-	-	-	-	-
Future Years	-	-	-	-	-
Total	\$ 7,998,310	\$ -	\$ -	\$ 1,001,690	\$ 9,000,000
	<u>\$ 25,677,407</u>				<u>\$ 26,679,097</u>
Available Authorizations:		\$ 1,940,412			
Available Funding:		\$ 1,940,412			
Operating Budget Impact:		\$ _____ \$ 38,894			

*Available Authorizations / Funding as of February 28, 2025, net of obligations.

FY2026 Activity:

No planned activity. Completion of the Project including the installation of 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 in order to provide reliable, safe and consistent wastewater service to the Richardson Park Sewer Basin which consists of an estimated population of 30,000 residents and customers.

Future Activity:

Activity as needed.

ORDINANCE NO. 25-142

**AMEND THE FY2026 APPROVED ANNUAL OPERATING BUDGET: APPROPRIATE
\$300,000 TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE
CONTRACTUAL SERVICES BUDGET LINE ITEM FOR LEGAL FEES FOR MONITIONS**

1 **WHEREAS**, 9 *Del. C.* § 8721 established the monition method that authorizes New Castle
2 County to pursue the sale of real property to collect certain monies owed to the County; and
3

4 **WHEREAS**, the County Monitions Review Team, comprised of representatives from the
5 Executive Office, the Office of Finance, and the Departments of Land Use, Community Services,
6 and Public Safety make recommendations to the Office of Law of problematic properties for
7 potential Sheriff's Sales via the monitions process; and
8

9 **WHEREAS**, the Office of Law sends 10-day demand letters to property owners and
10 interested parties to notify them of potential monition action against their property. Between
11 2017 and 2025, property owners have paid their outstanding county taxes, school taxes, sewer
12 fees, and code enforcement fees after receiving a demand letter, totaling \$1,964,812; and
13

14 **WHEREAS**, when neither property owners nor interested parties respond to the 10-day
15 demand letter, the County initiates a monition action under 9 *Del. C.* § 8722. Between 2017 and
16 2025, the County initiated 87 monition actions against vacant properties which have been sold
17 at Sheriff's Sale; and
18

19 **WHEREAS**, from these sales, the County collected \$8,408,571 in outstanding County
20 taxes, school taxes, sewer fees, code enforcement fees, and legal fees; and
21

22 **WHEREAS**, the County's Acquisition and Disposition Team reviews the properties
23 purchased by the County and recommends to the County Executive the best method to return
24 the properties to constructive use, including soliciting a bid for redevelopment, selling the
25 property on the open market, County retention, or transfer to a maintenance corporation (in the
26 case of abandoned or "orphaned" open space properties) or governmental entity; and
27

28 **WHEREAS**, properties that have been brought to Sheriff Sale by the County for
29 delinquent taxes have all owed delinquent taxes for more than one year; and
30

31 **WHEREAS**, funds in the amount of \$144,000 were included in the FY2026 Approved
32 Operating Budget for fees related to monitions which will be fully expended in October 2025;
33 and
34

35 **WHEREAS**, the Office of Finance is requesting an increase in the FY2026 Approved
36 Operating Budget of \$300,000 to continue to fund legal, administrative, and other expenses
37 incurred through the monition process which will be offset by the revenue received as a result of
38 taking properties through the monition process; and
39

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

43 County; and

44

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

49

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

51

52 Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2025 is
53 hereby amended by adding the material on the attached "Exhibit A," which is considered to be
54 underscored in its entirety.

55

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

59

60 Section 3. This Ordinance shall become effective immediately upon its adoption by
61 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* §
62 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 amend the FY2026 Annual Operating Budget by appropriating \$300,000 to the Department of Administration, Office of Finance Contractual Services Budget Line Item to fund legal, administrative, and other expenses incurred through the monition process.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Annual Operating Budget by appropriating \$300,000 to the Department of Administration, Office of Finance Contractual Services Budget Line Item to fund legal, administrative, and other expenses incurred through the monition process. This increase will be offset by the revenue received as a result of taking properties through the monition process.

The revised FY2026 Approved Operating Budget will be \$374,658,586. Fiscal impact for future years will be determined on an as needed basis.

Acknowledged by the Chief Financial Officer October 17, 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			59,586
Contractual Services			255,947
Equipment			1,600
Grants and Fixed Charges			325,757
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			241,096
Contingency			55,000
Operating Transfer Charges			112,454
Total		\$	4,339,592
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>7,948,986</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>30,151,727</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		1,525,609
Equipment		67,240
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,071,279
Total	\$	17,014,618
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		11,672,040
Operating Transfer Charges		8,501,518
Total	\$	148,486,382
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	\$	401,904
Total	\$	401,904
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			8,309,843
Contractual Services	27,599,741		<u>27,899,741</u>
Equipment			2,713,145
Grants and Fixed Charges			20,784,001
Debt Service			47,892,496
Land and Structures			35,000
Contingency			4,543,135
Operating Transfer Charges			17,777,810
Operating Transfer Credits			(22,164,223)
<i>Sub-Total New Castle County</i>	<i>374,358,586</i>	\$	<u>374,658,586</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,684</i>		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF SEPTEMBER 23, 2025 (UNAUDITED)

Tax Stabilization Reserve Account	42,609,374
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>	<u>118,914,745</u>

ORDINANCE NO. 25-143

AMEND THE GRANTS BUDGET:

**APPROPRIATE ANTICIPATED ADDITIONAL FEDERAL FUNDS OF \$870,000
FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE
SECTION 8 HOUSING CHOICE VOUCHERS – 2025 GRANT, WHICH IS ADMINISTERED
BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY
DEVELOPMENT AND HOUSING**

1 **WHEREAS**, original allocated funding in the amount of \$18,917,337 from the U.S.
2 Department of Housing and Urban Development (HUD) was previously approved by County
3 Council and appropriated to the Section 8 Housing Choice Vouchers – 2025 Grant via Ordinance
4 24-175; and

5
6 **WHEREAS**, authorization is being sought to appropriate anticipated additional federal
7 funds of \$870,000 from the U.S. Department of Housing and Urban Development (HUD) to the
8 Section 8 Housing Choice Vouchers – 2025 Grant; and

9
10 **WHEREAS**, this funding will be used by the Department of Community Services, Division
11 of Community Housing and Development to cover the December check run due to the increase
12 in voucher use; and

13
14 **WHEREAS**, the County Executive has determined that revenues anticipated to be
15 received shall be sufficient to cover the increase in the Grants Budget as hereinafter amended;
16 and

17
18 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
19 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
20 promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present
21 and future inhabitants of this State).

22
23 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

24
25 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended
26 by adding the material in Exhibit “A,” which is underscored in its entirety, which is attached hereto
27 and made a part hereof.

28
29 Section 2. This Ordinance shall become effective immediately upon its adoption by New
30 Castle County Council and approval by the County Executive, or as otherwise provided by 9 Del.
31 C. § 1156.

32
33 Section 3. It is the intent of the County Council that the provisions of this Ordinance shall
34 be effective retroactive to January 1, 2025.

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 anticipated additional federal funds of \$870,000 from the U.S. Department of Housing and Urban Development (HUD) to the Section 8 Housing Choice Vouchers – 2025 Grant. This funding will be used to cover the December check run due to the increase in voucher use.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating anticipated additional federal funds of \$870,000 from the U.S. Department of Housing and Urban Development (HUD) to the Section 8 Housing Choice Vouchers – 2025 Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$870,000. This increase will affect FY2026 only since the targeted program completion date of the program is December 31, 2025. There is no discernible fiscal impact on the current operating budget.

The New Castle County Housing Voucher Program currently holds \$1,617,235 in 2025 Unrestricted Net Position (UNP) reserve funding. The U.S. Department of Housing and Urban Development (HUD) allows governments and housing authorities to use "UNP reserves," to cover Housing Assistance Payments (HAP) expenses, particularly when there are shortfalls in other funding sources. New Castle County will hold \$870,000 in "UNP reserves" until this funding is reimbursed by HUD.

Acknowledged by the Chief Financial Officer October 16, 2025.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	Section 8 Housing Choice Vouchers - 2025	Ordinance No.	25-143
PROGRAM TITLE:	Section 8 Housing Choice Vouchers - 2025		

Revenue	Current	Change	Revised
Federal	\$ 18,917,337.00	\$ 870,000.00	\$ 19,787,337.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 18,917,337.00	\$ 870,000.00	\$ 19,787,337.00

Expense	Current	Change	Revised
Salaries and Wages	\$ 819,880.66	\$ -	\$ 819,880.66
Benefits	\$ 475,761.00	\$ -	\$ 475,761.00
Training/Civic Affairs	\$ 8,359.00	\$ -	\$ 8,359.00
Communication/Utilities	\$ 11,600.00	\$ -	\$ 11,600.00
Materials/Supplies	\$ 7,264.34	\$ -	\$ 7,264.34
Contractual Services	\$ 451,580.00	\$ -	\$ 451,580.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ 17,059,792.00	\$ 870,000.00	\$ 17,929,792.00
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ 83,100.00	\$ -	\$ 83,100.00
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 18,917,337.00	\$ 870,000.00	\$ 19,787,337.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	1/1/2025
Estimated Program Completion:	12/31/2025
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:
<u>24-175</u>	<u>12/19/2024</u>

PROGRAM DESCRIPTION:

Section 8 Housing Choice Vouchers - Calendar Year 2025 Grant from the U.S. Department of Housing and Urban Development (HUD) for administrative expenses of the program and for rental and utility subsidies for very low income families in New Castle County.

11/26/2024

10/28/2025

Prime Sponsor(s): Ms. Williams-Johns
Requested by: Administration/HR
Date of introduction: October 28, 2025

ORDINANCE NO. 25-144

**AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED
SERVICE EMPLOYEES AND ADOPT THE CLASS SPECIFICATION OF
CONSTRUCTION SUPPORT DIVISION MANAGER FOR THE DEPARTMENT OF
PUBLIC WORKS, DIVISION OF SEWER OPERATIONS ADMINISTRATION**

1 **WHEREAS**, the Department of Public Works, Division of Sewer Operations
2 Administration has determined that it is necessary to make organizational changes to
3 operate most effectively; and

4
5 **WHEREAS**, the Department submitted a new class specification for Construction
6 Support Division Manager at Pay Grade 34; and

7
8 **WHEREAS**, the Human Resources Advisory Board at its meeting on October 3,
9 2025, recommended that the class specification for the new position title of Construction
10 Support Division Manager (Pay Grade 34) be added to the Pay Plan and Rates of Pay for
11 Non-Union Classified Service Employees; and

12
13 **WHEREAS**, the Chief Human Resources Officer concurs with the recommendation
14 of the Human Resources Advisory Board.

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

17
18 Section 1. The Class Specification for Construction Support Division Manager is
19 adopted as set forth in Exhibit "A."

20
21 Section 2. The Pay Plan and Rates of Pay for Non-Union Classified Service
22 Employees, effective July 1, 2025 through June 30, 2026, is hereby amended by adding
23 the material that is underscored as set forth in Exhibit "B."

24
25 Section 5. The Pay Plan and Rates of Pay for Non-Union Classified Service
26 Employees, effective July 1, 2026, is hereby amended by adding the material that is
27 underscored as set forth in Exhibit "C."

28
29 Section 11. This Ordinance shall become effective immediately upon its adoption by
30 County Council and approval by the County Executive, or as otherwise provided in 9 Del.
31 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, adds the position title of Construction Support Division Manager (Pay Grade 34) to the Pay Plan and Rate of Pay for Non-Union Classified Service Employees and adopts the class specification of Construction Support Division Manager, as recommended by the Human Resources Advisory Board.

FISCAL IMPACT: This Ordinance, if approved, adds the position title of Construction Support Division Manager (Pay Grade 34) to the Pay Plan and Rate of Pay for Non-Union Classified Service Employees and adopts the class specification of Construction Support Division Manager, as recommended by the Human Resources Advisory Board.

There will be no discernible fiscal impact upon the adoption of this Ordinance.

Acknowledged by the Chief Financial Officer October 15, 2025.

NEW CASTLE COUNTY GOVERNMENT	Number xxxx
CLASS SPECIFICATION	Page 1 of 2
	Date DRAFT
Title: CONSTRUCTION SUPPORT DIVISION MANAGER	Approved:

GENERAL STATEMENT OF DUTIES: Performs highly responsible managerial, administrative, and professional work in assisting the Public Works Department General Manager or designee in overseeing the operations and Countywide projects of the Construction Support Division to ensure quality service to the citizens of New Castle County; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class serves as a general assistant to the Public Works Department General Manager or designee, specifically in the management of all personnel within and work performed by the Construction Support Division. Work is performed under general direction and is reviewed through conferences, reports, and the evaluation of results achieved. Assignments are broad in scope, and considerable independent judgment is required. Additional responsibilities include working with other County departments, policy makers, legislators, government agencies, unions, technical and professional organizations, and the public. Responsibilities also include directing the activities of subordinate technical, supervisory, and administrative employees. This employee works under the general direction of the Public Works Department Senior Manager.

EXAMPLES OF WORK: (Illustrative only)

- Manages all in-house construction projects as it relates to sanitary sewer gravity systems, stormwater management facilities, drainage infrastructure, site construction, paving, concrete, masonry, special projects, and any other project-related work as needed by the Public Works Department;
- Handles personnel and labor issues within the Construction Support Division; coordinates with the Office of Human Resources as necessary;
- Coordinates all in-house construction, reconstruction, and restoration activities with regulatory agencies following County Codes;
- Develops long and short-term goals for the Division;
- Directs the emergency response to in-house emergency projects and assists in the final resolution;
- Participates in developing, formulating, and executing policies and procedures for the department;
- Assists in the preparation and administration of the capital and operating budgets;
- Meets with and advises public and private agencies, committees, and individuals interested in matters relating to planning, design, construction, and special projects as needed;
- Works with staff in responding to problems or investigating requests received; Provides technical assistance on issues relating to planning, design, construction, and special projects as needed;
- Supervises, trains, instructs, and evaluates employees;
- Provides technical or managerial oversight for department initiatives;

NEW CASTLE COUNTY GOVERNMENT

Number XXXX

CLASS SPECIFICATION

Page 2 of 2

Date DRAFT

Title: CONSTRUCTION SUPPORT DIVISION MANAGER

Approved:

- Conducts periodic reviews of sanitary sewer, drainage, and storm water management codes, policies, and standards; prepares legislation to amend codes as necessary;
- Drafts policies and procedures for ensuring compliance with current requirements and standards and implementing new standards and codes;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a personal computer and other related equipment in the course of the work.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Good understanding of the principles and practices of civil engineering, specifically related to the construction of underground utilities, site construction, concrete, and masonry. Thorough knowledge of modern principles and practices of utility management and construction; ability to manage a large workforce and to handle personnel issues; ability to plan, layout, manage and review the work of subordinates; ability to review complex situations and make comprehensive recommendations for their solution; good knowledge of the principles and practices of stormwater management, drainage, and project management; ability to establish and maintain effective working relationships with internal and external stakeholders, including consultants, civic groups, elected officials and government agencies at the local, state and federal levels; good professional judgment; ability to communicate courteously and effectively.

MINIMUM QUALIFICATIONS: At least ten (10) years of civil engineering experience, specifically related to construction, stormwater management facilities, drainage, sanitary sewer gravity systems, and at least five (5) years of progressively responsible management of utility operations and maintenance, civil engineering experience at a management level, and construction project management activities. Possession of a Bachelor's Degree from an accredited college or university with major course work in civil engineering or related field; or an equivalent combination of experience, education, or training directly related to the necessary knowledge, skills, and abilities.

ADDITIONAL REQUIREMENTS: Must be licensed by the Delaware Association of Professional Engineers as a Professional Engineer. Possession of a valid Delaware Class D driver's license or its equivalent. Must pass a Class III County physical examination and background check.

HISTORY OF REVISIONS:
Established: DRAFT

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

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

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
DEPARTMENT FINANCE OFFICER	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312
INFORMATION SYSTEMS ASSISTANT MANAGER												
LICENSING MANAGER												
MANAGEMENT AND PRODUCTIVITY MANAGER												
PLANNING MANAGER												
SENIOR FINANCIAL OFFICER												
ACCOUNTING AND FISCAL MANAGER	34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,359
ASSISTANT LAND USE MANAGER												
CHIEF OF SPECIAL PROJECTS												
COMMUNITY SERVICES MANAGER												
<u>CONSTRUCTION SUPPORT DIVISION MANAGER</u>												
ENGINEERING SERVICES MANAGER												
INFORMATION SYSTEMS MANAGER												
INSURANCE AND LOSS CONTROL MANAGER												
INTERNAL SERVICES MANAGER												
PARKS DIVISION MANAGER												
PENSION PROGRAM MANAGER												
SEWER OPERATIONS MANAGER												
STORMWATER & ENVIRONMENTAL PROGS. MGR												
TREASURY MANAGER												
FINANCE LEGAL OFFICER	35	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379
HUMAN RESOURCES MANAGER												
DEPUTY CHIEF FINANCIAL OFFICER	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376	154,745
FIRST ASSISTANT COUNTY ATTORNEY												
PUBLIC WORKS SENIOR MANAGER												
DEPUTY CHIEF OF TECHNOLOGY												

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

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	32	83,144	87,050	91,155	95,463	99,986	104,738	109,725	114,962	120,459	126,234	132,546
CHIEF OF EMERGENCY COMMUNICATIONS	36	99,525	104,275	109,261	114,499	119,997	125,770	131,832	138,198	144,881	151,899	159,495
CHIEF OF EMERGENCY MEDICAL SERVICES	38	112,278	117,516	123,014	128,787	134,849	141,216	147,900	154,918	162,287	170,024	178,526

Effective: 07/01/2025 (Ordinance 23-063)
Revised: 07/01/2025 (Ordinance 23-086)
Revised: 08/29/2023 (Ordinance 23-097)
Revised: 08/01/2023 (Ordinance 23-126)
Revised: 07/07/2022 (Ordinance 24-013)
Revised: 10/8/2024 (Ordinance 24-148 and Ordinance 24-149)
Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11
Revised: 11/19/2024 (Ordinance 24-160)
Revised: 02/24/2025 (Ordinance 25-016)
Revised: 04/11/2025 (Ordinance 25-031)
Revised: xx/xx/xxxx (Ordinance 25-xxx) Construction Support Division Manager PG34

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

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

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
DEPARTMENT FINANCE OFFICER	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495
INFORMATION SYSTEMS ASSISTANT MANAGER												
LICENSING MANAGER												
MANAGEMENT AND PRODUCTIVITY MANAGER												
PLANNING MANAGER												
SENIOR FINANCIAL OFFICER												
ACCOUNTING AND FISCAL MANAGER	34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,868
ASSISTANT LAND USE MANAGER												
CHIEF OF SPECIAL PROJECTS												
COMMUNITY SERVICES MANAGER												
<u>CONSTRUCTION SUPPORT DIVISION MANAGER</u>												
ENGINEERING SERVICES MANAGER												
INFORMATION SYSTEMS MANAGER												
INSURANCE AND LOSS CONTROL MANAGER												
INTERNAL SERVICES MANAGER												
PARKS DIVISION MANAGER												
PENSION PROGRAM MANAGER												
SEWER OPERATIONS MANAGER												
STORMWATER & ENVIRONMENTAL PROGS. MGR												
TREASURY MANAGER												
FINANCE LEGAL OFFICER	35	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064
HUMAN RESOURCES MANAGER												
DEPUTY CHIEF FINANCIAL OFFICER	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061	158,614
FIRST ASSISTANT COUNTY ATTORNEY												
PUBLIC WORKS SENIOR MANAGER												
DEPUTY CHIEF OF TECHNOLOGY												

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

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	32	85,223	89,226	93,434	97,850	102,486	107,356	112,469	117,836	123,471	129,391	135,860
CHIEF OF EMERGENCY COMMUNICATIONS	36	102,014	106,882	111,993	117,362	122,997	128,915	135,128	141,653	148,504	155,697	163,483
CHIEF OF EMERGENCY MEDICAL SERVICES	38	115,085	120,454	126,090	132,007	138,221	144,747	151,598	158,791	166,345	174,275	182,990

*Effective: 07/01/2026 (Ordinance 23-063)**Revised: 07/01/2026 (Ordinance 23-086)**Revised: 08/29/2023 (Ordinance 23-097)**Revised: 08/01/2023 (Ordinance 23-126)**Revised: 07/07/2022 (Ordinance 24-013)**Revised: 10/8/2024 (Ordinance 24-148 and Ordinance 24-149)**Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11**Revised: 11/19/2024 (Ordinance 24-160)**Revised: 02/24/2025 (Ordinance 25-016)**Revised: 04/11/2025 (Ordinance 25-031)**Revised: xx/xx/xxxx (Ordinance 25-xxx) Construction Support Division Manager PG34*

Prime Sponsor(s): Ms. Kilpatrick
Requested by: Land Use
Date of introduction: February 25, 2025

ORDINANCE NO. 25-018

REVISE ZONING MAP: MILL CREEK HUNDRED, WEST SIDE OF LIMESTONE ROAD, 375 FEET NORTH OF THE INTERSECTION WITH SKYLINE DRIVE; 4900 LIMESTONE ROAD, TAX PARCEL 08-030.40-008, REZONE 3.66± ACRES FROM S (SUBURBAN) TO S (SUBURBAN) AND H (HISTORIC OVERLAY ZONE)

(The property owner is requesting the H (Historic overlay zone) for the subject parcel.
2024-0701)

THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. The Zoning Map of Mill Creek Hundred, as amended, is hereby further amended by changing the zoning classification of the land shown on attached Exhibits "A" and "L" dated October 28, 2024, 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 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.

PROPERTY MAP

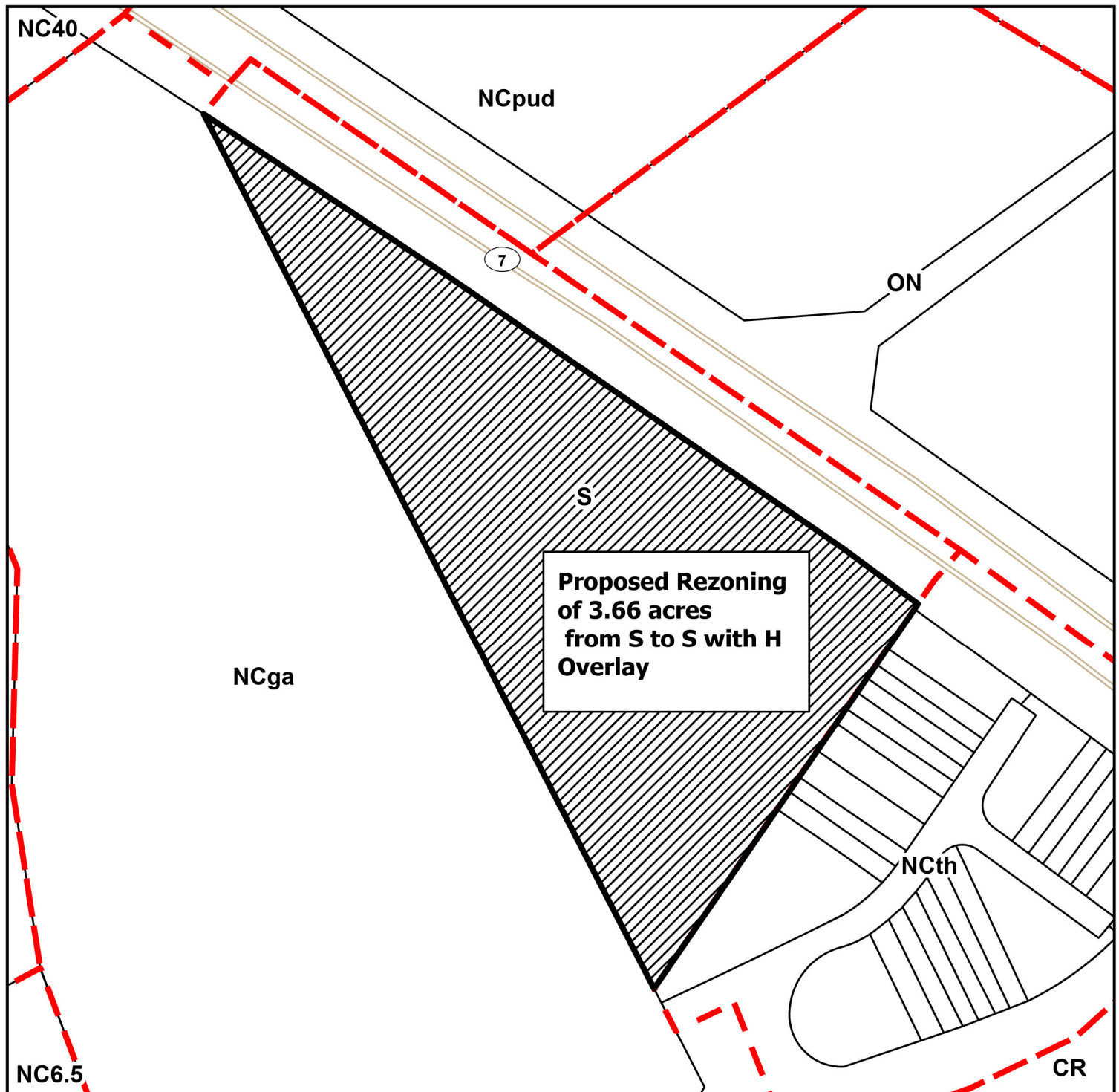
EXHIBIT "A"
ZONING ORDINANCE AS INTRODUCED

APPLICANT: AKESTER, JEFFREY D. TRUSTEE
FBO AKESTER JOHN & SALLIE

APPLICATION NO. 2024_0791

TAX PARCEL NO. 08-030.40-008

PROPOSED REZONING: EXISTING S ZONING TO S with H ZONING



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1,500

Prepared by: Property.Munsaka

Date: 10/28/2024



PERMANENT ORDINANCE NO. 25-018

Date Adopted by County Council _____

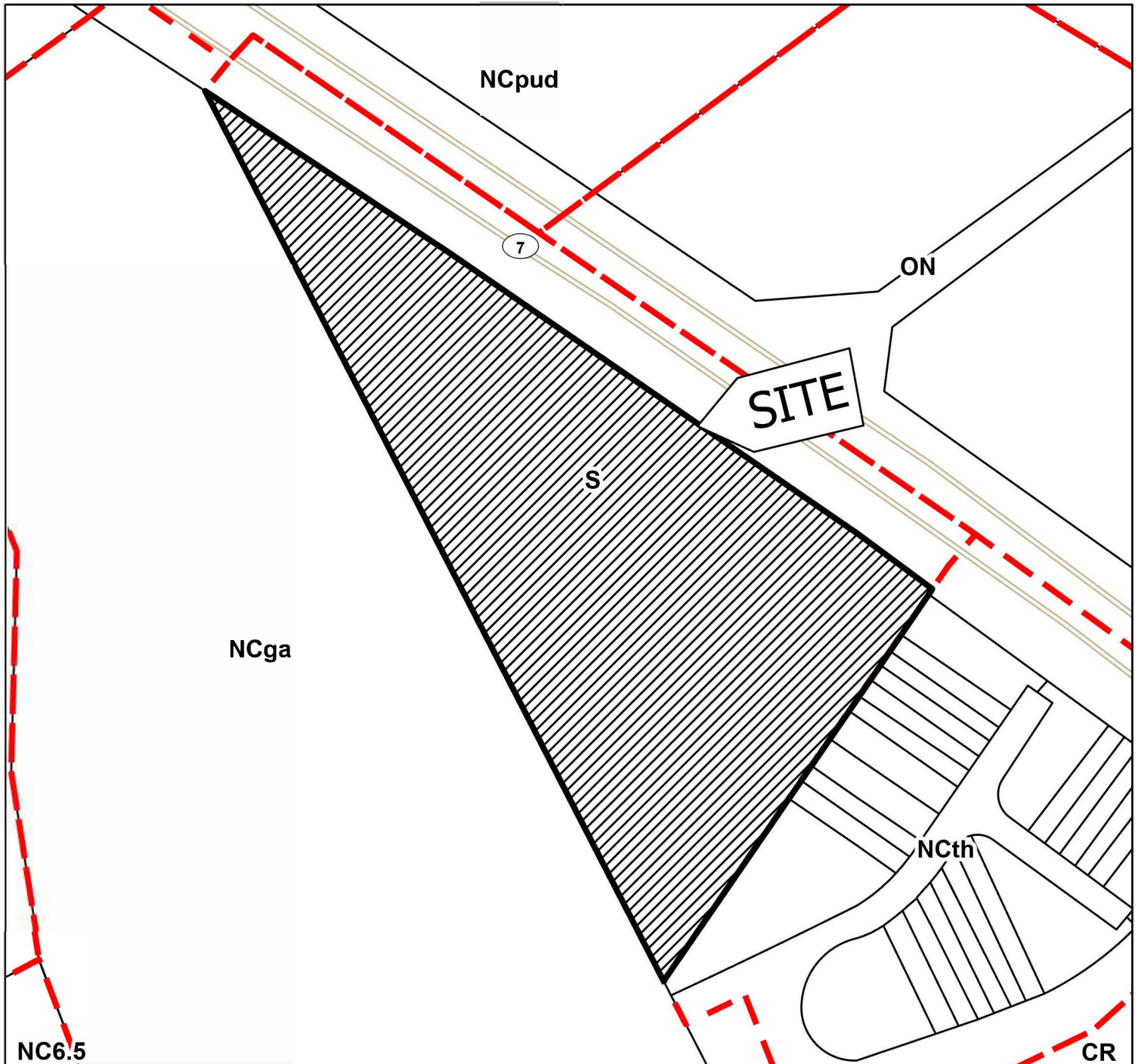
Date Approved by County Executive _____

PROPERTY MAP
APPLICANT: AKESTER, JEFFREY D. TRUSTEE
FBO AKESTER JOHN & SALLIE

EXHIBIT "L"
ZONING ORDINANCE AS INTRODUCED

APPLICATION NO. [2025-0701](#)
TAX PARCEL NO. 08-030.40-008

PROPOSED REZONING: EXISTING S ZONING TO S with H ZONING



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1,500

Prepared by: Property.Munsaka

Date: 10/28/2024



PERMANENT ORDINANCE NO. 25-018

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. 25-018
Application No. 2024-0701-Z
Mermaid Tavern H-Overlay

September 16, 2025

Sponsor: Councilwoman Kilpatrick (District 3)

Description: West side of Limestone Road, 375 feet north of the intersection with Skyline Drive; 4900 Limestone Road, tax parcel 08-030.40-008, rezone 3.66± acres from S (Suburban) to S (Suburban) and H (Historic Overlay Zone).

EXECUTIVE SUMMARY

Ordinance 25-018 proposes to rezone tax parcel 08-030.40-008 (3.66± acres) from S (Suburban) to S (Suburban) 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

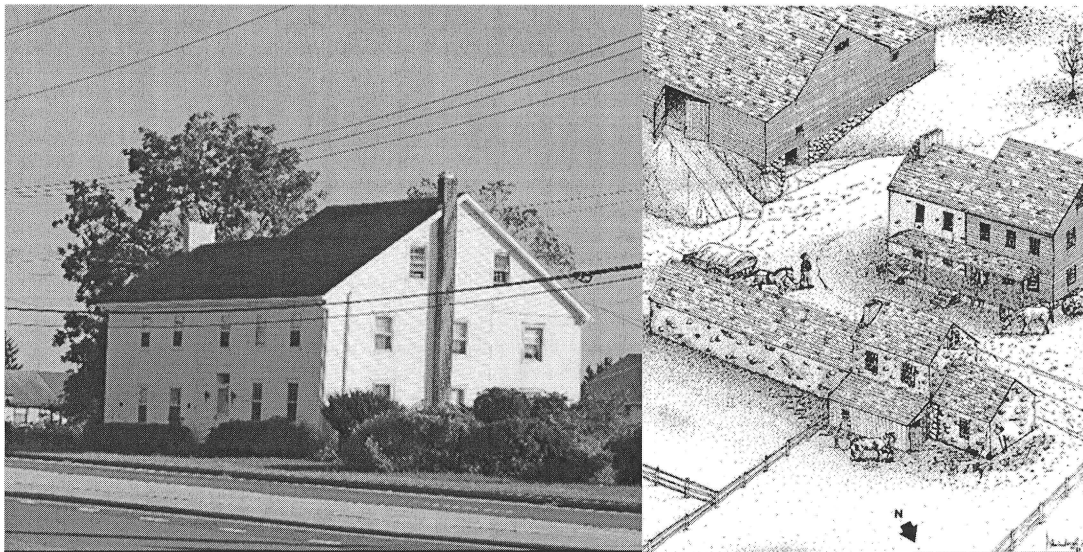
Ordinance 25-018 proposes to rezone 3.66± acres of tax parcel 08-030.40-008 from S (Suburban) to S (Suburban) and H (Historic Overlay Zone). The site is located 375 feet north of the intersection with Skyline Drive; 4900 Limestone Road. The rezoning is requested by the owner and is to remain a residence.

BACKGROUND

Discussions with the owners of Mermaid Tavern with the Department regarding the establishment of a Historic Overlay Zone started in 2024. Ord. 25-018, sponsored by Councilwoman Janet Kilpatrick, was introduced on February 25, 2025, and proceeded to the Historic Review Board on May 20, 2025.

History of the Mermaid Tavern

As per the National Register of Historic Places Nomination, a land transaction in 1718 is believed to have conveyed a farm along with a hotel license, implying that the resource was present on the site prior to 1725. In Francis Cooch's 1936 book *Little Known History of Newark and its Environs* he recounts the 1718 transaction, but follows it by saying "*Unfortunately, this deed was loaned to an attorney who has since died, and now it cannot be located*". A 1994 Study of the Mermaid intersection by DelDOT was also not readily able to locate this deed. Scharf's History of Delaware contradicts the commonly held narrative of the Tavern's 18th century establishment date and says that it "*Was opened in 1830 by Bracken and was afterwards conducted by Willam Ball, John Chapman, George Walker, and was closed in 1869 by Elizabeth Wilson Walker.*"



The Tavern has been occupied by various branches of the Walker and Ball families since the 18th century. The building was initially constructed as a log dwelling, which was subsequently expanded. Over time, the log dwelling was replaced with stone construction. The interior remains remarkably intact with the bar, which eventually became the primary operating area for the Post Office, is still present, featuring the movable partition, drawers, and glass cabinets.

Despite its moniker as the Mermaid Tavern, this establishment has served diverse purposes throughout its history, functioning as a meeting venue for religious groups, a polling station, and even as the local post office until 1882. The Tavern's strategic location on Limestone Road facilitated the arrival of waggoners, who utilized it as a rest stop during their arduous journeys from Pennsylvania to Stanton for subsequent

transportation on the Christina River. Conveniently located across the road was a full-service blacksmith and wheelwright's shop, which catered to the horses and wagons of the waggoners, the tavern provided essential amenities such as food, beverages, and lodging for the weary travelers. Additionally, a shed with stalls for 24 horses kept their teams safe and dry. The Tavern was part of a larger self-contained community at the intersection of Mermaid-Stoney Batter Road and Limestone Road and contributed to early development within Mill Creek Hundred.

Historic Board Review¹

At the May 20, 2025, public hearing, the Historic Review Board heard from Sallie Akester, owner of the Mermaid Tavern, who spoke on behalf of the application. She stated that it was once part of a 128-acre parcel and the original liquor license was granted by the King of England and the Governor of Pennsylvania. She explained the origin of the name and stated that there was once likely a sign with a mermaid on it, and that it was frequented by farmers and waggoners on their way to Stanton. The mermaid was very popular, and had a stable for 24 horses, a wheelwright and a blacksmith shop. She touched on the site's link to the Revolutionary War and showed two cannon balls they had found on the property. The resource was also a post office, and the Akesters have letters to the postmaster and the ballots for the ratification of a new amendment to the Delaware constitution. Ms. Akester said that her grandmother told her that she remembered seeing people come to vote, and that they voted through a window at the front porch. Ms. Akester noted that the Battle of Mermaid took place on Nov 4th, 1862, according to the book *Military Intervention of Delaware*. No one was killed, no one was injured, and no shots were fired. The Tavern continued to operate until 1866 when it lost its liquor license, but it was still permitted to operate as an inn. Ms. Akester explained that many of the interior spaces have been preserved including the bar area of the tavern.

Ms. Anderson (Historic Review Board) thanked the applicants for bringing in items from their collection and for the presentation. She said that it is special that they have these items and that they personalize history. She thanked them for coming and showing everyone present to value our past. There were no further comments from the Board. Susan Moran (1109 Yorklyn Road) and Councilwoman Dee Durham spoke in favor of the application.

At their Business Meeting held on June 3, 2025, the Historic Review Board considered the proposed resource (Mermaid Tavern), public testimony, and the Department of Land Use Recommendation and determined that the resource met the minimum Criteria for Designation of Historic Overlay Zoning pursuant to Section 40.15.110 of the *New Castle County Code*.

¹ Historic Review Board Application 2025-0187: <https://www3.newcastlede.gov/Project/Details/Default.aspx?ProjectKey=821026>

PLANNING BOARD PUBLIC HEARING – *August 5, 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

Sallie Akester, owner of the Mermaid Tavern, provided a historical overview of the property. During her presentation, she discussed the establishment of the tavern in the 1700s and the importance of its location to serve travelers and merchants from Lancaster County, Pennsylvania enroute to Stanton, Delaware to access barges for shipment of products to Philadelphia. The tavern also operated as a post office from 1848 to 1900 and had also been a voting place for a few years.

Neal Cantrell (Planning Board) asked if Ms. Akester still resides at the Mermaid Tavern and clarified the location of the site. There were no comments from the public.

ANALYSIS

Situated at 4900 Limestone Road, the Mermaid Tavern site was initially farmland that was part of a land transaction in 1718 and operated as an Inn and Tavern through the 1700 and 1800s. The present structure operates as a residence for the owners, John and Sallie Akester.

The Mermaid Tavern's eligibility for Historic Overlay Zoning was considered by the Historic Review Board on June 3, 2025. 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 12.2 and Strategy 12.2.2 of the New Castle County Comprehensive Development Plan of 2022. Objective 12.2 seeks to increase preservation of historic resources. Strategy 12.2.2 aims to preserve neighborhoods. The proposed H-overlay zoning would add a layer of preservation on the property if any future development is proposed.

B. Consistency with the character of the neighborhood.

² August 5, 2025, Planning Board Public Hearing: <https://www.newcastlede.gov/agendacenter>

The Mermaid Tavern has operated as an Inn and Tavern through the 1700 and 1800s. The primary structure has predated the surrounding commercial and residential developments along Limestone Road for over a hundred years.

C. *Consistency with zoning and use of nearby properties.*

The property is currently a residence which is a permissible use within the S (Suburban) zoning district. The property is to remain a residence after the establishment of the Historic Overlay Zone consistent with the residential developments found abutting the property.

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

The Mermaid Tavern's eligibility for Historic Overlay Zoning was considered by the Historic Review Board on June 3, 2025. 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 residence with any future proposed development or change of use requiring Historic Review Board approval pursuant to Section 40.15.100 of the *New Castle County Code*.

E. *Effect on nearby properties.*

The Mermaid Tavern has predated most of the commercial and residential development surrounding the site. The establishment of an Historic Overlay Zone will have minimal impact on the surrounding properties.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E of the *Unified Development Code*, the Future Land Use Map, the comments received from outside agencies, 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 25-018.

PLANNING BOARD RECOMMENDATION

At a business meeting held on September 16, 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 Neal Cantrell and seconded by Ruth Visvardis, the Board voted to recommend **APPROVAL** of Ordinance 25-018 as recommended by the Department of Land Use. The motion was adopted by a vote of 5-0-0-2 (In Favor: Cantrell, Cochran, Daigle, Drake, Snowden, Visvardis; In Opposition: None; Abstention: None; Absent: Daigle, Gray).

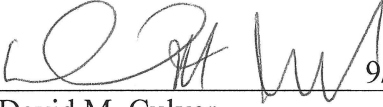
Prior to the vote, the following discussion occurred:

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

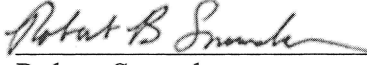
Mr. Snowden inquired about the location of the original 128-acre farm. Kevin Barni (Department of Land Use) detailed the full extent of the 128-farm which at one time spanned both sides of Limestone Road. Mr. Cochran asked if the building was currently occupied. Alec Davis (Department of Land Use) mentioned that the Akesters, the same couple that presented at the Public Hearing, still currently reside at the Mermaid Tavern.

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.



David M. Culver 9/23/25
General Manager date
Department of Land Use



Robert Snowden 9/23/25
Acting Chair date
New Castle County Planning Board

**FLOOR AMENDMENT NO. 1 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is amended at line numbers, 71, 87, and 111 through 263, by adding the material that is underlined and highlighted in yellow and by deleting the material with strikethroughs and highlighted in red, as follows.

Table 40.03.110. - Use table.

Table 40.03.110A. General Use Table										Table 40.03.110B. General Use Table										Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory										Zoning District (Suburban and Special Character)										Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I		C N	S ...	SE	NC ..	HI	EX	SR	P			Parking	Limited & Special Use Standards
Agricultural										Agricultural										Agricultural ...	
Industrial Uses										Industrial Uses										Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L		N	N	N	N	L	L	S	N			Table 40.03.522	Section 40.03.336
Data Centers	N	N	N	NL	NL	NL	NL	SL		NL	N	N	N	SL	SL	N	N			Table 40.03.522	Table 40.03.210 Section 40.03.343
Extraction	N	N	N	N	N	N	N	N		N	N	N	N	N	L	N	N			Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

Table 40.03.210A. Limited and Special Use Standards

Table 40.03.210A. Limited and Special Use Standards						Table 40.03.210B. Limited and Special Use Standards						Table 40.03.210C. Limited and Special Use Standards			
Buffer Standards						Locational or Dimensional Standards						Additional Standards			
Bufferyards						Separation		Minimum				Maximum			
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to protected parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	Other			
Agricultural ...						Agricultural						Agricultural ...			
Industrial Uses						Industrial Uses						Industrial Uses			
Compost operations												Section 40.03.336			
Data Centers	Within 4,000 500 feet of a residentially zoned parcel or parcel with an established daycare center or school	0.4	Minimum 8 ft. berm	Residential and established daycare center and schools	500 ft. *							See Section 40.03.343 * See Section 40.03.343.B			
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft. *		25 ac.					Section 40.03.324 * 100' for Recreation, High Intensity Uses ...			

13 **Sec. 40.03.343. – Data Centers.**

14
15 In addition to the requirements of Section 40.31.430~~26.430~~, the following
16 requirements shall apply to any proposed data center development or ~~the cumulative~~
17 ~~expansion of an existing data center in excess of two hundred 20,000 thousand square~~
18 ~~feet~~ additions larger than two hundred thousand (200,000) square feet of GFA:

19
20 ~~A. The site shall be designed to minimize noise impact on neighboring residential~~
21 ~~properties and shall not generate noise levels that exceed 55 db(A) or db(C) at the~~
22 ~~sending property line if the predevelopment noise level is below those levels. If the~~
23 ~~predevelopment noise exceeds those levels, no net increase in the existing noise level~~
24 ~~shall be permitted. A noise study shall be submitted to evaluate this impact and to verify~~
25 ~~consistency with Chapter 22 of the New Castle County Code and the study shall include~~
26 ~~all generators and any other equipment that will be utilized on the site as part of the~~
27 ~~calculation.~~

28
29 ~~B~~A. No portion of the proposed data center building or accessory uses shall be located
30 within 1,000 500 feet of a residential zoning district. However, the Department may
31 approve data center structures or accessory uses located less than 500 feet from a
32 residential zoning district, but no closer than required setbacks in the applicable zoning
33 district, upon review and determination that noise levels generated will not exceed the
34 allowable noise levels permitted in Chapter 22 of the New Castle County Code. In
35 granting any such approval distance of less than 500 feet, the Department may require
36 submission of a site-specific noise study demonstrating that the combined effectiveness
37 of the selected measures (noise attenuation and screening techniques, including, but not
38 limited to, a berm) will ensure compliance with the noise performance standards
39 contained in Chapter 22. ~~However, as a limited exception, the Department may approve~~
40 ~~data center structures or accessory uses located less than 1,000 feet, but no closer than~~
41 ~~500 feet, from a residential zoning district, upon review and determination that noise~~
42 ~~levels generated will not exceed the allowable noise levels permitted in this section. The~~
43 ~~Department may require submission of a site-specific noise study demonstrating that the~~
44 ~~combined effectiveness of the selected measures will ensure compliance with the noise~~
45 ~~performance standards set forth herein. Acceptable noise attenuation and screening~~
46 ~~techniques, including, but not limited to, the following measures, may be considered by~~
47 ~~the Department in evaluating compliance:~~

- 48
49 1. ~~Generator Acoustic Enclosures: fully enclosed or “super-silent” housings~~
50 ~~constructed of brick, masonry, or other acceptable materials with~~
51 ~~comparable sound transmission ratings.~~
52 2. ~~Acoustic Louvers and Duct Liners: designed to minimize tonal and airflow~~
53 ~~noise associated with ventilation or cooling systems.~~
54 3. ~~Sound Absorptive Panels: installed within cooling yards, generator~~
55 ~~buildings, or perimeter walls to reduce reflected noise.~~
56 4. ~~Porous Absorptive Cladding: such as mineral wool cores with perforated~~
57 ~~metal facings to dampen exterior surface reflections.~~
58 5. ~~Vibration Isolation Systems: including spring and neoprene isolators to~~
59 ~~prevent structure-borne noise transmission from generators, chillers, or~~
60 ~~HVAC units.~~
61 6. ~~Acoustic Fencing and Walls: solid or composite barriers with a minimum~~

62 sound Transmission Class (STC) rating of 35, extending fully above the line
63 of sight between the noise source and the property line.

64 7. ~~Building Orientation and Shielding: siting of data center buildings or~~
65 ~~equipment yards so that structures themselves block direct noise paths~~
66 ~~towards residential or institutional uses.~~

67 8. ~~Enhanced Landscaping and Earth Berms: incorporation of vegetation,~~
68 ~~berms, and mounded terrain to provide additional passive sound~~
69 ~~attenuation and visual screening.~~

70

71 ~~C. Except for lot lines along an existing office or industrial park or adjacent to an existing~~
72 ~~industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded,~~
73 ~~where appropriate to mask the development. The buildings shall meet the requirements~~
74 ~~for large industrial structures in Section 40.26.260.~~

75

76 ~~D. Lighting shall be designed so that there is zero (0) footcandles at the property line of~~
77 ~~the neighboring residential area.~~

78

79 **E.B.** In addition to meeting all the requirements of Article 11...

80

81 ~~F.C.~~ Open-loop or once-through cooling is prohibited unless...

82

83 ~~G. All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction~~
84 ~~(SCR) systems. The Department may permit applicants to substitute other technologies~~
85 ~~that the applicant can demonstrate as being more efficient and have less impact on the~~
86 ~~environment.~~

87

88 ~~H. Any energy storage system utilized for this use shall be Battery Energy Storage~~
89 ~~System ("BESS"). The Department may permit applicants to substitute other~~
90 ~~technologies that the applicant can demonstrate as being more efficiency and have less~~
91 ~~impact on the environment. Energy storage systems must employ fire-safe technologies~~
92 ~~as determined and approved by the State Fire Marshal's Office.~~

93

94 ~~I. All new expanded facilities shall submit documentation outlining the operation of the~~
95 ~~buildings as a LEED Gold or equivalent certification and providing the Total Usage~~
96 ~~Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency~~
97 ~~of a system considering both the energy used by the IT equipment and the supporting~~
98 ~~infrastructure, with a minimum TUE of 1.15 must be provided unless operational issues~~
99 ~~are documented and accepted to vary this minimum.~~

100

101 **J.D.** All data centers must be designed for future integration...

102

103 **K.E.** Applicant must submit a statement of coordination with local electric utility...

104

105 **L.F.** Applicants must submit a statement of coordination with DNREC Water Allocation
106 Program...

107

108 **M.G.** Data Centers must comply with all State and Federal requirements...

109

110 **N.H.** Abandonment. ...

111	
112	 . Financial Assurance. ...
113	
114	 . Annual Report. ...

SYNOPSIS: *Floor Amendment No. 2 revises Table 40.03.110 to require that Data Centers in the “I”, “HI” and “EX” zoning districts be subject to Limited review rather than Special Use review, and changes Data Centers in the “ON”, “OR”, “CR”, “BP” and “CN” zoning districts from a prohibited use to a use subject to Limited review as such districts permit Data Centers in the current UDC.*

The amendment also updates Section 40.03.343 to require that proposed Data Center developments or additions greater than two hundred thousand (200,000) square feet of gross floor area comply with Section 40.26.430 (Large Industrial Structures). Additionally, it eliminates various requirements that are already addressed elsewhere in the UDC or are more appropriately addressed by the Building Code.

The amendment also revises Table 40.03.210A by reducing the distance between residential uses and Data Center developments from 1,000 feet contained in the originally introduced ordinance to 500 feet, or, in the alternative, grants the Department the discretion to approve a setback less than 500 feet when it is satisfied current noise standards contained in Chapter 22 will be satisfied through other methods such as berming.

Prime Sponsor(s): Mr. Toole
Date of Introduction: November 18, 2025

**FLOOR AMENDMENT NO. 2 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended in the **WHEREAS** portion of the ordinance by striking the **WHEREAS** provisions that appears at line numbers 41-44, and 46-49 in their entirety.

SYNOPSIS: This floor amendment proposes that the **WHEREAS** provisions currently appearing at line numbers 41-44, and 46-49 be deleted in their entirety.

**FLOOR AMENDMENT NO. 3 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended at **line number 71**, Table 40.03.110A. by striking the reference in the upper columns to the designations in the columns in the second, lower line.

Data Centers	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>			Table 40.03.522	Table 40.03.210 Section 40.03.343
<u>Proposed Change</u>					<u>L</u>	<u>S</u>	<u>L</u>	<u>L</u>					<u>L</u>	<u>L</u>			Table 40.03.522	Table 40.03.210 Section 40.03.343

SYNOPSIS: This floor amendment proposes that the language currently appearing at line 71 be amended to reflect the language appearing in the lower row and highlighted as reflected in the **proposed change** row to reflect the language highlighted in **red and yellow**.

**FLOOR AMENDMENT NO. 4 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended at **line number 87**, Table 40.03.210A. by striking the reference in the third column to opacity of “0.4” and replacing it with **“0.3”**.

<u>Data Centers</u>	<u>Within 1,000 feet of a residentially zoned parcel or parcel with an established daycare center or school</u>	<u>0.4</u> 0.3	<u>Minimum 8 ft. berm</u>	<u>Residential and established daycare center and schools</u>	<u>500 ft.*</u>						
---------------------	---	--------------------------	---------------------------	---	-----------------	--	--	--	--	--	--

SYNOPSIS: This floor amendment proposes that the *Increase Opacity or Width* requirement be amended from 0.4 to **0.3**.

**FLOOR AMENDMENT NO. 5 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended at line numbers 188-193 by deleting the material there appearing as identified with strikethroughs and red below.

~~and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 must be provided unless operational issues are documented and accepted to vary this minimum~~

SYNOPSIS: This floor amendment proposes that the language currently appearing at line numbers 188-193, as highlighted in red above, be stricken.

**FLOOR AMENDMENT NO. 6 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended at line numbers 212-263 (Section N. *Abandonment*, Section O. *Financial assurance*, and Section P. *Annual Report*.) by deleting the material there appearing in its entirety.

~~N.—Abandonment.~~

~~1. The operator or property owner shall provide written notice to the Department whenever the Data Center is out of active operation for more than six (6) months. Any Data Center that ceases to operate for one (1) year or longer is considered abandoned.~~

~~2. The operator or property owner shall either recommence operation and schedule a site inspection with the Department to verify that all use requirements are still intact or shall remove all equipment and systems within six (6) months of being considered abandoned.~~

~~3. Within two (2) years of being considered abandoned, the Data Center site shall be either restored to its predevelopment condition and inspected by the Department, or the property owner shall submit a land use application consistent with this Chapter to establish a new use for the site. Failure to comply with the requirements of this section shall authorize, but not require, the County to remove the Data Center and, when abandoned, restore the site to its predevelopment condition and charge the property owner as set forth in Subsection O. below.~~

~~O.—Financial assurance. Prior to issuance of a building permit, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its predevelopment condition when the Data Center has been abandoned. Financial assurances for Data Centers are subject to the following:~~

~~1. The applicant shall provide a decommissioning report that includes the following components:~~

~~a.—An inventory of components installed on the site.~~

~~b.—Expected lifetime of the facility.~~

~~c.—Decommissioning sequence.~~

d. ~~Decommissioning cost estimate based on RSMeans or other software or methodology approved by the Department.~~

2. ~~The financial assurance shall remain in full force and effect while the Data Center remains in place and operating, and shall be renewed every five (5) years and revised as necessary to adjust for inflation and any change in the cost for decommissioning.~~

P. ~~Annual Report, Enforcement and Compliance. The operator of the Data Center shall supply an annual report, as found in Appendix 9, to the Department indicating compliance with all applicable local, state and federal regulations. The Department shall reserve the right to request additional information and establish and update procedures for inspections, monitoring, and enforcement of compliance with this section. Non-compliant facilities will be subject to Division 40.31.900 or any other remedy available.~~

SYNOPSIS: This floor amendment proposes that the language currently appearing at line numbers 212-263 (Section N. *Abandonment*, Section O. *Financial assurance*, and Section P. *Annual Report*) be stricken in its entirety.

Prime Sponsor(s): Ms. Kilpatrick
Date of Introduction: November 18, 2025

FLOOR AMENDMENT NO. 7 TO SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101

1 Substitute No. 2 to Ordinance No. 25-101 is amended at line numbers 347 through 349
2 by adding the material that is underlined and highlighted in yellow and by deleting the
3 material with strikethroughs and highlighted in red, as follows
4

5 **Sec. 9. Effective Date.** This Ordinance shall become effective immediately upon its
6 adoption by County Council and approval by the County Executive, but shall only apply
7 to Minor and Major land development plan applications (including, but not limited to
8 preapplication sketch plans) submitted to the County after its adoption date, unless the
9 applicant, by written request, agrees to submit to the provisions of this Ordinance. All
10 resubdivision plan applications are exempted from this Ordinance regardless of the
11 submission date to the County. Any future Data Center use, buildings and/or structures
12 exempted from the applicability of this Ordinance shall be a lawful use in all respects and
13 in no case considered a non-conforming use, building(s), structure(s) or situation(s).

SYNOPSIS: *Floor Amendment No. 2 also clarifies that this Ordinance will take effect immediately upon adoption and will apply only to new Minor and Major land development plan applications (including preapplication sketch plans) submitted after adoption, unless an applicant requests otherwise in writing; all subdivision plan applications are exempt, regardless of submission date; and, any future data center projects that are exempted from this Ordinance will be considered fully legal and not treated as non-confirming uses.*

Prime Sponsor(s): Mr. Carter
Co-sponsor(s): Mr. Caneco, Mr. Tackett,
Ms. Durham, Mr. Cartier
Date of Introduction: August 5, 2025

SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED
DEVELOPMENT CODE”), ARTICLE 3 (“USE REGULATIONS”) AND ARTICLE 33
 (“DEFINITIONS”) TO ESTABLISH STANDARDS FOR THE REVIEW, SITING,
AND OPERATIONS OF DATA CENTERS**

1 **WHEREAS**, New Castle County currently lacks comprehensive, specific zoning
2 and development regulations tailored to the unique infrastructure demands,
3 environmental impacts, and operational characteristics of data centers; and
4

5 **WHEREAS**, data centers are distinct from other industrial and commercial uses
6 due to their high energy consumption, large-scale backup power systems, significant
7 water usage, and potential impacts on surrounding communities through noise, heat, and
8 traffic; and
9

10 **WHEREAS**, technological advancements have precipitated the growth of data
11 centers nationwide, expediting the need for provisions to guide responsible development
12 and mitigate impacts; and
13

14 **WHEREAS**, it is in the public interest to proactively regulate data center
15 development to ensure compatibility with surrounding land uses and to protect the health,
16 safety, and welfare of New Castle County residents; and
17

18 **WHEREAS**, data centers share many characteristics with heavy industry,
19 particularly in terms of energy consumption, building scale, and noise leading to zoning
20 and classification complexities best handled as a separate category of use; and
21

22 **WHEREAS**, the County seeks to encourage economic development while also
23 preserving community character, promoting sustainability, safeguarding public
24 infrastructure capacity, and minimizing land use conflicts; and
25

26 **WHEREAS**, Data Centers are unique land uses that involve large-scale electrical
27 infrastructure, water-intensive cooling systems, and extensive impervious coverage; and
28

29 **WHEREAS**, Data Centers typically utilize backup diesel generators, aboveground
30 and underground fuel storage tanks, cooling towers, and large volumes of electronic and
31 battery equipment that may pose environmental, public health, and safety risks if left
32 abandoned or unmaintained; and

33 **WHEREAS**, advances in information technology, server design, and power
34 delivery may cause individual Data Center facilities to become obsolete within a relatively
35 short operating lifespan, resulting in the risk of abandonment of specialized facilities that
36 are not easily adapted to other uses; and

37 **WHEREAS**, the County has a responsibility to protect the public health, safety,
38 and welfare by ensuring that abandoned or obsolete facilities are properly removed and
39 that sites are restored to a safe and stable condition; and
40

41 **WHEREAS**, financial assurance requirements for decommissioning are a well-
42 established land use tool in other industries with significant environmental or
43 infrastructure impacts, including telecommunications towers, wind and solar energy
44 projects, and mining operations; and
45

46 **WHEREAS**, requiring a Decommissioning Plan and associated financial
47 assurance for Data Centers will ensure that the County and its taxpayers are not
48 burdened with the cost of restoring sites and remediating environmental impacts in the
49 event of abandonment; and
50

51 **WHEREAS**, County Council has determined that the provisions of this Ordinance
52 substantially advance, and are reasonably and rationally related to legitimate government
53 interests.
54

55 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
56

57 **Section 1.** *New Castle County Code* Chapter 40 (“Unified Development Code”),
58 Article 3 (“Use Regulations”), Division 40.03.110 (“Use Regulations”) is hereby amended
59 by adding the material that is underscored and deleting the material that is stricken, as
60 set forth below.
61

62 **Sec. 40.03.110. – Use table.**
63

64 Table 40.03.110 lists the type of uses permitted in each district. Refer to Division
65 40.33.200 for definitions of the various use categories and their components. Should a
66 use not be identified in Table 40.03.110, an interpretation pursuant to Section 40.31.520
67 can be requested. Table 40.03.522 lists the specific parking requirements for several
68 general uses listed in Table 40.03.110. Limited and special use standards are contained
69 in Table 40.03.210 and Division 40.03.300. See Article 4 for district, lot, bulk and other
70 standards.

71

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory									Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I	C N	S ***	SE	NC **	HI	EX	SR	P	Parking	Limited & Special Use Standards
Agricultural									Agricultural								Agricultural ...	
Industrial Uses									Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
<u>Data Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Table 40.03.210</u> <u>Section 40.03.343</u>
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

72

73 **Section 2.** *New Castle County Code* Chapter 40 (“Unified Development Code”),
74 Article 3 (“Use Regulations”), Section 40.03.210 (“Buffering, location, bulk and scale
75 standards”) is hereby amended by adding the material that is underscored and deleting
76 the material that is stricken, as set forth below.
77

78 **Sec. 40.03.210. - Buffering, location, bulk and scale standards.**
79

80 Table 40.03.210 provides standards that increase the degree of buffering, govern the
81 location, and reduce the bulk or scale of limited or special uses. The meaning of the
82 different categories contained in the Table is established as follows:
83

84 A. *Location.* ...

85
86 K. *Other.* ...

Table 40.03.210A. Limited and Special Use Standards						Table 40.03.210B. Limited and Special Use Standards						Table 40.03.210C. Limited and Special Use Standards
	Buffer Standards					Locational or Dimensional Standards						Additional Standards
	Bufferyards			Separation		Minimum				Maximum		
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to protected parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	Other
Agricultural ...						Agricultural						Agricultural ...
Industrial Uses						Industrial Uses						Industrial Uses
Compost operations												Section 40.03.336
<u>Data Centers</u>	<u>Within 1,000 feet of a residentially zoned parcel or parcel with an established daycare center or school</u>	<u>0.4</u>	<u>Minimum 8 ft. berm</u>	<u>Residential and established daycare center and schools</u>	<u>500 ft.*</u>							<u>See Section 40.03.343</u> <u>* See Section 40.03.343.B</u>
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft. *		25 ac.					Section 40.03.324 * 100' for Recreation, High Intensity Uses ...

Section 3. *New Castle County Code* Chapter 40 (“Unified Development Code”), Article 3 (“Use Regulations”), Division 40.03.300 (“Additional limited and special use standards”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.03.333. - Light Industry uses in OR and CR zoning districts.

- A. Light Industry uses as defined in Subsection 40.33.270.~~E~~ ~~D~~ are considered Limited Uses in the OR zoning district, except that the following uses require a special use permit:

Sec. 40.03.340. - Multifamily conversion.

Multifamily conversions are intended to facilitate and encourage the redevelopment of existing office and commercial sites and increase the diversity in housing opportunities in the county where supporting infrastructure exists. The following requirements apply to all multifamily conversions:

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a heavy industry zoned parcel or a parcel with a heavy industry use as defined in Subsection 40.33.270.~~G~~ ~~D~~.

Sec. 40.03.343. – Data Centers.

In addition to the requirements of Section 40.31.430, the following requirements apply to any data center development or the cumulative expansion of an existing data center in excess of 20,000 square feet:

- A. The site shall be designed to minimize noise impact on neighboring residential properties and shall not generate noise levels that exceed 55 dB(A) or dB(C) at the sending property line if the predevelopment noise level is below those levels. If the predevelopment noise exceeds those levels, no net increase in the existing noise level shall be permitted. A noise study shall be submitted to evaluate this impact and to verify consistency with Chapter 22 of the *New Castle County Code* and the study shall include all generators and any other equipment that will be utilized on the site as part of the calculation.
- B. No portion of the proposed data center building or accessory uses shall be located within 1,000 feet of a residential zoning district. However, as a limited exception, the Department may approve data center structures or accessory uses located less than 1,000 feet, but no closer than 500 feet, from a residential zoning district, upon review and determination that noise levels generated will not exceed the allowable noise levels permitted in this section. The Department may require submission of a site-specific noise study demonstrating that the combined effectiveness of the selected measures will ensure compliance with the noise performance standards set forth herein. Acceptable noise attenuation and screening techniques, including, but not limited to, the following measures, may be considered by the Department in evaluating compliance:

1. Generator Acoustic Enclosures: fully enclosed or “super-silent” housings constructed of brick, masonry, or other acceptable materials with comparable sound transmission ratings.
 2. Acoustic Louvers and Duct Liners: designed to minimize tonal and airflow noise associated with ventilation or cooling systems.
 3. Sound-Absorptive Panels: installed within cooling yards, generator buildings, or perimeter walls to reduce reflected noise.
 4. Porous Absorptive Cladding: such as mineral-wool cores with perforated metal facings to dampen exterior surface reflections.
 5. Vibration Isolation Systems: including spring and neoprene isolators to prevent structure-borne noise transmission from generators, chillers, or HVAC units.
 6. Acoustic Fencing and Walls: solid or composite barriers with a minimum Sound Transmission Class (STC) rating of 35, extending fully above the line of sight between the noise source and the property line.
 7. Building Orientation and Shielding: siting of data center buildings or equipment yards so that structures themselves block direct noise paths toward residential or institutional uses.
 8. Enhanced Landscaping and Earth Berms: incorporation of vegetation, berms, and mounded terrain to provide additional passive sound attenuation and visual screening.
- C. Except for lot lines along an existing office or industrial park or adjacent to an existing industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded, where appropriate to mask the development. The buildings shall meet the requirements for large industrial structures in Section 40.26.260.
- D. Lighting shall be designed so that there is zero (0) footcandles at the property line of the neighboring residential area.
- E. In addition to meeting all the requirements of Article 11, anticipated trip generation for a data center shall be based on the latest published ITE manual calculations. Data Centers shall not be converted to any use that exceeds the approved Transportation Improvement Study (TIS) or equivalent study, for the site unless another TIS or equivalent study is completed and approved in accordance with all other applicable provisions of this Chapter.
- F. Open-loop or once-through cooling is prohibited unless reclaimed water is used.
- G. All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction (SCR) systems. The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment.
- H. Any energy storage system utilized for this use shall be a Battery Energy Storage System (“BESS”). The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment. Energy storage systems must employ fire-safe technologies as determined and approved by the State Fire Marshall’s Office.

- I. All new or expanded facilities shall submit documentation outlining the operation of the building as a LEED Gold or equivalent certification and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 must be provided unless operational issues are documented and accepted to vary this minimum.
- J. All data centers must be designed for future integration with onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems.
- K. Applicants must submit a statement of coordination with the local electric utility and demonstrate the availability of sufficient grid capacity, or provide onsite generation that meets or exceeds projected load.
- L. Applicants must submit a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council and demonstrate the availability of sufficient water supply to meet or exceed projected water use.
- M. Data Centers must comply with all State and Federal requirements including but not limited to water supply coordination, cooling water discharges, emission standards, and air quality monitoring.
- N. Abandonment.
1. The operator or property owner shall provide written notice to the Department whenever the Data Center is out of active operation for more than six (6) months. Any Data Center that ceases to operate for one (1) year or longer is considered abandoned.
 2. The operator or property owner shall either recommence operation and schedule a site inspection with the Department to verify that all use requirements are still intact or shall remove all equipment and systems within six (6) months of being considered abandoned.
 3. Within two (2) years of being considered abandoned, the Data Center site shall be either restored to its predevelopment condition and inspected by the Department, or the property owner shall submit a land use application consistent with this Chapter to establish a new use for the site. Failure to comply with the requirements of this section shall authorize, but not require, the County to remove the Data Center and, when abandoned, restore the site to its predevelopment condition and charge the property owner as set forth in Subsection O. below.
- O. Financial assurance. Prior to issuance of a building permit, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure

235 payment of one hundred (100) percent of the anticipated cost of removal of all
236 associated site improvements and restoration of the site to its predevelopment
237 condition when the Data Center has been abandoned. Financial assurances for
238 Data Centers are subject to the following:

- 239
- 240 1. The applicant shall provide a decommissioning report that includes the
241 following components:
- 242
- 243 a. An inventory of components installed on the site.
- 244
- 245 b. Expected lifetime of the facility.
- 246
- 247 c. Decommissioning sequence.
- 248
- 249 d. Decommissioning cost estimate based on RSMeans or other software or
250 methodology approved by the Department.
- 251
- 252 2. The financial assurance shall remain in full force and effect while the Data
253 Center remains in place and operating, and shall be renewed every five (5)
254 years and revised as necessary to adjust for inflation and any change in the
255 cost for decommissioning.
- 256
- 257 P. Annual Report, Enforcement and Compliance. The operator of the Data Center
258 shall supply an annual report, as found in Appendix 9, to the Department
259 indicating compliance with all applicable local, state and federal regulations. The
260 Department shall reserve the right to request additional information and establish
261 and update procedures for inspections, monitoring, and enforcement of
262 compliance with this section. Non-compliant facilities will be subject to Division
263 40.31.900 or any other remedy available.

264 **Section 4. New Castle County Code Chapter 40 ("Unified Development Code"),**
265 **Article 33 ("Definitions"), Section 40.33.270 ("Industrial Uses") is hereby amended by**
266 **adding the material that is underscored and deleting the material that is stricken, as set**
267 **forth below.**

268

269 A. Compost operations (NAICS 325314). ...

270

271 B. Data Center. A facility composed of networked computers, servers, storage systems,
272 and telecommunications equipment used for data processing, storage, and
273 distribution (NAICS 518210).

274

275 ~~C~~ B. *Extraction.* ...

276

277 ~~D~~ G. *Heavy industry.* ...

278

279 ~~E~~ D . *Light industry.* ...

280

281 ~~F~~ E . *Recycling or .* ...

282

283 G F . *Solar energy system, large scale.* ...

284
285 H G . *Utility, major.* ...

286
287 I H . *Utility, minor.* ...

288
289 J I . *Utilities, maintenance facilities.* ...

290
291 **Section 5. New Castle County Code Chapter 40** (“Unified Development Code”),
292 Article 33 (“Definitions”), Section 40.33.300 (“General Definitions”) is hereby amended by
293 adding the material that is underscored and deleting the material that is stricken, as set
294 forth below.

295
296 *Abandonment.* ...

297
298 *Closed channel.* A conveyance system not open to the atmosphere (usually, but
299 not always, pipe).

300
301 *Closed-Loop Cooling System.* A Closed-Loop Cooling System is one where the
302 cooling medium is contained within a piping circuit for reuse.

303
304 *Coastal high hazard area or special flood hazard area subject to high velocity wave*
305 *action.* ...

306
307 *Opacity.* The measurement of the screening effectiveness of a bufferyard or fence
308 expressed as the percent of vision that the screen blocks.

309
310 *Open-Loop Cooling System or Once-Through Cooling System.* An Open-Loop
311 Cooling System is one with a cooling method in which water is withdrawn from a surface,
312 groundwater, or public supply source, passed through heat-exchange equipment to
313 absorb heat, and the effluent is then discharged to a surface water body, re-injected into
314 the ground, or discharged into a wastewater treatment system. Open-loop systems
315 typically rely on continuous withdrawals and discharges, frequently resulting in greater
316 thermal or environmental impacts including higher consumptive use of water resources.

317
318 *Reclaimed Water.* Water that has been treated to meet specific quality standards,
319 making it safe for a beneficial reuse. This can include treated effluent from wastewater
320 treatment facilities and remediation activities.

321
322 *Open space.* ...

323 **Section 6. Consistent with Comprehensive Development Plan.** New Castle
324 County Council finds that the provisions of this Ordinance are consistent with the spirit
325 and intent of the New Castle County Comprehensive Development Plan.

326
327 **Section 7. Inconsistent Ordinances and Resolutions Repealed.** All ordinances
328 or parts of ordinances and all resolutions or parts of resolutions that may be in conflict
329 herewith are hereby repealed except to the extent they remain applicable to land use

330 matters reviewed under previous Code provisions as provided in Chapter 40 of the *New*
331 *Castle County Code*.
332

333 **Section 8. Severability.** The provisions of this Ordinance shall be severable. If
334 any provision of this Ordinance is found by any court of competent jurisdiction to be
335 unconstitutional or void, the remaining provisions of this Ordinance shall remain valid,
336 unless the court finds that that the valid provisions of this Ordinance are so essentially
337 and inseparably connected with, and so dependent upon, the unconstitutional or void
338 provision that it cannot be presumed that County Council would have enacted the
339 remaining valid provisions, without the unconstitutional or void one, or unless the court
340 finds that the remaining valid provisions, standing alone, are incomplete and incapable of
341 being executed in accordance with the County Council's intent. If any provision of this
342 Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all
343 applicable former ordinances, resolutions, zoning maps or portions thereof shall become
344 applicable and shall be considered as continuations thereof and not as new enactments
345 regardless if severability is possible.
346

347 **Section 9. Effective Date.** This Ordinance shall become effective immediately
348 upon its adoption by County Council and approval by the County Executive or as
349 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 A. Henry
County Executive
of New Castle County

SYNOPSIS: The following is a summary of the revisions contained in this Ordinance
broken down by *New Castle County Code* Division or Section number.

Sec. 40.03.110. This amendment updates the use table to establish which zoning districts
permit the Data Center as a Special Use.

Sec. 40.03.210. This amendment updates the Limited and Special Use Standards Table
to include Data Center uses.

Sec. 40.03.333. This amendment updates references to the definition of Light Industrial
uses based on changes proposed to Section 40.33.270.

Sec. 40.03.340. This amendment updates references to the definition of Heavy Industry uses based on changes proposed to Section 40.33.270.

Sec. 40.03.343. This amendment includes Special Use standards for Data Center uses.

Section 40.33.270. This amendment defines Data Center uses.

Substitute No. 1. The following changes were included in Substitute No. 1:

Sec. 40.03.110. This amendment further updates the use table to establish which zoning districts permit the Data Center as a Special Use.

Sec. 40.03.343. This amendment clarifies that Data Centers must comply with State and Federal regulations and allows the Department to permit applicants to substitute other technologies that the applicant has demonstrated as being more efficient and have less impact on the environment. This amendment also includes decommissioning, abandonment, and financial assurance provisions for Data Centers.

Section 40.33.300. This amendment defines Closed-Loop Cooling Systems, Open-Loop Cooling Systems, and Reclaimed Water.

Substitute No. 2. The following changes are included in Substitute No. 2:

Sec. 40.03.210. This amendment references Section 40.03.343.B regarding the distancing requirements between Data Center Structures and protected uses.

Sec. 40.03.343. This amendment clarifies that the noise level restrictions are for noises generated by the Data Center and accessory uses. This amendment also allows the Department to approve Data Center structures and accessory uses located less than 1,000 ft. from a residential zoning district, provided that noise levels generated do not exceed the allowable noise levels permitted in Chapter 22 of the *New Castle County Code*, provided however, that no portion of the proposed data center building or accessory uses shall be within 500 ft. of a residential zoning district line.

This amendment changes the effective date of the ordinance to be the date that the ordinance is adopted by County Council and approved by the County Executive or as otherwise provided in 9 *Del. C.* § 1156.

FISCAL NOTE: This Ordinance will have no discernable fiscal impact.

Prime Sponsor(s): Mr. Carter
Co-sponsor(s): Mr. Caneco, Mr. Tackett
Ms. Durham, Mr. Cartier

Date of Introduction: August 5, 2025

SUBSTITUTE NO. 1 TO ORDINANCE NO. 25-101

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 3 (“USE REGULATIONS”) AND ARTICLE 33 (“DEFINITIONS”) TO ESTABLISH STANDARDS FOR THE REVIEW, SITING, AND OPERATIONS OF DATA CENTERS

1 **WHEREAS**, New Castle County has received an unprecedented proposal for a
2 large-scale data center campus, totaling approximately 6 million square feet; and
3

4 **WHEREAS**, the County currently lacks comprehensive, specific zoning and
5 development regulations tailored to the unique infrastructure demands, environmental
6 impacts, and operational characteristics of hyperscale data centers; and
7

8 **WHEREAS**, data centers are distinct from other industrial and commercial uses
9 due to their high energy consumption, large-scale backup power systems, significant
10 water usage, and potential impacts on surrounding communities through noise, heat, and
11 traffic; and
12

13 **WHEREAS**, technological advancements have precipitated the growth of data
14 centers nationwide, expediting the need for provisions to guide responsible development
15 and mitigate impacts; and
16

17 **WHEREAS**, it is in the public interest to proactively regulate data center
18 development to ensure compatibility with surrounding land uses and to protect the health,
19 safety, and welfare of New Castle County residents; and
20

21 **WHEREAS**, data centers share many characteristics with heavy industry,
22 particularly in terms of energy consumption, building scale, and noise leading to zoning
23 and classification complexities best handled as a separate category of use; and
24

25 **WHEREAS**, the County seeks to encourage economic development while also
26 preserving community character, promoting sustainability, safeguarding public
27 infrastructure capacity, and minimizing land use conflicts; and
28

29 **WHEREAS**, Data Centers are unique land uses that involve large-scale electrical
30 infrastructure, water-intensive cooling systems, and extensive impervious coverage; and
31

32 **WHEREAS**, Data Centers typically utilize backup diesel generators, aboveground
33 and underground fuel storage tanks, cooling towers, and large volumes of electronic and
34 battery equipment that may pose environmental, public health, and safety risks if left
35 abandoned or unmaintained; and

36 **WHEREAS**, advances in information technology, server design, and power
37 delivery may cause individual Data Center facilities to become obsolete within a relatively
38 short operating lifespan, resulting in the risk of abandonment of specialized facilities that
39 are not easily adapted to other uses; and
40

41 **WHEREAS**, the County has a responsibility to protect public health, safety, and
42 welfare by ensuring that abandoned or obsolete facilities are properly removed and that
43 sites are restored to a safe and stable condition; and
44

45 **WHEREAS**, financial assurance requirements for decommissioning are a well-
46 established land use tool in other industries with significant environmental or
47 infrastructure impacts, including telecommunications towers, wind and solar energy
48 projects, and mining operations; and
49

50 **WHEREAS**, requiring a Decommissioning Plan and associated financial
51 assurance for Data Centers will ensure that the County and its taxpayers are not
52 burdened with the cost of restoring sites and remediating environmental impacts in the
53 event of abandonment; and
54

55 **WHEREAS**, County Council intends that the pending ordinance doctrine apply to
56 restrict the acceptance of land development applications submitted after the introduction
57 of this Ordinance that would otherwise be prohibited by the provisions of this Ordinance;
58 and
59

60 **WHEREAS**, County Council has determined that the provisions of this Ordinance
61 substantially advance, and are reasonably and rationally related to legitimate government
62 interests.
63

64 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
65

66 **Section 1.** *New Castle County Code* Chapter 40 (“Unified Development Code”),
67 Article 3 (“Use Regulations”), Division 40.03.110 (“Use Regulations”) is hereby amended
68 by adding the material that is underscored and deleting the material that is stricken, as
69 set forth below.
70

71 **Sec. 40.03.110. – Use table.**
72

73 Table 40.03.110 lists the type of uses permitted in each district. Refer to Division
74 40.33.200 for definitions of the various use categories and their components. Should a
75 use not be identified in Table 40.03.110, an interpretation pursuant to Section 40.31.520
76 can be requested. Table 40.03.522 lists the specific parking requirements for several
77 general uses listed in Table 40.03.110. Limited and special use standards are contained
78 in Table 40.03.210 and Division 40.03.300. See Article 4 for district, lot, bulk and other
79 standards.

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory									Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I	CN	S ***	SE	NC **	HI	EX	SR	P	Parking	Limited & Special Use Standards
Agricultural									Agricultural								Agricultural ...	
Industrial Uses									Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
<u>Data Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Table 40.03.210</u> <u>Section 40.03.343</u>
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

82 **Section 2. *New Castle County Code*** Chapter 40 (“Unified Development Code”),
83 Article 3 (“Use Regulations”), Section 40.03.210 (“Buffering, location, bulk and scale
84 standards”), is hereby amended by adding the material that is underscored and deleting
85 the material that is stricken, as set forth below.

86
87 **Sec. 40.03.210. - Buffering, location, bulk and scale standards.**
88

89 Table 40.03.210 provides standards that increase the degree of buffering, govern the
90 location, and reduce the bulk or scale of limited or special uses. The meaning of the
91 different categories contained in the Table is established as follows:

92
93 A. *Location.* ...

94
95 K. *Other.* ...

Table 40.03.210A. Limited and Special Use Standards						Table 40.03.210B. Limited and Special Use Standards						Table 40.03.210C. Limited and Special Use Standards
	Buffer Standards					Locational or Dimensional Standards						Additional Standards
	Bufferyards			Separation		Minimum				Maximum		
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to protected parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	Other
Agricultural ...						Agricultural						Agricultural ...
Industrial Uses						Industrial Uses						Industrial Uses
Compost operations												Section 40.03.336
<u>Data Centers</u>	<u>Within 1,000 feet of a residentially zoned parcel or parcel with an established daycare center or school</u>	<u>0.4</u>	<u>Minimum 8 ft. berm</u>	<u>Residential and established daycare center and schools</u>	<u>1,000 ft.*</u>							<u>See Section 40.03.343</u> <u>*At least 1,000 ft. as measured to any building or structure</u>
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft. *		25 ac.					Section 40.03.324 * 100' for Recreation, High Intensity Uses ...

Section 3. *New Castle County Code* Chapter 40 (“Unified Development Code”), Article 3 (“Use Regulations”), Division 40.03.300 (“Additional limited and special use standards”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.03.333. - Light Industry uses in OR and CR zoning districts.

- A. Light Industry uses as defined in Subsection 40.33.270.~~E~~ D are considered Limited Uses in the OR zoning district, except that the following uses require a special use permit:

Sec. 40.03.340. - Multifamily conversion.

Multifamily conversions are intended to facilitate and encourage the redevelopment of existing office and commercial sites and increase the diversity in housing opportunities in the county where supporting infrastructure exists. The following requirements apply to all multifamily conversions:

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a heavy industry zoned parcel or a parcel with a heavy industry use as defined in Subsection 40.33.270.~~G~~ D.

Sec. 40.03.343. – Data Centers.

In addition to the requirements of Section 40.31.430, the following requirements apply to any data center development or the cumulative expansions of existing data center in excess of 20,000 square feet:

- A. The site shall be designed to minimize noise impact on neighboring residential properties and shall not exceed 55 dB(A) or dB(C) at the sending property line. A noise study shall be submitted to evaluate this impact and to verify consistency with Chapter 22 of the *New Castle County Code* and the study shall include all generators and any other equipment that will be utilized on the site as part of the calculation.
- B. No portion of the proposed data center building or accessory uses shall be within 1,000 ft. from any residential zoning district.
- C. Except for lot lines along an existing office or industrial park or adjacent to an existing industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded, where appropriate to mask the development. The buildings shall meet the requirements for large industrial structures in Section 40.26.260.
- D. Lighting shall be designed so that there is zero (0) footcandles at the property line of the neighboring residential area.
- E. In addition to meeting all the requirements of Article 11, anticipated trip generation for a data center shall be based on the latest published ITE manual calculations. Data Centers shall not be converted to any use that exceeds the

approved Transportation Improvement Study (TIS) or equivalent study, for the site unless another TIS or equivalent study is completed and approved in accordance with all other applicable provisions of this Chapter.

- F. Open-loop or once-through cooling is prohibited unless reclaimed water is used.
- G. All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction (SCR) systems. The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment.
- H. Any energy storage system utilized for this use shall be a Battery Energy Storage System ("BESS"). The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment. Energy storage systems must employ fire-safe technologies as determined and approved by the State Fire Marshall's Office.
- I. All new or expanded facilities shall submit documentation outlining the operation of the building as a LEED Gold or equivalent certification and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 must be provided unless operational issues are documented and accepted to vary this minimum.
- J. All data centers must be designed for future integration with onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems.
- K. Applicants must submit a statement of coordination with the local electric utility and demonstrate the availability of sufficient grid capacity, or provide onsite generation that meets or exceeds projected load.
- L. Applicants must submit a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council and demonstrate the availability of sufficient water supply to meet or exceed projected water use.
- M. Data Centers must comply with all State and Federal requirements including but not limited to; water supply coordination, cooling water discharges, emission standards, and air quality monitoring.
- N. Abandonment.
 - 1. The operator or property owner shall provide written notice to the Department whenever the Data Center is out of active operation for more than six (6) months. Any Data Center that ceases to operate for one (1) year or longer is considered abandoned.

- 195 2. The operator or property owner shall either recommence operation and
196 schedule a site inspection with the Department to verify that all use
197 requirements are still intact or shall remove all equipment and systems
198 within six (6) months of being considered abandoned.
199
200 3. Within two (2) years of being considered abandoned, the Data Center site
201 shall be either restored to its predevelopment condition and inspected by
202 the Department, or the property owner shall submit a land use application
203 consistent with this Chapter to establish a new use for the site. Failure to
204 comply with the requirements of this section shall authorize, but not require,
205 the County to remove the Data Center and, when abandoned, restore the
206 site to its predevelopment condition and charge the property owner as set
207 forth in Subsection O. below.
208

209 O. Financial assurance. Prior to issuance of a building permit, the operator or
210 property owner shall provide a bond, surety, letter of credit, or other financial
211 assurance in a form and amount acceptable to the Department to secure
212 payment of one hundred (100) percent of the anticipated cost of removal of all
213 associated site improvements and restoration of the site to its predevelopment
214 condition when the Data Center has been abandoned. Financial assurances for
215 Data Centers are subject to the following:
216

- 217 1. The applicant shall provide a decommissioning report that includes the
218 following components:
219
220 a. An inventory of components installed on the site.
221
222 b. Expected lifetime of the facility.
223
224 c. Decommissioning sequence.
225
226 d. Decommissioning cost estimate based on RSMeans or other software or
227 methodology approved by the Department.
228
229 2. The financial assurance shall remain in full force and effect while the Data
230 Center remains in place and operating, and shall be renewed every five (5)
231 years and revised as necessary to adjust for inflation and any change in the
232 cost for decommissioning.
233

234 P. Annual Report, Enforcement and Compliance. The operator of the Data Center
235 shall supply an annual report, as found in Appendix 9, to the Department
236 indicating compliance with all applicable local, state and federal regulations. The
237 Department shall reserve the right to request additional information and establish
238 and update procedures for inspections, monitoring, and enforcement of
239 compliance with this section. Non-compliant facilities will be subject to Division
240 40.31.900 or any other remedy available.

Section 4. New Castle County Code Chapter 40 (“Unified Development Code”), Article 33 (“Definitions”), Section 40.33.270 (“Industrial Uses”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

A. Compost operations (NAICS 325314). ...

B. Data Center. A facility composed of networked computers, servers, storage systems, and telecommunications equipment used for data processing, storage, and distribution (NAICS 518210).

C B. Extraction. ...

D G. Heavy industry. ...

E D. Light industry. ...

F E. Recycling or

G F. Solar energy system, large scale. ...

H G. Utility, major. ...

I H. Utility, minor. ...

J I. Utilities, maintenance facilities. ...

Section 5. New Castle County Code Chapter 40 (“Unified Development Code”), Article 33 (“Definitions”), Section 40.33.300 (“General Definitions” is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Abandonment. ...

Closed channel. A conveyance system not open to the atmosphere (usually, but not always, pipe).

Closed-Loop Cooling System. A Closed-Loop Cooling System is one where the cooling medium is contained within a piping circuit for reuse.

Coastal high hazard area or special flood hazard area subject to high velocity wave action. ...

Opacity. The measurement of the screening effectiveness of a bufferyard or fence expressed as the percent of vision that the screen blocks.

Open-Loop Cooling System or Once-Through Cooling System. An Open-Loop Cooling System is one with a cooling method in which water is withdrawn from a surface, groundwater, or public supply source, passed through heat-exchange equipment to absorb heat, and the effluent is then discharged to a surface water body, re-injected into

the ground, or discharged into a wastewater treatment system. Open-loop systems typically rely on continuous withdrawals and discharges, frequently resulting in greater thermal or environmental impacts including higher consumptive use of water resources.

Reclaimed Water. Water that has been treated to meet specific quality standards, making it safe for a beneficial reuse. This can include treated effluent from wastewater treatment facilities and remediation activities.

Open space. ...

Section 6. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 7. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 8. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof and not as new enactments regardless whether severability is possible.

Section 9. Effective Date. Upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156, this Ordinance is effective retroactive to introduction thereof on August 5, 2025, which is the date notice was provided that this Ordinance would be pending. Council Rule 2.2.6 notwithstanding, it is the express legislative intent that the provisions of this Ordinance apply to all land use applications submitted to New Castle County after August 5, 2025. Council expressly waives the provisions of Council Rule 2.2.6 for this Ordinance. Furthermore, it is the intent of County Council that this Ordinance is also subject to the *pending ordinance doctrine* as articulated in *Covington v. Bd. of Adjustment of Rehoboth Beach*, 2016 WL 7242581, at *5 (Del. Super. Dec. 14, 2016), *aff'd*, 170 A.3d 779 (Del. 2017), and other precedent.

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: The following is a summary of the revisions contained in this Ordinance broken down by *New Castle County Code* Division or Section number.

Sec. 40.03.110. This amendment updates the use table to establish which zoning districts permit the Data Center as a Special Use.

Sec. 40.03.210. This amendment updates the Limited and Special Use Standards Table to include Data Center uses.

Sec. 40.03.333. This amendment updates references to the definition of Light Industrial uses based on changes proposed to Section 40.33.270.

Sec. 40.03.340. This amendment updates references to the definition of Heavy Industry uses based on changes proposed to Section 40.33.270.

Sec. 40.03.343. This amendment includes Special Use standards for Data Center uses.

Section 40.33.270. This amendment defines Data Center uses.

Substitute No. 1. The following changes are included in Substitute No. 1:

Sec. 40.03.110. This amendment further updates the use table to establish which zoning districts permit the Data Center as a Special Use.

Sec. 40.03.343. This amendment clarifies that Data Centers must comply with State and Federal regulations and allows the Department to permit applicants to substitute other technologies that the applicant has demonstrated as being more efficient and have less impact on the environment. This amendment also includes decommissioning, abandonment, and financial assurance provisions for Data Centers.

Section 40.33.300. This amendment defines Closed-Loop Cooling Systems, Open-Loop Cooling Systems, and Reclaimed Water.

This amendment clarifies the effective date in accordance with Delaware's *Pending Ordinance Doctrine*.

FISCAL NOTE: This Ordinance will have no discernable fiscal impact.

Prime Sponsor(s): Mr. Carter
Co-sponsor(s): Mr. Caneco, Mr. Toole,
Ms. Durham, Mr. Cartier
Mr. Hollins, Mr. Tackett
Date of introduction: August 5, 2025

ORDINANCE NO. 25-101

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 3 (“USE REGULATIONS”) AND ARTICLE 33 (“DEFINITIONS”) TO ESTABLISH STANDARDS FOR THE REVIEW, SITING, AND OPERATIONS OF DATA CENTERS

1 **WHEREAS**, New Castle County has received an unprecedented proposal for a large-
2 scale data center campus, totaling approximately 6 million square feet; and
3

4 **WHEREAS**, the County currently lacks comprehensive, specific zoning and
5 development regulations tailored to the unique infrastructure demands, environmental
6 impacts, and operational characteristics of hyperscale data centers; and
7

8 **WHEREAS**, data centers are distinct from other industrial and commercial uses due
9 to their high energy consumption, large-scale backup power systems, significant water
10 usage, and potential impacts on surrounding communities through noise, heat, and traffic;
11 and
12

13 **WHEREAS**, technological advancements have precipitated the growth of data
14 centers nationwide, expediting the need for provisions to guide responsible development
15 and mitigate impacts; and
16

17 **WHEREAS**, it is in the public interest to proactively regulate data center development
18 to ensure compatibility with surrounding land uses and to protect the health, safety, and
19 welfare of New Castle County residents; and
20

21 **WHEREAS**, data centers share many characteristics with heavy industry, particularly
22 in terms of energy consumption, building scale, and noise leading to zoning and
23 classification complexities best handled as a separate category of use; and
24

25 **WHEREAS**, the County seeks to encourage economic development while also
26 preserving community character, promoting sustainability, safeguarding public infrastructure
27 capacity, and minimizing land use conflicts; and
28

29 **WHEREAS**, County Council has determined that the provisions of this Ordinance
30 substantially advance, and are reasonably and rationally related to legitimate government
31 interests.
32

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

33
34
35 **Section 1.** *New Castle County Code Chapter 40 (“Unified Development Code”),*
36 *Article 3 (“Use Regulations”), Division 40.03.110 (“Use Regulations”) is hereby amended by*
37 *adding the material that is underscored and deleting the material that is stricken, as set forth*
38 *below.*

Sec. 40.03.110. – Use table.

Table 40.03.110 lists the type of uses permitted in each district. Refer to Division 40.33.200 for definitions of the various use categories and their components. Should a use not be identified in Table 40.03.110, an interpretation pursuant to Section 40.31.520 can be requested. Table 40.03.522 lists the specific parking requirements for several general uses listed in Table 40.03.110. Limited and special use standards are contained in Table 40.03.210 and Division 40.03.300. See Article 4 for district, lot, bulk and other standards.

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory									Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I	CN	S ***	SE	NC **	HI	EX	SR	P	Parking	Limited & Special Use Standards
Agricultural									Agricultural								Agricultural ...	
Industrial Uses									Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
<u>Data Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Table 40.03.210</u> <u>Section 40.03.343</u>
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

49 **Section 2. *New Castle County Code*** Chapter 40 (“Unified Development Code”),
50 Article 3 (“Use Regulations”), Section 40.03.210 (“Buffering, location, bulk and scale
51 standards”), is hereby amended by adding the material that is underscored and deleting
52 the material that is stricken, as set forth below.

53
54 **Sec. 40.03.210. - Buffering, location, bulk and scale standards.**

55
56 Table 40.03.210 provides standards that increase the degree of buffering, govern the
57 location, and reduce the bulk or scale of limited or special uses. The meaning of the
58 different categories contained in the Table is established as follows:

59
60 A. *Location. ...*

61
62 K. *Other. ...*

Table 40.03.210A. Limited and Special Use Standards						Table 40.03.210B. Limited and Special Use Standards						Table 40.03.210C. Limited and Special Use Standards
	Buffer Standards					Locational or Dimensional Standards						Additional Standards
	Bufferyards			Separation		Minimum				Maximum		
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to protected parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	Other
Agricultural ...						Agricultural						Agricultural ...
Industrial Uses						Industrial Uses						Industrial Uses
Compost operations												Section 40.03.336
<u>Data Centers</u>	<u>Within 1,000 feet of a residentially zoned parcel or parcel with an established daycare center or school</u>	<u>0.4</u>	<u>Minimum 8 ft. berm</u>	<u>Residential and schools</u>	<u>1,000 ft.</u>							<u>See Section 40.03.343 *1,000 as measured to any building or structure</u>
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft. *		25 ac.					Section 40.03.324 * 100' for Recreation, High Intensity Uses ...

Section 3. *New Castle County Code* Chapter 40 (“Unified Development Code”), Article 3 (“Use Regulations”), Division 40.03.300 (“Additional limited and special use standards”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.03.333. - Light Industry uses in OR and CR zoning districts.

- A. Light Industry uses as defined in Subsection 40.33.270.~~E~~ ~~D~~ are considered Limited Uses in the OR zoning district, except that the following uses require a special use permit:

Sec. 40.03.340. - Multifamily conversion.

Multifamily conversions are intended to facilitate and encourage the redevelopment of existing office and commercial sites and increase the diversity in housing opportunities in the county where supporting infrastructure exists. The following requirements apply to all multifamily conversions:

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a heavy industry zoned parcel or a parcel with a heavy industry use as defined in Subsection 40.33.270.~~E~~ ~~D~~.

Sec. 40.03.343. – Data centers.

In addition to the requirements of Section 40.31.430, the following requirements apply to any data center development and/or the cumulative expansions of existing data center in excess of 20,000 square feet:

- A. The site shall be designed to minimize noise impact on neighboring residential properties and shall not exceed 55 dB(A) at the sending property line. A noise study shall be submitted to evaluate this impact and to verify consistency with Chapter 22 of the *New Castle County Code* and the study shall include all generators and any other equipment that will be utilized on the site as part of the calculation.
- B. No portion of the proposed data center building or accessory uses shall be within 1,000 ft. from any residential zoning district.
- C. Except for lot lines along an existing office or industrial park or adjacent to an existing industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded, where appropriate to mask the development. The buildings shall meet the requirements for large industrial structures in Section 40.26.260.
- D. Lighting shall be designed so that there is zero (0) footcandles at the property line of the neighboring residential area.
- E. In addition to meeting all the requirements of Article 11, anticipated trip generation for a data center shall be based on the latest published ITE manual

calculations. Data Centers shall not be converted to any use that exceeds the approved Transportation Improvement Study (TIS) or equivalent study, for the site unless another TIS or equivalent study is completed and approved in accordance with all other provisions of the Chapter.

- F. Open-loop or once-through cooling is prohibited unless reclaimed water is used.
- G. All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction (SCR) systems unless the applicant can demonstrate another technology that is more efficient with less impact on the environment.
- H. Any energy storage system utilized for this use shall be a Battery Energy Storage System ("BESS") unless the applicant can demonstrate another technology that is more efficient with less impact on the environment and must employ fire-safe technologies as determined and approved by the State Fire Marshall's Office.
- I. All new or expanded facilities shall submit documentation outlining the operation of the building as a LEED Gold or equivalent certification and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 should be provided unless operational issues are documented and accepted to vary this minimum.
- J. All data centers must be designed for future integration with onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems.
- K. Applicants must submit a statement of coordination with the local electric utility and demonstrate the availability of sufficient grid capacity, or provide onsite generation that meets or exceeds projected load.
- L. Annual Report, Enforcement and Compliance. The operator of the data center shall supply an annual report, as found in Appendix 9, to the Department of Land Use indicating compliance with all applicable local, state and federal regulations. Land Use shall retain the right to request additional information and establish procedures for inspections, monitoring, and enforcement of compliance with this section. Non-compliant facilities will be subject to Division 40.31.900 and/or any other remedy available.

Section 4. New Castle County Code Chapter 40 ("Unified Development Code"), Article 33 ("Definitions"), Section 40.33.270 is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

- A. Compost operations (NAICS 325314). ...

B. Data Center. A facility composed of networked computers, servers, storage systems, and telecommunications equipment used for data processing, storage, and distribution (NAICS 518210).

C B. Extraction. ...

D C. Heavy industry. ...

E D. Light industry. ...

F E. Recycling or. ...

G F. Solar energy system, large scale. ...

H G. Utility, major. ...

I H. Utility, minor. ...

J I. Utilities, maintenance facilities. ...

Section 5. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 6. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 7. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof as not as new enactments regardless if severability is possible.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156 and shall only apply to Land Use applications submitted after such date(s) unless the applicant, by written request, agrees to submit to the provisions of this Ordinance.

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: The following is a summary of the revisions contained in this Ordinance broken down by *New Castle County Code* Division or Section number.

Sec. 40.03.110. This amendment updates the use table to establish which zoning districts permit the Data Center use as a Special Use.

Sec. 40.03.210. This amendment updates the Limited and Special Use Standards Table to include Data Center uses.

Sec. 40.03.333. This amendment updates references to the definition of Light Industrial uses based on changes proposed to Section 40.33.270.

Sec. 40.03.340. This amendment updates references to the definition of Heavy Industry uses based on changes proposed to Section 40.33.270.

Sec. 40.03.343. This amendment includes Special Use standards for Data Center uses.

Section 40.33.270. This amendment defines Data Center uses.

FISCAL NOTE: This Ordinance will have no discernible fiscal impact.



New Castle County Department of Land Use

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance 25-101
Application 2025-0486-T
Data Centers

October 21, 2025

Sponsor: Councilman David Carter (District 6)

Description: Amending New Castle County Code Chapter 40 ("Unified Development Code"), Article 3 ("Use Regulations"), and Article 33 ("Definitions") to establish standards for the review, siting, and operations of data centers.

EXECUTIVE SUMMARY

The Unified Development Code has had standards for Information Services and data processing (NAICS 51 which include Data Centers) dating back to 1998. Originally Data Centers were considered an Office Use permitted by-right in all non-residential zoning districts. The definition was broadened to also consider Data Centers as a Light Industrial Use, maintaining them as a by-right use in industrial zoning districts (HI & I) after limitations were placed on Office Uses in industrial districts. At the time, based on the size, nature of their operation, and impact on nearby properties, the provisions made sense. Traditionally, Data Centers served as an accessory use to support a principal office use or as an individual industrial use typically within an industrial park. As the technology has changed over the past decade, these facilities began to increase in size and placed additional demands on the infrastructure. The electrical demand for data centers across the United States, alone, well surpasses the full electrical demand for data centers of a decade ago, let alone in 1998. Data Centers, as with many other uses, have evolved over time and as such, regulations for these centers need to be revisited.

Application 2025-0486-T (Ordinance 25-101), is a text amendment to amend New Castle County Code to further define data center uses and set Special Use standards to address the specific challenges identified in other municipalities that have considered and approved modern Data Center facilities. Proposed changes to the ordinance presented as a draft substitute to Ordinance 25-101 incorporate specific feedback from the Public Service Commission, DNREC, and other State Agencies at the PLUS hearing and in subsequent communications. The recommended changes also incorporate important protections identified as best practices in other jurisdictions.

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from other agencies and the public. Based on this analysis, the Department recommends **Conditional Approval** of Ordinance 25-101 with the condition that County Council considers the proposed changes in the draft substitute to Ordinance 25-101.

DESCRIPTION

Application 2025-0486-T (Ordinance 25-101), is a text amendment to amend New Castle County Code to further define data center uses and set Special Use standards.

BACKGROUND

Ordinance 97-172 Unified Development Code

On December 31, 1997, New Castle County adopted the Unified Development Code (UDC) (Ordinance 97-172) and categorizes Data Centers under Information Industries (NAICS 51) as a Light Industry use pursuant to Section 40.33.270.D of the UDC. Per Table 40.03.110 ("GENERAL USE TABLE"), Light Industry uses were permitted within the Office Regional (OR), Business Park (BP), Industrial (I), and Heavy Industry (HI) zoning districts.

Ordinance 98-080 Omnibus

On September 22, 1998, New Castle County adopted Ordinance 98-080 amended the definition of Office Uses to include Information services and data processing (NAICS 514), which in combination with the existing Light Industry use definition permitted Data Centers in every nonresidential zoning district.

Ordinance 99-075 Omnibus

On December 14, 1999, New Castle County adopted Ordinance 99-075 which created Limited Use standards (Section 40.03.333) for Light Industry uses limiting the types of Light Industry uses which are permitted within OR zoning districts.

Ordinance 08-096 Consolidation of Employment Related Uses within the OR, BP, and I Zoning Districts

On December 9, 2008, New Castle County adopted Ordinance 08-096 which redefined specific Light Industry uses as Special Uses within Section 40.03.333 of the UDC and establishing maximum height limitations on specific buildings within 100 feet of residential property lines (Section 40.04.110C).

Ordinance 21-065 Substitute No.1 to Ordinance No. 21-065

On September 9, 2021, New Castle County adopted Substitute No.1 to Ordinance 21-065 which limited Light Industry uses within CR zoning districts to warehousing and storage facilities (NAICS 493) as a Special Use and additional standards set pursuant to Section 40.03.333.B of the UDC.

Ordinance 23-104 Regarding Development, Redevelopment, Large Industrial Structures and Heavy Retail and Service Uses

On January 25, 2024, New Castle County adopted Substitute No. 1 to Ordinance 23-104 which set Limited Use standards for Light Industry uses within BP zoning including distance requirements and design elements when located adjacent to residential uses pursuant to Tables 40.03.110 and 40.03.210 of the UDC. Standards around large industrial structures (Section 40.26.260) changed to apply to a lower gross floor area (GFA) threshold of proposed large industrial structures. These design elements included but were not limited to: landscaping and berm requirements along non-industrial uses, lighting requirements along residential uses, reduction of noise impacts, building design, and other associated improvements.

Ordinance 25-101 Data Centers

Ord. 25-101 was introduced on August 5, 2025, and proposed data centers as a distinct classification of industrial use in Table 40.03.110 of the UDC. The ordinance sets data centers as a Special Use within Industrial (I) and Heavy Industry (HI) zoning districts as well as creates Limited Use standards such as buffering and screening requirements from residential, noise regulations, energy and water usage requirements, and other additional requirements.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The proposed text amendment was reviewed at the PLUS meeting held on September 3, 2025.

The PLUS Review Letter, dated September 5, 2025, includes comments from the Office of State Planning and Coordination, who had no objections. The Public Service Commission (PSC) expressed concerns over the impacts of large data centers and referenced a current petition to the PSC to apply a large load tariff on interconnections larger than 25MW. The PSC had no concerns with the proposed ordinance in terms of land use and environmental issues, however stated that any energy-related requirements should be regulated by the PSC. The Department of Natural Resources and Environmental Control (DNREC) cited concerns over water and energy use, air quality, and noise mitigation. DNREC stated that water usage should be coordinated with the New Castle County Subcommittee of the Water Supply Coordinating Council and that plans should detail any proposed discharging of waters. They mention that data centers could impact the energy adequacy, grid reliability and cost and recommend requirements for coordination with the local utility, emphasis on Battery Energy Storage Systems, and consistency with the State Energy Plan. In terms of air quality, DNREC suggested limitations for on-site generators, limitations on transportation emissions, preconstruction permits, and pre-application air quality modeling. DNREC agreed with the proposed noise limitations in Ord. 25-101. All other State agencies had no comment on the subject ordinance.

PLANNING BOARD PUBLIC HEARING – October 7, 2025

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use.¹

Councilman David Carter presented the ordinance. He started by highlighting the key impacts of data centers on various aspects such as; land use, water use, noise pollution, air emissions, and energy use. He reviewed statistics on energy use and the goals of responsible data center siting, infrastructure and environmental standards. He presented to the Planning Board a proposed substitute ordinance which was drafted in response to PLUS comments received in September as well as additional research, and summarized the key provisions of the substitute ordinance including but not limited to: Special Use requirements, noise limitations, setback requirements from residential, standards for backup power, cooling, energy, microgrid requirements, and other associated standards. Councilman Carter proceeded to address the comments received by PLUS, outline a decommissioning process for all proposed data centers, and provide details on the application of the proposed ordinance on data center projects if adopted.

Questions from the Planning Board:

Robert Snowden inquired if data center projects would require Special Use permits or be considered by-right. Councilman Carter mentioned that each data center project would require a Special Use permit and have to follow the criteria and standards for a Special Use pursuant to the UDC. Mr. Snowden asked if the substitute ordinance proposed intergovernmental coordination to which Councilman Carter confirmed that the substitute would require approvals from the applicable regulating agencies. Robert Ott questioned the average lifespan of a data center. Councilman Carter detailed the energy issues of existing data centers throughout the country and noted the technology and equipment changes. Neal Cantrell asked about the low frequency noise and potential impacts on surrounding communities, and Councilman Carter stated that the standards for the proposed setbacks was based on existing requirements in other jurisdictions as well as established setbacks in the UDC. Ruth Visvardis inquired about the meaning of “residential zones” when discussing the 1,000-foot setback requirement to which Councilman Carter clarified it meant residential zoning districts found in the UDC. Air quality due to backup generator usage was a point of concern for Mr. Cantrell and Councilman Carter stated that air quality standards and monitoring are subject to DNREC’s regulations. Councilman Carter explained the PLUS process and coordination with the State of Delaware agencies on the details of the ordinance which resulted in some of the conditions presented in the substitute ordinance. Mr. Cantrell cited the supplemental report submitted by Councilman Carter which outlined the potential issues ongoing with data centers in Virginia which sources energy from PJM same as Delaware.²

A conversation occurs between Councilman Carter and Mr. Cantrell regarding energy generation

¹ October 7, 2025 Planning Board Public Hearing: <https://www.newcastlede.gov/agendacenter>

² Councilman David Carter’s Supplemental Report:
<https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C292813E0C92628E37A7864BB0E463459C&x=temp.pdf>

concerns for existing data centers located in Virginia and New Jersey and the impacts on energy consumption and cost in Delaware. Mr. Ott asked about any issues with existing data centers in regard to internet data transfer capacity to which Councilman Carter had mentioned Delaware had invested in a very robust fiber optic internet infrastructure which exceeds the data transfer capacity needed for the needs of large-scale data center projects.

Public Comment:

Over 200 people attended the public hearing (online and in-person) 49 of which spoke on the ordinance. Of those who spoke, most of the speakers supported the ordinance stating that the proposed regulations would provide much needed guardrails for the community from any proposed data center projects. Many in attendance expressed concern over data centers and their impacts on the community, citing concerns over environmental and energy impacts. Those in opposition to the ordinance expressed doubts over the additional restrictions on noise, regulations on data centers, and the impact on Delaware's economy.

The Department of Land Use received email correspondence from 12 residents in support, 3 in opposition, and 2 general comments of Ordinance 25-101 during the written public comment period.³ Written public comment mostly paralleled the concerns of data center developments that were mentioned during the public hearing and expressed support of the additional standards proposed in the ordinance. Comments in opposition to the ordinance included concerns over; the effective date (Pending Ordinance Doctrine), additional regulations limiting the construction of data centers, water capacity, the proposed decommissioning and noise standards. The general comments included sentiment that including regulations pertaining to dB(C) is unnecessary, and that it is important for these projects to include agreements to use local union workers.

ANALYSIS

As identified in public comment, and discussed in the Background section of this report, Information Center and data processing (Data Centers) are defined and permitted within the Unified Development Code. Since 1998 Data Centers have been permittable as a by-right use (either Industrial or Office Use) in all nonresidential zoning districts, including those to transition from more intense uses to residential uses (Office Neighborhood and Commercial Neighborhood) limited only by the site capacity restrictions for each zoning district.⁴ The permissive nature in the UDC was intentional since data centers either served in an accessory capacity within a larger office or industrial building at sites like 3 Boulden Circle,⁵ or as individual industrial uses within an industrial park such as 501 Bear Christiana Rd & 4001 Governor Printz Blvd (Bank One Core Data Center 1 & 2)⁶.

³ Project #20250486: <https://www3.newcastlede.gov/project/details/default.aspx?ProjectKey=832887>

⁴ Application 2025-0473-V: <https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=832143> , (Accessed 10/15/25)

⁵ 3 Boulden Circle: <https://www3.newcastlede.gov/parcel/details/default.aspx?ParcelKey=86869> , (Accessed 10/15/25)

⁶ Application 2003-0001-S: <https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=122344> & Application 2004-0372-S: <https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=155142> , (Accessed 10/15/25)

Over the past decade, much like the shift from general warehousing to the logistic/fulfilment facility led by the growth in ecommerce, Data Centers have grown exponentially to serve the growing needs for technology and artificial intelligence. Not only has the technology expanded past what was originally conceived as information services and data processing in the UDC, but with increased demands in processing so to have the impacts on our electrical grid, environment, and nearby communities, Ordinance 25-101 was drafted to continue to permit development of data centers, while providing needed protections for nearby communities and the environment as a whole. The ordinance, as introduced, provided:

1. Defines Data Centers as an Industrial Use limited to Industrial (I) and Heavy Industry (HI) zoning districts, as opposed to being both an Office and Industrial use permitted in the Office Neighborhood (ON), Commercial Neighborhood (CN), Office Regional (OR), Commercial Regional (CR) Business Park (BP), Industrial (I), Heavy Industry (HI), and Extractive Use (EX).

Under the existing provisions the primary limiting factor on siting, from a land use regulatory standpoint, are the permitted gross floor area (GFA) based on site capacity and availability of adequate utilities (electric and water). As discussed, earlier Data Centers have changed significantly in size and nature of their operation. When facilities are accessory or ancillary to permissible office uses (as opposed to the principal use), their size and impact on infrastructure and the surrounding community is low, however as a principal use, they are more industrial in nature.

2. Establishes Special Use standards specifically tailored to impacts of Data Centers.

Ordinance 25-101 includes specific standards to mitigate impacts Data Centers serving as the principal use including:

- Limitations noise level at the property line
- Distancing requirements from residential zoning district lines
- Increased buffering and landscaping
- Limitations on conversion to other uses based on traffic impact – Data Centers generate a low volume of traffic
- Prohibition of open-loop or once-through as a means of cooling – eliminates the warming of our natural waterways, thereby protecting vulnerable ecological habitats
- Requirements for backup power supplies to have minimal impact on the environment and adjacent communities, both generators and battery energy storage systems
- Requirement that the buildings to be built to meet LEED Gold standards or better

- Requirement that sites be designed to be long term viable with the potential to be modified to provide onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems
- Requirements for applicants to submit a statement of coordination with utility companies and an annual report for the operation.

As with Special Uses that include use specific standards, the requirements are largely objective and measurable, not unlike that of Limited Uses which is reviewed by the Department. Data Centers, as they have evolved, based on size and impact on the surrounding community and environment, present unique conditions with respect to their relationship to the community.⁷ As such, being a Special Use, Data Centers will not only gain a public hearing at the Board of Adjustments, but will need to be evaluated based on the following additional standards:

- The use meets the requirements of Division 40.03.300 (Limited and Special Use Standards).
- The use is consistent with the Comprehensive Development Plan.
- The use is compatible with the character of the land in the immediate vicinity.
- The design minimizes the adverse effects, including visual impact on adjacent lands.
- The use minimizes adverse impacts on the environment or government services.
- The intensity of the use shall not exceed that permitted by Article 5. A lower intensity may be mandated based upon the record.⁸

These standards are combined with the Board of Adjustment's ability to establish site specific conditions and restrictions to:

- Ensure the special use is developed as presented in drawings, exhibits, and assertions made at the public hearing.
- Ensure the general purposes, goals, and objectives of the Comprehensive Development Plan and this Chapter are met.
- Prevent or minimize the adverse effects from the proposed use and development on other properties in the neighborhood, and on the public health, safety, and general welfare.⁹

The additional standards and conditions afforded by the Special Use Permit process provides a powerful motivation for developers of Data Centers to work with neighboring communities and to

⁷ Section 40.31.430.A – Standards for a Special Use Permit

⁸ Section 40.31.430.B – Standards for a Special Use Permit

⁹ Section 40.31.431 – Conditions and Restrictions

minimize their impact, bolstered by conditions and restrictions tailored to specific sites to be sensitive and mindful of surrounding communities and environmental resources.

At the October 7 Planning Board Public Hearing, Councilman Carter discussed several changes to Ordinance 25-101 that could be included in a substitute ordinance. While the record was open, Mr. Carter submitted into the record a draft of a substitute ordinance for consideration, which included the following:

- Expands the zoning districts that allow Data Centers as a Special Use to include the Extractive Use (EX) district – Extractive uses are industrial in nature, and should a site meet the requirements set forth in Ordinance 25-101, the use would be appropriate
- Includes considerations for dB(C) as opposed to just dB(A) – This factors not just frequencies evaluated by dB(A) (representative of the sensitivity of the human ear), but also the impact of low frequency noises as evaluated by dB(C).
- Allows the Department to permit applicants to substitute alternative backup power supplies (battery and generators) if those supplies are demonstrated to be more efficient and have less of an impact on the environment.
- Requires submission of a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council and demonstrate the availability of sufficient water supply to meet or exceed projected water use
- Clarifies the requirement to comply with State and Federal requirements
- Sets standards for abandoning, decommissioning and financial assurances – This assures that if a facility ceases to operate for a year that either a new permitted use is established in the facility, or the restored to its predevelopment condition, assuring that as the technology and hard infrastructure needs evolve and become more efficient these sites are not left vacant.
- Sets the effective date to the date of introduction, thereby preventing applications made after its introduction from avoiding the standards specifically designed for Data Centers as a use, including in zoning districts that would not allow Data Centers as a use should the ordinance be adopted.

The Department has reviewed the Ordinance 25-101, the proposed changes in the draft substitute to the ordinance, as well as public comment (in support, opposition, and general comments). Concerns were brought in correspondence from Joseph Fitzgerald on behalf of the Delaware Contractors Association, Delaware State Chamber of Commerce, Associated Business and Contractors and New Castle County Chamber of Commerce, voiced concerns that designating Data Centers as a Special Use and including “unnecessary and unduly robust regulation” sends the wrong message. He additionally voiced opposition with the effective date being the date of Ordinance’s introduction, which was echoed and expanded on by Shawn Tucker, Esq. Mr. Tucker

argues that Data Centers have been around since 1945, which he asserted expanded substantially in the 2000's (25 years ago), and that they are already regulated today, albeit as a "by-right" use in the OR, CR, BP and I (his letter omits that it is also a by-right use in the ON and CN districts).

Uses are designated as Special Uses, not to discourage the use, but **when they "present unique conditions with respect to their relationship to the community."** There are thirteen uses designated in Table 40.03.110 as Special Uses including:

- Adult Uses
- Agricultural Support and Other Rural Services
- Airports
- Composting Operations
- Exterior Lighting for Outdoor Recreational Uses
- Heavy Industry
- Heavy Retail and Service
- High Intensity Recreation
- Light Industry
- Major Utilities
- Parking Structures
- Protective Care
- Retail Marijuana Stores

These uses typically include objective standards specific to the potential impact of each use, but more importantly provide the public an opportunity to evaluate the impact that the use would have adjacent communities and the consistency with the Comprehensive Plan. The Department agrees that information services and data processing (Data Centers) existed in the county, however, we would argue that the size and impact are dramatically different than early facilities or even at the early years of the internet revolution (early 2000s). While electrical consumption is not a perfect measure of total impacts (it doesn't account for environmental impacts outside of the generation and transmission of electricity) the change is proportionate. Between 2014 and 2016 the annual cumulative electrical demand from data centers was roughly 60 TWh. By 2018 the consumption had increased by more than 26% to 76TWh (1.9% of the total energy consumed in the United States). Between 2018 and 2023 cumulative electrical demand from Data Centers rose by 131.6% to 176 TWh (4.4% of all electricity consumed in the United States). This was all before the release of programs such as ChatGPT 4, Microsoft Copilot, and Google Gemini. Forecasts expect as high as 580 TWh to be needed per year to support Data Centers (about 12% of all

electric demand in the United States)¹⁰

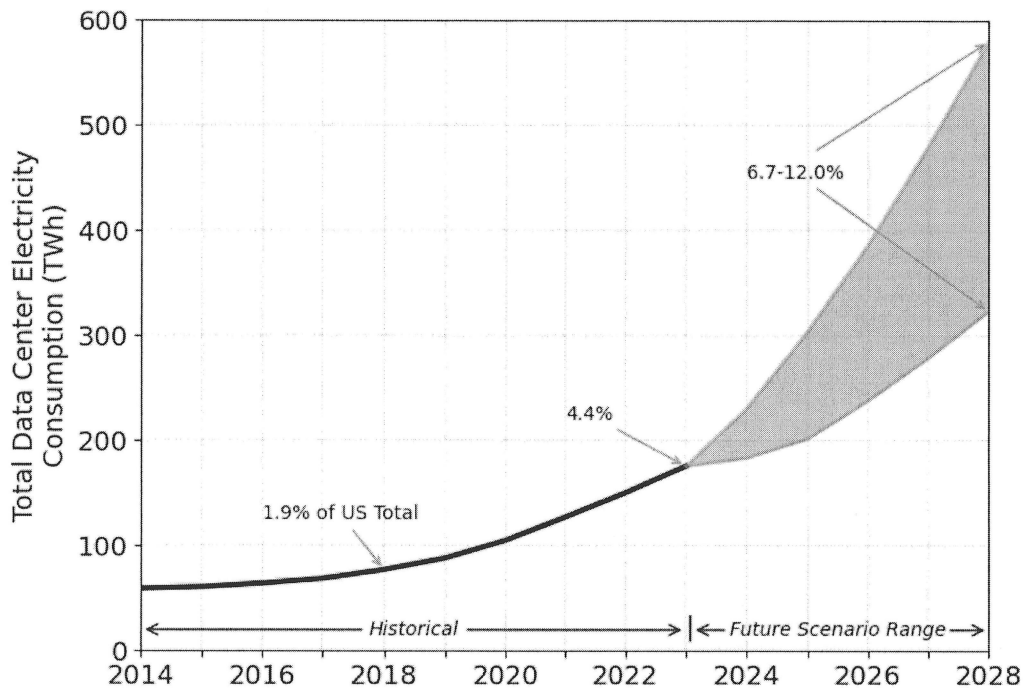


Figure ES-1. Total U.S. data center electricity use from 2014 through 2028.

These facilities typically consume roughly 50% of their electrical demand on equipment operation and 38%-40% on cooling systems.¹¹ Cooling systems not only consume electricity but also exchange heat to local waterbodies if not a closed loop system. It was recommended that any regulations be a product of coordination with DNREC, which the Department of Land Use concurs. Ordinance 25-101 was presented to PLUS on September 3, 2025. DNREC provided thoughtful comments and recommendations at the hearing. They also continued to work with Councilman Carter recommending additional standards which were incorporated into the Draft Substitute to Ordinance 25-101.

¹⁰ 2024 United States Data Center Energy Usage Report, Berkley Lab Energy Analysis & Environmental Impacts Division: <https://eta-publications.lbl.gov/sites/default/files/2024-12/lbnl-2024-united-states-data-center-energy-usage-report.pdf?stream=top>, Accessed (10/16/2025)

¹¹ Data Centers and Their Energy Consumption: Frequently Asked Questions, Congressional Research Service, August 26, 2025: <https://www.congress.gov/crs-product/R48646>, (Accessed 10/16/2025)

Standards for Text Amendment – Section 40.31.420 of the New Castle County Code

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all the following factors shall be considered:

A. Implementation of a new portion of the Comprehensive Development Plan.

N/A

B. Implementation and achievement of the Comprehensive Plan's goals and objectives.

The changes proposed by Ordinance 25-101 will help the County achieve several important goals and objectives in the Comprehensive Plan including:

Objective 3.1 of the Comprehensive Plan:

Continue to ensure water services and drinkable water supply is sufficient to meet demand.

Setting standards and defining “Closed-Loop Cooling Systems” to ensure the recycled use of water (or usage of reclaimed water) to ensure the protection, quality, and conservation of water supply to New Castle County residents. Continue to coordinate with the local water utilities to ensure minimal impact on the needs of the community.

Objective 13.2 of the Comprehensive Plan:

Strengthen/improve resiliency in the face of climate change threats through changes to the built environment (infrastructure, transportation, etc.) so to minimize risk and impacts to all people and communities.

Ordinance 25-101 proposes various protections from the impacts of data center operation including but not limited to: noise, setbacks from residential zoning, lighting, water and energy usage, and emissions.

Objective 16.1 of the Comprehensive Plan:

Increase diversity of engagement in community planning activities of all county residents regardless of age, race, income, native language, abilities, etc.

Ordinance 25-101 proposes to define data centers as a Special Use within industrial zoning districts requiring all proposed data center uses to seek a Special Use permit from the Board of Adjustment. This process not only ensures projects to demonstrate the standards for Special Use permits (Section

40.31.430 of the UDC), but in addition ensures an opportunity for public comment at the Board of Adjustment.

Objective 17.1 of the Comprehensive Plan:

Planning/investment decisions integrate across governments and jurisdictions

Ordinance 25-101 sets requirements that the applicant provide applicable jurisdictional approvals and permits from Local/State/Federal agencies. Applicants are to submit a statement of coordination with the local electric utility to demonstrate sufficient grid capacity, provide a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council to demonstrate sufficient water supply, and proof of compliance with all State and Federal requirements relating to data center impacts.

C. *Consistency with the provisions of this Chapter and the standards for similar uses.*

Large Industrial Structure Standards (Section 40.26.260 of the UDC)

Some design requirements proposed in Ordinance 25-101 are currently applied to large industrial structures such as berming, lighting standards, and noise impact. This ordinance proposes noise impacts along shared residential property lines, zero footcandle lighting requirement along residential property lines, and a minimum eight-foot berm to screen the site.

Large-scale Solar Energy System Standards (Section 40.03.337 of the UDC)

The needs and demands for data center real estate is difficult to predict with rapidly changing technology. To ensure that a developed data center site will be restored to its predevelopment condition, changes proposed in a draft substitute to Ordinance 25-101 outlines a decommissioning requirement to ensure data center developments do not create an undue impact on the surrounding community after ceasing operation unless the property owner submits a land use application to establish a new use for the site. A financial assurance is put in place prior to the issuance of a building permit to cover one hundred percent of the anticipated cost of removal in instances of site abandonment. This process is currently utilized for large-scale solar energy systems as these systems may be temporary in nature (about 10-25 years).

D. *Necessity to respond to State and/or Federal legislation.*

N/A

E. Flexibility in meeting the objectives of this Chapter.

N/A

F. Changes to conditions, interpretations, and/or clarifications to existing language for new uses.

N/A

G. Consideration of specific problems found in this Chapter.

N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from other agencies and the public. Based on this analysis, the Department recommends **Conditional Approval** of Ordinance 25-101 with the condition that County Council considers the proposed changes in the draft substitute to Ordinance 25-101.

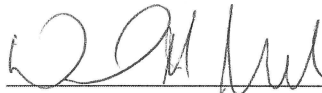
PLANNING BOARD RECOMMENDATION

At a business meeting held on October 21, 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 **CONDITIONAL APPROVAL** of Ordinance 25-101 as subject to the condition recommended by the Department of Land Use. The motion was adopted by a vote of 6-1-0-1 (In Favor: Cantrell, Daigle, Drake, Ott, Snowden, Visvardis; In Opposition: Cochran; Abstention: None; Absent: Gray).

Prior to the vote, there were no comments or questions by Planning Board members.

STATUTORY GUIDELINES

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

 10/21/25

David M. Culver date
General Manager
Department of Land Use

 10/21/25

Robert Snowden date
Acting Chair
Planning Board

SUBSTITUTE NO. 1 TO ORDINANCE NO. 25-120

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 7 (“PROPERTY MAINTENANCE CODE”), SECTION 7.01.002 (“AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE”), AS AMENDED, SECTION PM 308 (“RUBBISH AND GARBAGE”) AND CHAPTER 19 (“RESIDENTIAL RENTAL PROPERTIES”), ARTICLE 3 (“RENTAL CODE”)

1 **WHEREAS**, New Castle County is charged with the responsibility to protect the
2 health, safety and welfare of its citizens; and
3

4 **WHEREAS**, the Department of Land Use administers and enforces regulations
5 pertaining to the condition and maintenance of property, structures and buildings to eliminate
6 or prevent unsafe, unhealthy, unsanitary or substandard living conditions; and
7

8 **WHEREAS**, consistent and routine removal of garbage, rubbish and recyclables is
9 essential to the health and enjoyment of any property, especially rental properties; and
10

11 **WHEREAS**, “Garbage” is animal or vegetable waste resulting from the handling,
12 preparation, cooking, and consumption of food; and
13

14 **WHEREAS**, “Rubbish” is combustible and noncombustible waste materials and
15 trash and debris, *except garbage*; it includes residue from the burning of wood, coal,
16 and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather,
17 tree branches... yard trimmings, cans, metals, mineral matter, glass, dust, and other
18 similar materials (emphasis added); and
19

20 **WHEREAS**, “Universal recycling” is a requirement under 7 *Del. C.* § 6053, requiring
21 all solid waste collectors for condominiums and apartments to provide appropriately sized
22 and centrally located containers for recyclables near waste disposal containers; and
23

24 **WHEREAS**, under 7 *Del. C.* § 6053, local governments may require apartments and
25 condominiums to provide their own recycling containers consistent with local requirements;
26 and
27

28 **WHEREAS**, the Code needs clarification and consistency as to the owner’s similar
29 obligations in relation to removal of rubbish, garbage and recyclables; and
30

31 **WHEREAS**, in addition, the establishment of a transparent and efficient process to
32 verify that owners are satisfying their obligations is for the benefit of the County, its residents,
33 and the environment; and
34

35 **WHEREAS**, New Castle County Council finds that the provisions of this Ordinance
36 are rationally and reasonably related to and substantially advance its goal of protecting and
37 preserving legitimate government interests, including the protection and preservation of the

public health, safety, prosperity, general welfare, and quality of life of New Castle County and its residents.

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

Section 1. *New Castle County Code* Chapter 7 (“Property Maintenance Code”), Section 7.01.002 (“Amendments to the International Property Maintenance Code”), as amended, Section PM 308 (“Rubbish and Garbage”) is hereby amended by adding the material that is underscored and deleting the material with strike throughs or as otherwise referenced, as set forth below.

SECTION PM 308 RUBBISH, GARBAGE AND RECYCLING ~~Rubbish and garbage~~

Section PM 308.1. Accumulation of ~~rubbish or garbage~~ rubbish, garbage and recycling. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of ~~rubbish or garbage~~ rubbish, garbage and recycling.

Section PM 308.2. Disposal of ~~rubbish and garbage~~ rubbish, garbage and recycling

Section PM 308.2.1. ~~Rubbish and garbage~~ Rubbish, garbage and recycling - disposal, containers. Every occupant of a dwelling shall dispose of ~~rubbish and garbage~~ rubbish, garbage and recycling in a clean and sanitary manner by placing the ~~rubbish and garbage~~ rubbish, garbage and recycling in approved containers, which specifically for garbage shall mean leakproof, covered, outside garbage containers. Every owner of or person responsible for each dwelling shall be responsible for providing the requisite ~~rubbish and garbage~~ rubbish, garbage and recycling containers.

Section PM 308.2.2 Rubbish, garbage and recycling ~~Rubbish and garbage~~ - removal. Every owner of a residential rental property shall be responsible for providing for ensuring tenants have regular rubbish, garbage and recycling ~~rubbish and garbage~~ removal services for the property. Compliance with the above obligations and the obligations set forth in subsection PM 308.2.1 by every owner of a residential rental property shall be evidenced by way of the written verification that is required under subsection 19.03.001.H.

Exception: Written verification is not required for apartment complexes, condominium communities and similar subdivisions that provide common dumpsters for tenants. Property owners in communities with a sole source trash service provider can provide a written affidavit.

Section 2. *New Castle County Code* Chapter 19 (“Residential Rental Properties”), Article 3 (“Rental Code”) is hereby amended by adding the material that is underscored and deleting the material with strike throughs or as otherwise referenced, as set forth below.

...

Sec. 19.03.001. – Registration; requirements; information collected; written verification.

...

H. Subsequent to the provisions of this subsection taking effect on January 1, 2025, compliance by the owner or designee thereof with its obligations to provide approved containers and removal services for ~~rubbish and garbage~~ rubbish, garbage and recycling as referenced under the Property Maintenance Code (Ch. 7), Section PM 308 ~~Rubbish and Garbage~~ Rubbish, Garbage and Recycling, as amended, subsection 308.2.2 shall be evidenced by:

1. Submission by the owner or designee thereof of a written verification in a manner and in a form to be designated by the Department. The written verification shall be supported by, for example and without limitation, a current contract between the owner, tenant or designee thereof and the person or business providing the ~~rubbish, garbage and recycling~~ rubbish and garbage removal services, and any other relevant information or records that conclusively show that the owner or designee thereof is satisfying its obligations by providing the requisite containers and owner, tenant or designee thereof is providing removal services for rubbish, garbage and recycling ~~rubbish and garbage~~ as referenced under subsection 308.2.2 of the *Property Maintenance Code* (Ch. 7), as amended.

APPENDIX

NEW CASTLE COUNTY TENANTS' RIGHTS GUIDE

Unless an emergency situation exists, your first step for reporting any problem in your rental unit should always be to contact your landlord. You may contact your landlord by telephone or in person but you must always put your complaints in writing...

Problem	Minimal Standard	Where to Call for Complaints
<u>Garbage/Rubbish/Recycling</u>	All exterior property and premises and the interior of every rental unit shall be free from accumulation of garbage or rubbish. Every occupant shall dispose of rubbish, and <u>garbage, and recycling</u> in a clean and sanitary manner and place it in an approved and clearly labeled containers <u>container</u>. It is the responsibility of the property owner or designee thereof to provide approved rubbish, and <u>garbage, and</u>	Landlord New Castle County Department of Land Use – (302) 395-5555

	recycling containers, in addition to ensuring tenants have garbage, rubbish and recycling and rubbish-removal services for the property.	
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Section 3. The provisions of this Ordinance shall take effect immediately after passage by New Castle County Council and approval by the County Executive or as otherwise provided in 9 Del. C. § 1156.

Section 4. The provisions of this Ordinance are prospective in nature. This Ordinance is not intended to, nor shall it interfere with the terms of any then-existing rental agreement in place as of the time the provisions of this Ordinance take effect.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive of New Castle County

SYNOPSIS: This Ordinance clarifies the obligations of a residential rental property owner under *New Castle County Code* to ensure tenants have garbage, rubbish, and recycling removal services, establishes standards and a uniform process by which the owner or designee thereof shall confirm compliance with its obligations under the *Property Maintenance Code* (Chapter 7), Section PM 308 *Rubbish and Garbage*, as amended, by submission of the written verification, or other required document, required under the proposed subsection 19.03.001.H.

After the provisions of this Ordinance take effect, and subject to the limitations identified herein, the written verification is to be produced at the time of initial application for a rental permit, at the time of application to renew the rental permit, and/or upon request by a Code Official.

The provisions of the Ordinance shall take effect immediately after passage by New Castle County Council and approval by the County Executive, or as otherwise provided.

Substitute No. 1 does the following:

- Provides clarity by making reference to the requirements for recycling as provided by the Delaware Code.
- Clarifies that the requirements for rubbish and garbage similarly apply to recycling (for example, the requirement to provide a recycling container and removal

services.)

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

ORDINANCE NO. 25-120

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 7 (“PROPERTY MAINTENANCE CODE”), SECTION 7.01.002 (“AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE”), AS AMENDED, SECTION PM 308 (“RUBBISH AND GARBAGE”) AND CHAPTER 19 (“RESIDENTIAL RENTAL PROPERTIES”), ARTICLE 3 (“RENTAL CODE”)

1 **WHEREAS**, New Castle County is charged with the responsibility to protect the health,
2 safety and welfare of its citizens; and

3 **WHEREAS**, The Department of Land Use administers and enforces regulations
4 pertaining to the condition and maintenance of property, structures and buildings to eliminate or
5 prevent unsafe, unhealthy, unsanitary or substandard living conditions; and

6 **WHEREAS**, Consistent and routine removal of garbage and rubbish is essential
7 to the health and enjoyment of any property, especially rental properties; and
8

9 **WHEREAS**, “Garbage” is animal or vegetable waste resulting from the handling,
10 preparation, cooking, and consumption of food; and
11

12 **WHEREAS**, “Rubbish” is combustible and noncombustible waste materials and
13 trash and debris, *except garbage*; it includes residue from the burning of wood, coal,
14 and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather,
15 tree branches... yard trimmings, cans, metals, mineral matter, glass, dust, and other
16 similar materials (emphasis added); and
17

18 **WHEREAS**, the Code needs clarification and consistency as to the owner’s similar
19 obligations in relation to removal of rubbish and garbage; and
20

21 **WHEREAS**, in addition, the establishment of a transparent and efficient process
22 to verify that owners are satisfying their obligations is for the benefit of the County and all
23 residents; and
24

25 **WHEREAS**, New Castle County Council finds that the provisions of this Ordinance
26 are rationally and reasonably related to and substantially advance its goal of protecting
27 and preserving legitimate government interests, including the protection and preservation
28 of the public health, safety, prosperity, general welfare, and quality of life of New Castle
29 County and its residents.
30

31
32 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
33

34 Section 1. *New Castle County Code* Chapter 7 (“Property Maintenance Code”),

Section 7.01.002 ("Amendments to the International Property Maintenance Code"), as amended, Section PM 308 ("Rubbish and Garbage") is hereby amended by adding the material that is underscored and deleting the material with strike throughs or as otherwise referenced, as set forth below.

Section PM 308 *Rubbish and Garbage*, is amended by modifying Section 308.2.2, *Rubbish and garbage – removal*.

Section PM 308.2.2 Rubbish and garbage - removal. Every owner of a residential rental property shall be responsible for ~~providing for~~ ensuring tenants have regular rubbish and garbage removal services for the property. Compliance with the above obligations and the obligations set forth in subsection PM 308.2.1 by every owner of a residential rental property shall be evidenced by way of the written verification that is required under subsection 19.03.001.H.

Exception: Written verification is not required for apartment complexes, condominium communities and similar subdivisions that provide common dumpsters for tenants. Property owners in communities with a sole source trash service provider can provide a written affidavit.

Section 2. *New Castle County Code* Chapter 19 ("Residential Rental Properties"), Article 3 ("Rental Code") is hereby amended by adding the material that is underscored and deleting the material with strike throughs or as otherwise referenced, as set forth below.

...

Sec. 19.03.001. – Registration; requirements; information collected; written verification.

...

1. Submission by the owner or designee thereof of a written verification in a manner and in a form to be designated by the Department. The written verification shall be supported by, for example and without limitation, a current contract between the owner, tenant or designee thereof and the person or business providing the rubbish and garbage removal services, and any other relevant information or records that conclusively show that the owner or designee thereof is satisfying its obligations by providing the requisite containers and owner, tenant or designee thereof is providing removal services for rubbish and garbage as referenced under subsection 308.2.2 of the *Property Maintenance Code* (Ch. 7), as amended.

APPENDIX

NEW CASTLE COUNTY TENANTS' RIGHTS GUIDE

Unless an emergency situation exists, your first step for reporting any problem in your

80 rental unit should always be to contact your landlord. You may contact your landlord by
81 telephone or in person but you must always put your complaints in writing...

Problem	Minimal Standard	Where to Call for Complaints
<u>Garbage/Rubbish</u>	All exterior property and premises and the interior of every rental unit shall be free from accumulation of garbage or rubbish. Every occupant shall dispose of rubbish and garbage in a clean and sanitary manner and place it in an approved container. It is the responsibility of the property owner or designee thereof to provide approved rubbish and garbage containers, in addition to ensuring tenants have garbage and rubbish removal services for the property.	Landlord New Castle County Department of Land Use – (302) 395-5555

82 Section 3. The provisions of this Ordinance shall take effect immediately after
83 passage by New Castle County Council and approval by the County Executive.

84
85 Section 4. The provisions of this Ordinance are prospective in nature. This
86 Ordinance is not intended to, nor shall it interfere with the terms of any then-existing rental
87 agreement in place as of the time the provisions of this Ordinance take effect.

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 clarifies the obligations of a residential rental property owner under *New Castle County Code* to ensure tenants have garbage and rubbish removal services, establishes standards and a uniform process by which every owner shall confirm compliance with its obligations under the *Property Maintenance Code* (Chapter 7), Section PM 308 *Rubbish and Garbage*, as amended, by submission of the written verification required under the proposed subsection 19.03.001.H.

After the provisions of this Ordinance take effect, and subject to the limitations identified below, the written verification is to be produced at the time of initial application for a rental permit, at the time of application to renew the rental permit, and/or upon request by a Code Official.

The provisions of the Ordinance shall take effect immediately after passage by New Castle County Council and approval by the County Executive.

FISCAL NOTE: There is no discernible fiscal impact.